

# Modification of Development Consent

## Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Clay Preshaw  
**Executive Director**  
**Energy, Resources and Industry Assessments**

Sydney

23 December 2021

File: EF20/31956

### SCHEDULE 1

#### Development Consent

**Development Consent:** DA-S29/3/97 granted by the then Minister for Urban Affairs and Planning on 28 August 1997

**For the following:** The construction and operation of an international standard go-kart track including on-site kart storage, a repair workshop, retail outlet, clubhouse, parking and access roads, canteen and catering facilities, minor earthworks, drainage and stormwater measures, earth mounds and utilities.

#### Modification 1

**Modification Application:** DA-S29/3/97-Mod-1  
Modification to enable earthworks, drainage and carpark formation in the event car park area

**Applicant:** Eastern Creek Karts Pty Ltd

**Consent Authority:** Minister for Planning and Public Spaces

**The Land:** Lot 4 DP 1079897, 50 Peter Brock Drive, Eastern Creek

### SCHEDULE 2

This consent is modified as follows:

1. In the section titled 'Land' delete the words "Part Lot 1 DP 855014 and part Lot 100 DP 81576" and replace with "Lot 4 DP 1079897, 50 Peter Brock Drive, Eastern Creek. Delete the words 'as per the plan tagged'.
2. In subclause (g) of the definitions, delete the words "Integral" and insert instead the word "Endeavour".
3. Replace all occurrences of the word "Integral" in the consent and insert instead the word "Endeavour".
4. In the definitions, insert new subclauses (i), (j), (k) and (l) after (h) as follows:
  - (i) Planning Secretary means the Secretary of the Department of Planning, Industry and Environment;
  - (j) Council means Blacktown City Council;
  - (k) MOD 1 means DA-S29/3/97-Mod-1;

- (l) PCA means Principal Certifying Authority;
5. Delete Condition 2 and replace with new Condition 2:
2. The development shall be carried out generally in accordance with the following documents:
- a) Development Application No. S29/3/97;
  - b) the Development Application document prepared by Eastern Creek Kart Pty. Ltd dated 2 April, 1997;
  - c) addendum document prepared by Hughes Trueman Reinhold dated 18 June 1997;
  - d) except where amended by plans showing the Site Layout and Location of Buildings numbered 1 - 8 received by the Department of Urban Affairs and Planning on 15 August 1997; and
  - e) reports and plans submitted in support of MOD 1 outlined in Appendix 1.
6. After Condition 3, add the following Condition 3A:
- 3A. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition 2 the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
7. After Condition 9 add the following Conditions 9A and 9B:
- 9A. Before the commencement of construction of the works associated with MOD 1, the applicant shall:
- a) consult with the relevant owner and provider of services that are likely to be affected by the works to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - c) submit a copy of the dilapidation report to Council, service asset owners, and the Planning Secretary.
- 9B. Unless the applicant and the applicable owner or authority agree otherwise, the applicant must:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
8. After Condition 37 add the following Condition 37A:
- 37A. The applicant shall ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed that no access to the site for employees, contractors, vehicles, plant or materials shall be obtained using the Right Of Access burdening No. 10 Raceway Close, Eastern Creek, except in dangerous situations requiring immediate action to protect personal safety.
9. After Condition 45, insert new headings and conditions 46 to 56 as follows:

## **MOD 1 WORKS – CONSTRUCTION**

### **Construction Environmental Management Plan**

46. The applicant shall prepare a Construction Environmental Management Plan (CEMP) for the works associated with MOD 1 to the satisfaction of the Planning Secretary. The CEMP shall include the following:
- a) details of construction traffic management procedures including:
    - i. measures to be implemented to ensure road safety and road efficiency during construction;
    - ii. heavy vehicle routes, access and parking arrangements;
  - b) Dilapidation Report (see Condition 9A);
  - c) Erosion and Sediment Control Plan (see Condition 10);
  - d) details of construction noise management procedures to be implemented in accordance with EPA's *Interim Construction Noise Guideline* (as may be updated or replaced from time to time);
  - e) Contamination – Unexpected Finds Procedure (see Condition 48); and
  - f) complaints procedure for recording, responding to and managing complaints.
47. The applicant shall:
- a) not commence construction of the works associated with MOD 1 until the CEMP is approved by the Planning Secretary; and

- b) carry out the construction of the works associated with MOD 1 in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### **Contamination – Unexpected Finds**

- 48. Prior to issue of the of the construction certificate for works associated with MOD 1, the applicant shall prepare an Unexpected Finds Procedure to ensure that potentially contaminated material is appropriately managed. The procedure shall form part of the of the CEMP in accordance with condition 46 and shall ensure any material identified as contaminated is disposed of in accordance with the *Protection of the Environment Operations Act 1997* and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

