

Our Reference: 2009/381-11
Contact: Ms L A Borchert
Phone: 02 9840 9883

TBA

Pure Projects (NSW) Pty Ltd
223 Pacific Highway
NORTH SYDNEY NSW 2060

Dear Sir/Madam

**PREMISES: 48 & 50 SMITH STREET, 2-18 MACK STREET, 18 & 20 DAWES STREET, 410, 412, 414, 428, 430 & 430A GREAT WESTERN HIGHWAY, WENTWORTHVILLE
SECTION 96(2) MODIFICATION TO DEVELOPMENT CONSENT NO. 2009/381/1
S96(2) MODIFICATION NO. 2009/381/3**

I refer to your application lodged on 24 August 2011 seeking amendment to Development Consent 2009/381/1 issued for *development for the purposes of a club including the demolition of 8 dwellings, alterations and additions to the existing club building, car parking and, with respect to land in excess of 25m distance from the 6(c) zone boundary, landscaping works.*

The modification seeks to: -

- Amend the western atrium at ground floor;
- Minor internal reconfiguration of ground floor bar and introduction of a new Asian kitchen; and
- New smoker's terrace at lower ground floor.

Pursuant to Section 96(2) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the abovementioned amendments.

Accordingly, Development Consent 2009/381/1 is amended as follows:-

Condition 2 is amended to include the following: -

- Drawing No. A110, Interim Ground Floor Design Arrangement, Revision D, dated July 2009, prepared by Altis Architecture;
- Drawing No. A113, Interim Lower Ground Floor Design Arrangement, Revision A, dated July 2011 and prepared by Altis Architecture;
- Drawing No. A115, Floor Plans, Revision C, dated July 2011 and prepared by Altis Architecture;
- Drawing No. A203, Elevations and Sections, Revision B, dated July 2011 and prepared by Altis Architecture; and
- Acoustic Report prepared by Renzo Tonin & Associates (Ref: TE191-07F02(Rev 0) Section 96 Letter.doc) dated 8 August 2011.

S96(2) approval – with conditions

Condition 49 is amended to read: -

49. Notwithstanding the interim use of the western atrium / terrace, due to its location in proximity to nearby residential premises, the noise attenuation measures for the western atrium / terrace recommended in the Acoustic Statement by Renzo Tonin & Associates titled 'Wentworthville Leagues Club – Stage 2 Section 96' (TE191-07F02 (rev 0)) and dated 8 August 2011 are to be implemented during the detailed design and construction of the atrium/terrace. Further, the maximum patronage of the terrace between midnight and 7.00am is not to exceed 20 persons.

Condition 238a is inserted as follows: -

- 238a. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the recommendations detailed in the Acoustical Assessment report prepared by Renzo Tonin & Associates (NSW) Pty Ltd (Ref: TE191-07F02(Rev 0) Section 96 Letter.doc) dated 8 August 2011 have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Condition 247 is amended to read: -

247. A Noise Compliance Report must be completed by a suitably qualified acoustical consultant within **3 months** from the commencement of operation of each relevant stage. The Noise Compliance Report must certify that all noise goals as outlined in the report prepared by Renzo Tonin & Associates (NSW) Pty Ltd (Ref: TE191-01F05 (Rev 1) Acoustic Assessment Report.Doc) dated July 2009; as well as the Acoustic Statement prepared by Renzo Tonin & Associates (NSW) Pty Ltd (Ref: TE191-07F02(Rev 0) Section 96 Letter.doc) dated 8 August 2011 and subsequent noise reports concerning the mechanical plant and plant room have achieved the required goals. The Noise Compliance Report is required to be submitted to Council for assessment and comment.

Condition 256a is inserted as follows: -

- 256a. In accordance with the Acoustic Report prepared by Renzo Tonin & Associates (TE191-07F02(rev 0) Section 96 Letter.doc) dated 8 August 2011, the interim use of the western atrium/terrace shall be restricted to a maximum patronage of 20 persons between the hours of midnight and 7am. If this can not be achieved the area is to be closed to patrons between the hours of midnight and 7am. .

All other conditions of Development Consent 2009/381 remain unchanged.

Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

Section 96(6) of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 96(2) a right of appeal to the Land and Environment Court.

Section 96AB of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 96 Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

If you have any further enquiries please contact Ms Lydia Borchert of Council's Environmental and Planning Services Department on 02 9840 9883, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT