

11 March 2011

Mr Dean Duckworth
Amalgamated Holdings Limited
49 Market Street
SYDNEY NSW 2000

Notice of Determination of a Development Application

Issued under section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Reference No. 10/21563-1

Development Application Number DA 066-10-2010

Development Application

Name of Applicant Amalgamated Holdings Limited

Address of Applicant 49 Market Street, Sydney, NSW, 2000

Address of land to be developed 32 Cricketers Arms Road, Prospect, NSW
(Lot 1 in DP 194539)

Proposed Development To construct a three storey hotel, 82 car parking spaces, associated site works and landscaping; and reconfiguration of southern screen and parking of the existing drive-in cinema.

Determination Date 11 March 2011

Determination Approval

Details of conditions See attached schedule

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) The consent will lapse 5 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.
- (4) Section 125 of the Act confers the authority to direct any person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.

- (5) The applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with Section 96 of the Act.
- (6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

Other approvals

Nil

Right of appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

Further information

If you have any queries regarding this matter, please contact Ben Eveleigh on (02) 9228 6391, or email ben.eveleigh@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*, I hereby grant consent subject to the conditions in the attached schedule.



Daniel Cavallo

A/Director

Metropolitan and Regional Projects North

Delegate for Minister for Planning

Sydney

11 MARCH **2011**

SCHEDULE

ADDRESS: 32 Cricketers Arms Road, Prospect, NSW
(Lot 1 in DP 194539)

DA NUMBER: DA 066-10-2010

FILE NUMBER: 10/21563-1

DESCRIPTION OF DEVELOPMENT: To construct a three storey hotel, 82 car parking spaces, associated site works and landscaping; and reconfiguration of southern screen and parking of the existing drive-in cinema.

A APPROVED DEVELOPMENT

A1 *Development Description*

The development shall be generally in accordance with development application number DA 066-10-2010 submitted by the applicant on 13 October 2010 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared Project Tourism International Architecture Pty Ltd			
Drawing No.	Revision/ Issue	Name of Plan	Date
02	B	Site Plan	25/1/2011
03	B	Lower Ground Floor Plan	25/1/2011
04	A	Ground Floor Plan	7/10/2010
05	A	First Floor Plan	7/10/2010
06	A	Second Floor Plan	7/10/2010
07	A	Roof Plan	7/10/2010
08	A	Elevations	7/10/2010
09	A	Elevations	7/10/2010
10	A	Sections	7/10/2010
11	A	Sections	1/10/2010
Statement of Environmental Effects prepared by Michael Oliver, JBA Planning Consultants Pty Ltd dated 13/10/2010			

Except as amended by the following conditions:

A2 *Inconsistency Between Documents*

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions of this approval prevail.

A3 *Additional Approvals Required*

A separate application shall be submitted to the consent authority for consideration for any additional signage not included in the application.

A4 *Development Description*

Approval is granted only to carrying out the development as described in Schedule 1. These conditions of approval do not relieve the Applicant of its obligations under the EP&A Act or any other Act.

A5 *Compliance with the Building Code of Australia*

Work must be carried out in accordance with the requirements of the *Building Code of Australia*.

A6 *Development Expenses*

It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

B CONDITIONS TO BE MET PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Construction Certificate

The stamped drawings must be lodged with a Principal Certifying Authority (PCA)(Blacktown City Council, or a private certifier) for a Construction Certificate. The Applicant must supply the Department of Planning with a copy of the Construction Certificate within two days from the date of its issue.

B2 Mechanical Ventilation

All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

B3 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be prepared. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):

- (1) **Hours of work**, which must be in accordance with the conditions of this approval;
- (2) **Contact details** of the site manager and all principle contractors;
- (3) **Traffic management**, which is to be developed in consultation with Council and is to include:
 - ingress and egress of vehicles to the site;
 - management of loading and unloading of materials;
 - number and frequency of vehicles accessing the site;
 - the times vehicles are likely to be accessing the site;
 - management of existing vehicular, pedestrian and bicycle movements / routes around the site throughout the various stages of construction;
- (4) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom; and must include:
 - The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device; and
 - The procedures to be adopted for the prevention of run-off loose material and litter from the site onto the public way.
- (5) **Noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implements, and address any other relevant provisions of Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites and DECCW's Interim Construction Noise Guideline.
- (6) **Waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste.
- (7) **Dust control measures** to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.

B4 *Stormwater Plan*

The Applicant is to prepare and submit detailed storm water and drainage works plan to the satisfaction of the Certifying Authority for approval prior to the issue of a construction certificate.

An on-site stormwater detention (OSD) system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- (a) The design storm for the storage volume of the proposed OSD for the development is to be a 20 year Average Recurrence Interval (ARI) with the permissible site discharge from the developed site being limited to a 5 year ARI discharge rate for the site pre-development conditions. The pipe design is to account for Climate Change by allowing for a 10% increase in rainfall intensity;
- (b) Have a surcharge/inspection grate located directly above the outlet of the OSD. The pipe line from the surcharge pit shall be designed for a 20 year ARI and connected in Council Drainage System.

