

Modification of Development Consent

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Regional Assessments

Sydney *22 OCTOBER* 2018

SCHEDULE 1

Development consent:	S38/1/95 granted by the Minister for Planning on 3 November 1995
For the following:	Development for the ongoing use of the Sydney International Regatta Centre and associated facilities within the Penrith Lakes Scheme Area
Applicant:	Olympic Co-ordination Authority
Consent Authority:	Minister for Planning
The Land:	Sydney International Regatta Centre
Modification:	S38/1/95 MOD 2: the modification includes a new maintenance shed and compound with associated landscaping.

SCHEDULE 2

The consent is modified as follows:

- (a) Schedule 2 – Condition 1 is to be amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:
1. That the development shall be carried out principally in accordance with:
 - (a) the Statement of Environmental Effects prepared by Rose Saltman Urban Planning (May 1995); and
 - (b) the diagram prepared by Connybeare Morrison and Partners / Context Landscape Design (March 1995) as amended and identified as DA S38/I/95/A; and
 - (c) amended plans identified as DA/S38/5966/PI, DA/S38/5966/P2, and plans identified as 5966/P3, 5966/P4, 5966/P5, 5966/P6, 5966/P7, 5966/P8, 5966/P9, 5966/P10, 5966/P11, 5966/PI2 (dated August 1995),
 - (d) drawing nos SK04A, SK05, SK06 prepared by Woods Bagot, dated 22 March 2001, and drawing nos. CR-P-P-102 Rev A, CR-P-P-103 Rev A and CR-P-P-104 Rev A prepared by OCA and dated 7 May 2001, registered with the Department of Urban Affairs and Planning on 9 May 2001,
 - (e) **Section 96 (1A) Modification to Development Consent No.s38/1/95 Proposed Maintenance shed and associated compound prepared by Creative Planning Solutions and dated September 2017 as amended by Modification Application - Response to Penrith City Council Submissions prepared by Creative Planning Solutions and dated 16 November 2017 and Response to Additional information Request prepared by Creative Planning Solutions and dated 1 June 2018 and the following drawings:**

<u>Architectural Drawings prepared by Obrien Design and Drafting:</u>			
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>01 SIRC A.01</u>	<u>A</u>	<u>Cover sheet</u>	<u>07.08.2017</u>
<u>01 SIRC A.02</u>	<u>A</u>	<u>Site plan</u>	<u>07.08.2017</u>
<u>01 SIRC A.03</u>	<u>A</u>	<u>Floor plan</u>	<u>07.08.2017</u>
<u>01 SIRC A.04</u>	<u>A</u>	<u>Elevation sheet 1</u>	<u>07.08.2017</u>
<u>01 SIRC A.05</u>	<u>A</u>	<u>Elevation Sheet 2</u>	<u>07.08.2017</u>
<u>01 SIRC A.06</u>	<u>A</u>	<u>Section A</u>	<u>07.08.2017</u>
<u>Landscape Plan prepared by Creative Planning Solutions:</u>			
<u>C241 LA 01</u>	<u>B</u>	<u>Landscape Plan</u>	<u>23.05.2018</u>
<u>Civil Plans prepared by Lindsay Dynan:</u>			
<u>DA01</u>	<u>B</u>	<u>Sediment and Erosion Control Plan</u>	<u>27.07.2017</u>
<u>DA02</u>	<u>A</u>	<u>Sediment and Erosion Control Details</u>	<u>02.02.2017</u>
<u>DA03</u>	<u>B</u>	<u>Stormwater Drainage Plan</u>	<u>27.07.2017</u>

- (b) Schedule 2 – Condition 22 (fuel storage) is to be amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Fuel, Oil and Chemical Storage