#### **Drainage**

- 49. The applicant shall ensure the construction certificate application for works associated with MOD 1 includes the following information prepared by a Chartered Civil or Hydraulic Engineer, demonstrating that:
  - a) upstream catchments are drained towards the culverts under the car park approach ramp in accordance with drainage plan set P2108122-PS01-A000 in Appendix 1 DA approved plans;
  - b) the sag point drainage culverts are designed to provide for the probable maximum flood (PMF) from upstream catchments using blockage factors in Chapter 6 of Australian Rainfall & Runoff 2019 (ARR2019) Book 6. The surface levels of the approach ramp shall also provide a weir design to pass the PMF, assuming culverts are fully blocked;
  - c) the internal piped drainage system draining the south-eastern swale and gross pollutant trap are designed for the 100-year average recurrence interval (ARI) storm using blockage factors set out in Chapter 6 of ARR2019 Book 6;
  - d) internal piped drainage and major overland flow path systems are designed in accordance with drainage plans in Appendix 1 and Council's Engineering Guide for Development 2005 as amended; and
  - e) earth batters are designed to ensure adequate service life, have scour free surface treatment or landscaping and ensure low risk of erosion or damage at times runoff may be ponded against batters or flowing over them.

#### **On-Site Detention and Water Quality**

- 50. The applicant shall ensure the construction certificate application for works associated with MOD 1 includes the following information prepared by a Chartered Civil or Hydraulic Engineer, demonstrating that:
  - a) the on-site detention (OSD) and water quality treatment systems are designed in accordance with drainage plans in Appendix 1, Council's *Engineering Guide for Development 2005* and the *Water Sensitive Urban Design (WSUD) Developer Handbook 2020*, as amended;
  - b) on-site detention plans comply with Council's OSD Deemed to Comply Spreadsheet, drainage plans in Appendix 1, and Council's WSUD standard drawings A(BS)175M;
  - c) a MUSIC electronic file water quality model has been provided to Council to review water quality targets as detailed under Part J of DCP2015 using requirements of the WSUD developer handbook 2020;
  - d) the method of hydrocarbon removal meets the requirements of Section 11.16 of the WSUD Developer Handbook 2020;
  - e) water conservation for new works can achieve 80% non-potable water reuse; and
  - f) consultation and submission of information to Council has been undertaken, prior to consideration by the PCA.

#### **Event Area Carpark – pavement and car parking**

- 51. The applicant shall ensure the construction certificate application for works associated with MOD 1 includes the following information demonstrating that:
  - a) event car park ramps, aisles, parking modules, pavements, linemarking and kerbs are designed in accordance with Plans P2108122-PS01-G300 and LPS4.55-22/31 Sheet 03 and 06 in Appendix 1 DA approved plans, the requirements of Australian Standard AS 2890.1:2004 for cars, the requirements of AS 2890.2:2018 for commercial vehicles, and Council's Engineering Guide for Development 2005.
  - b) vehicle barrier fencing is provided within the event area car park to protect trafficable areas and parking modules where batter slopes exceed gradients of 1V:4H, or adjacent a neighbouring property

and shall be shown on the construction plans. The barrier fence shall be constructed in accordance with Plan 'Carpark Barrier Typical Details' in Appendix 1 or designed by the structural Engineer in accordance with requirements of AS 2890.1:2004 s2.4.5.3.

52. The applicant shall not commence construction works associated with MOD 1 until the information required under Conditions 49, 50 and 51 and included in the construction certificate is approved by the Certifying Authority.

**Event Area Carpark - Landscaping**

53. The applicant shall:
- a) include the Landscaping Plans in Appendix 1 of this consent in the construction certificate application for works associated with MOD 1
  - b) implement the Landscape Plan LPS4.55-22/31 Sheet 01 to 06 prior to issue of the occupation certificate for works associated with MOD 1.

**MOD 1 WORKS – OPERATION**

**Earthworks and Compaction**

54. Prior to issue of the occupation certificate for works associated with MOD 1, a suitably qualified and chartered Geotechnical or Structural Engineer shall certify all earthworks and regrading works are completed and have:
- a) been undertaken with methods set out in report 'Geotechnical Investigation of Event Carpark' in Appendix 1 and relevant engineering standards;
  - b) ensured all earthworks have achieved controlled compaction rates, are low risk, and satisfy requirements of Australian Standard AS 3798:2007 – Guidelines for Earthworks for Commercial and Residential Developments; and
  - c) ensured that all fill works, car park pavements, batter slopes and retaining walls are structurally adequate to withstand all anticipated loadings.

The Engineer's certificate shall be provided to the PCA, Council and the Planning Secretary.

**Work as Executed Plans**

55. Prior to issue of the occupation certificate for works associated with MOD 1, work-as-executed drawings based upon construction plans approved with the construction certificate for works associated with MOD 1 shall be signed by a chartered Civil or Structural Engineer. The signed work-as-executed plans must demonstrate how works and finished ground levels have been constructed as approved, with amendments in red to show any departure from construction-approved plans. The signed work-as-executed plans shall be submitted to the PCA with copies submitted to Council and the Planning Secretary.