Drainage from the development is not to impact the down stream catchment or downstream properties.

B5 *Access and Movement*

An Access and Safety Plan will be prepared to maintain access and use of the site during the construction of the building to ensure the safety of staff, visitors and the public.

B6 *Disabled Access*

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy.

B7 *Long Service Levy (if required)*

Prior to the issue of a Construction Certificate, evidence of the payment of the long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986 must be provided to the Certifying Authority (or, where such a levy is payable by instalments, the first instalment of the levy).

B8 *Reflectivity*

The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B9 *Outdoor Lighting*

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B10 *Contamination*

Prior to the issue of a Construction Certificate, a Phase 1 Contamination Assessment will be undertaken to identify the presence of contaminants. Should contaminated material be found during site works, a Phase 2 Contamination Study should be undertaken and any remedial works required be carried out.

B11 *Salinity*

Prior to the issue of a Construction Certificate, a Salinity investigation will be undertaken to identify the presence and extent of salinity. Should the presence of salinity be identified in the investigation, a Salinity Management Plan shall be prepared outlining actions proposed to minimise and manage the impacts of the development on salinity and impacts of salinity on the development.

B12 *Section J BCA*

Work carried out must be in accordance with the recommendations of the "Abode Hotel Blacktown Section J DTS Compliance Report" dated 11/10/2010.

B13 *Landscaping*

Prior to the issue of a Construction Certificate, a revised Landscape Plan is to be submitted to the satisfaction of the Director-General. The revised landscape plan is to detail additional planting of vegetation along the southern boundary of the development site to provide visual screening between the development and the adjoining Royal Cricketers Arms Inn.

C CONDITIONS TO BE MET PRIOR TO THE COMMENCEMENT OF WORK

C1 *Notice to be Given Prior to Commencement / Excavation*

- (a) The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.
- (b) The Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

C2 *Vehicle Cleansing*

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C3 *Utility Services*

- (a) Prior to the commencement of work, the Applicant is to negotiate with the utility authorities (e.g. Energy Australia, Sydney Water Corporation Limited and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.
- (b) Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

C4 *Contact Telephone Number*

The Applicant shall ensure that a 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The contact number shall be forwarded to Council and the Department prior to commencement of works.

C5 *Haulage Routes*

The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

C6 *Dilapidation Report*

A dilapidation survey of Council's assets and adjoining property including photographs and written record must be prepared and submitted to Council and adjoining properties prior to the commencement of works. Failure to identify any damage to Council's assets and the adjoining properties will render the Applicant liable for the costs associated with any necessary repairs.

D CONDITIONS TO BE MET DURING CONSTRUCTION WORK

D1 *Hours of Construction*

The hours of construction and work on the development shall be as follows:

- (a) All work, including excavation and building work in connection with the proposed development must only be carried out between the hours of:
 - 7.00 am. and 6.00 pm. on Mondays to Fridays, inclusive; and
 - 8.00 am. and 1.00 pm. on Saturdays, inclusive; and
 - no work must be carried out on Sundays or public holidays.
- (b) Building work which involves high noise outputs (such as jack hammering, grinding, repetitive manual hammering, electric planing, masonry drilling or circular sawing) shall not be undertaken in the hours of 12 midday – 2.00 pm.
- (c) Work may be undertaken outside these hours only where:
 - the delivery of materials is required outside these hours by the Police or other authorities, or
 - works are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, or
 - written approval is obtained from the Director General or his nominee prior to carrying out the work, and residents likely to be affected are notified of the timing, nature and duration of the work at least 48 hours prior to commencement.

D2 *Excavation and Construction*

All work, including excavation and building work must comply with the Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

D3 *Site Notice*

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to:

- (a) Details of the Builder, Certifying Authority and Structural Engineer for all stages of the project;
- (b) The approved hours of work;
- (c) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (d) To state that unauthorised entry to the site is not permitted.

D4 *Protection of Trees – Street Trees*

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction of any stage of the project, shall be replaced, to the satisfaction of Council.

D5 *Noise Control*

- (a) All work, including excavation and construction work must comply with the Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (b) Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

D6 *Standards and Codes*

All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

D7 *Work Cover Requirements*

To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

D8 *Hoarding Requirements*

- (a) To ensure an appropriate presentation of the site to the public domain during the construction period, temporary artwork shall be provided along any hoarding/fencing proposed to be erected around the subject site.
- (b) The temporary artworks shall inform the general public about the proposed works being undertaken by the Applicant, the site's history and heritage significance.
- (c) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
- (d) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

D9 *Loading and Unloading During Construction*

A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D10 *No Obstruction of Public Way*

The public way (outside of the work area) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

D11 *Disposal of Seepage and Stormwater*

Any seepage or rainwater collected on-site during excavation shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

D12 *Erosion and Sediment Control*

Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The Applicant is to carry out works generally in accordance with the Construction Management Plan and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D13 *Dust Control Measures*

Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The Applicant is to carry out works generally in accordance with the Construction Management Plan, and controls are to be maintained at design level throughout the duration

of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

D14 *Pedestrian Access During Construction*

Pedestrian access along Cricketers Arms Road is to be maintained throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as the permanent accessible paths are provided.