- 22(i). For the information of the Regional Manager (Sydney Region West), Department of Urban Affairs and Planning, the applicant shall submit details of the types of fuel to be used for the refuelling of motor boat engines, fuel quantities and detailed drawings of storage facilities, indicating safety and fuel retention measures and the relationship between storage areas and public places.
- 22(ii). The applicant is to ensure that the storage of **all fuel chemicals and oils used on-site** is to be in accordance with ~~statutory requirements~~;
- (a) **The requirements of all relevant Australian Standards; and**
- (b) **The NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquid**
- In the event of an inconsistency between the requirements listed in (a) and (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.**

- (c) Schedule 2 – Condition 26 is to be amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Flooding

- 26(i). All habitable rooms within the Regatta Centre are to be located above the 1 in 100 year flood level, **with the exception of the maintenance shed approved in Modification 2.**
- 26(ii). **With the exception of the maintenance shed approved in Modification 2,** ~~Where~~ amenities and enclosed areas are located below the 1 in 100 year level:
- materials, construction and finishes are to be designed to accommodate inundation; and
 - structures are to be designed to allow ingress and egress of water at flood times and provide safe passage for evacuation.
- 26(iii). A flood management plan is to be prepared and implemented to cater for evacuation procedures and to address the removal of fixtures, such as pontoons, and electrical equipment, during periods of inundation.
- 26(iv). The Flood Emergency Response Plan (FERP) submitted with Modification 2 is to be updated to highlight the unpredictable nature of floods with training for staff and volunteers to note the potential need to adapt evacuation and response measures according to event specific conditions. The use of the maintenance shed and facilities approved in Modification 2 is to be carried out in accordance with the updated FERP. The FERP is to be reviewed and updated annually.**
- 26(v). Where the maintenance shed, approved in Modification 2, is located below the 1 in 100 year level:**
- **materials, construction and finishes are to be designed to accommodate inundation due to rising flood waters; and**
 - **structures are to be designed to allow rising flood water to enter and exit the building at flood times and provide safe passage for evacuation.**

- (d) Schedule 2 – Condition 31 is to be added as follows:

Department of Industry Requirements for Storage Shed

- 31(i). The proponent must prepare an Erosion and Sediment Control Plan in consultation with Crown lands and Water (water.referrals@dpi.nsw.gov.au) prior to commencement of activities associated with works approved in Modification 2.**
- 31(ii). Should any extraction of surface water or groundwater be required during construction the proponent must consult Crown Lands and Water on licensing requirements.**
- 31(iii). All works should be undertaken in accordance with DPI Water Guidelines for Controlled Activities (2012).**

- (e) Schedule 2 – Condition 32 is to be added as follows:

Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

- 32. In the event that future works during any stage of the project disturb Aboriginal cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the site and the material must be identified by an independent and appropriately qualified archaeological consultant. OEH and the Local Aboriginal Land Council (LALC) must be informed. These groups will advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of OEH.**

- (f) Schedule 2 – Condition 33 is to be added as follows:

Landscaping and Tree Planting

- 33. Prior to commencing use of the storage shed approved by Modification 2, landscaping and tree planting is to be provided including:**
- (a) plantings in accordance with the approved landscape plan,**
 - (b) additional shrub and tree plantings provided to the southern side of the new hardstand area to ensure the hardstand area would be screened from view from the roadway once plantings are mature.**
 - (c) at least 21 replacement trees being provided on site including: six trees as shown on the landscape plan, additional trees as required by (b) above, and the remainder of the trees to be planted at the site of the current maintenance compound. Trees are to have a pot size of at least 25L and species consistent with the recommendations of the arboricultural impact assessment.**
 - (d) maintenance for a minimum 12 month period from the date of planting or until they are suitably established.**

- (g) Schedule 2 – Condition 34 is to be added as follows:

Removal of existing maintenance compound

- 34(i). Upon commencement of use of the storage shed approved by Modification 2, the current maintenance compound is not to be used.**
- 34(ii). Within 6 months of commencing use of the storage shed approved by Modification 2, structures and materials associated with the current maintenance compound are to be removed.**

End of modification