**Preservation of Survey Infrastructure**

56. Following completion of the works associated with MOD 1, a certificate by a Registered Surveyor shall be submitted to the PCA, with a copy to Council, certifying there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development, or otherwise certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure". The certificate shall be submitted to the PCA, Council and the Planning Secretary.

57. After the sub-heading "NOTE:" and its associated words, add the following Appendix 1 heading and table:

**APPENDIX 1: MOD 1 Approved Reports and Plans**

Document No.	Rev	Title of Report or Plan	Date
P2018122JR01V02	1	Geotechnical Investigation of Event Carpark.	31/03/2021
P2108122JR02V01	1	Drainage Assessment – Event Parking Area pp. 1-19	16/04/2021
P2108122-PS01-A000	C	Plan Set Cover	30/08/2021
P2108122-PS01-A050	C	Development Overview Plan	30/08/2021

P2108122-PS01-B300	B	Tree Removal Plan	30/08/2021
P2108122-PS01-C100	C	Earthworks Grading Plan	30/08/2021
P2108122-PS01-C600	C	Earthworks Site Sections Sheet 1	30/08/2021
P2108122-PS01-C601	B	Earthworks Site Sections Sheet 2	30/07/2021
P2108122-PS01-E100	C	Drainage Plan	30/08/2021
P2108122-PS01-E200	B	Drainage Details Sheet 1	30/07/2021
P2108122-PS01-E201	B	Drainage Details Sheet 2	30/07/2021
P2108122-PS01-E202	C	Drainage Details Sheet 3	30/08/2021
P2108122-PS01-E203	A	Drainage Details Sheet 4	30/08/2021
P2108122-PS01-E300	B	Longitudinal Section Sheet 1	30/07/2021
P2108122-PS01-E301	B	Longitudinal Section Sheet 2	30/07/2021
P2108122-PS01-E302	B	Longitudinal Section Sheet 3	30/07/2021
P2108122-PS01-E600	C	OSD Catchment, Models & Results	30/08/2021
P2108122-PS01-E700	C	Water Quality Catchment Plan, Models & Results	30/08/2021
P2108122-PS01-G300	C	Carpark Layout Plan	30/08/2021
P2108122-PS01-GZ00	C	Carpark Swept Plan Sheet 1, B99 Vehicle & Trailer Combination	30/08/2021
P2108122-PS01-GZ01	C	Carpark Swept Plan Sheet 2, B99 Vehicle & Trailer Parking	30/08/2021
P2108122-PS01-GZ02	C	Carpark Swept Plan Sheet 3, HRV Circulation	30/08/2021
P2108122-PS01-GZ10	A	Carpark Barrier Typical Details	30/08/2021
ARR Form	1	ARR Blockage Assessment	30/07/2021
FL01	1	Tuflow - Predevelopment 1% AEP	30/07/2021
FL02	1	Tuflow – Post-development 1% AEP	30/07/2021
FL03	1	Tuflow – Impact 1% AEP	30/07/2021
FL04	1	Tuflow – Predevelopment PMF	30/07/2021
FL05	1	Tuflow – Post-development PMF	30/07/2021
FL06	1	Tuflow – Post-dev. Hazard Categories PMF	30/07/2021
FL07	1	Tuflow – Water Level Impact PMF	30/07/2021
FL08	1	Tuflow – 100% Blockage PMF	30/07/2021
FL09	1	Tuflow – Carpark Water Depth 1% AEP	30/07/2021
FL10	1	Tuflow – Carpark Hazard Categories 1% AEP	30/07/2021
FL11	1	Tuflow – Eastern Swale 1% AEP	30/07/2021
6334-Catenary 1	B	Endeavour Energy Catenary 1	20/07/2021
6334-Catenary 2	B	Endeavour Energy Catenary 2	20/07/2021
6334-Catenary 3	B	Endeavour Energy Catenary 3	20/07/2021

6334-Catenary 4	B	Endeavour Energy Catenary 4	20/07/2021
ZSE22010-01 RO	1	132 kV EPR Assessment	23/07/2021
LPS4.55-22/31-01	B	Landscaping Plan Title Page	26/08/2021
LPS4.55-22/31-02	B	Landscaping Site Plan	26/08/2021
LPS4.55-22/31-03	B	Landscaping Carpark Plan	26/08/2021
LPS4.55-22/31-04	B	Landscaping Bio-Retention	26/08/2021
LPS4.55-22/31-05	B	Landscaping Sections	26/08/2021
LPS4.55-22/31-06	B	Landscaping Details	26/08/2021

**END OF MODIFICATION  
DA-S29/3/97-Mod-1**