D15 *Setting Out of Structures*

The new building shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

D16 *Directional Signage*

- (a) Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area.
- (b) Particular attention is to be paid to:
 - wheelchair accessible paths of travel
 - safe road crossing areas including signalised and other designated crossings
 - key landmarks
 - access to transport nodes including public transport
 - the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

D17 *Traffic Movement*

- (a) All loading and unloading associated with works must occur on site.
- (b) All vehicles must enter and leave the site in a forward direction.
- (c) The cost of all traffic management works shall be borne by the Applicant.
- (d) No trucks associated with the approved works are permitted to park or stand on public roadways.
- (e) Gates shall be closed between vehicle movements.
- (f) Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.
- (g) The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

D18 *Approved Plans to be On-site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, or Council.

D19 *Work on Site to Cease*

If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with section 146 of the NSW Heritage Act, 1977.

Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the National Parks and Wildlife Service.

D20 *Excavated Material*

Any excavated material to be removed from the site must be assessed, classified, transported and disposed of in accordance with the *EPA's Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.

D21 *Imported Fill*

Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it obtained.

E CONDITIONS TO BE MET PRIOR TO THE OCCUPATION OF THE BUILDING

E1 Noise Control – Plant and Machinery

Prior to the issue of an Occupation Certificate for the building a report is to be prepared by a qualified acoustic engineer and submitted to the Certifying Authority confirming that the installation and performance of the mechanical systems complies with:

- (a) the Acoustic Report – Revision 3 (SLR Heggies, 11 November 2010)
- (b) the Building Code of Australia
- (c) Australian Standard AS1668 and other relevant codes
- (d) the project approval and any relevant modifications
- (e) any dispensation granted by the New South Wales Fire Brigade.

E2 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the Occupation Certificate for the building. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

E3 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the Certifying Authority prior to issue of the Occupation Certificate.

E4 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant prior to the issue of the Occupation Certificate for the building.

E5 Waste Management

Prior the issue of the Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

E6 Vehicular Access and Car Parking Requirements

Prior the issue of the Occupation Certificate being issued, the Certifying Authority must ensure that the layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.

F CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

F1 Annual Fire Safety Certificate

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

F2 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

F3 Loading and Unloading

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

F4 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

F5 Overflow Car Parking

During operation of the hotel, the overflow car parking area within the Drive-In Cinema is to be accessible and available when the hotel car park reaches capacity.

G PRESCRIBED CONDITIONS

G1 *Home Building Act 1989*

Compliance with Building Code of Australia and insurance requirements under the *Home Building Act 1989*

- (a) the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, a contract of insurance is required to be in force before any building work authorised to be carried out by the consent commences.

G2 *Use of Mobile Cranes*

The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the Applicant shall ensure the following matters are complied with:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions
 - at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

G3 *Movement of Trucks Transporting Waste Material*

The Applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

G4 *Disability Discrimination Act*

This application is to comply with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

G5 *Temporary Structures*

A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

G6 *Structural Capability for Existing Structures*

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

G7 *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

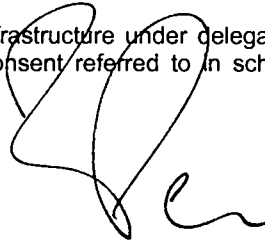
The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act, 1979*. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation

Modification of Development Consent

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010, I approve the modification of the development consent referred to in schedule 1, subject to the conditions in schedule 2.



Deputy Director General
Development Assessment and Systems Performance

Sydney

15 November

2011

SCHEDULE 1

Development Consent:

DA 066-10-2010 granted under delegated authority by the Acting Director, Metropolitan and Regional Projects North on 11 March 2011

For the following:

The Development Consent comprised:

- construction of a three storey hotel;
- 82 car parking spaces;
- associated site works and landscaping; and
- reconfiguration of southern screen and parking of the existing drive-in cinema.

Modification Number:

DA 066-10-2010 MOD 1:

Modification:

The Modification of then Development Consent comprises:

- reconfiguration of the internal building layout;
- reconfiguration of the outdoor pool and deck area;
- reduction in overall floor space area;
- reduction in overall size of building envelope; and
- provision of additional landscaping to the southern property boundary.

SCHEDULE 2

Delete Condition A1 and replace with the following:

A1 Development Description

The development shall be generally in accordance with development application number DA 066-10-2010 submitted by the applicant on 13 October 2010 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared Project Tourism International Architecture Pty Ltd			
Drawing No.	Revision/ Issue	Name of Plan	Date
02	C	Site Plan	15/6/2011
03	C	Lower Ground Floor Plan	15/6/2011
04	B	Ground Floor Plan	14/6/2011
05	B	First Floor Plan	14/6/2011
06	B	Second Floor Plan	14/6/2011
07	B	Roof Plan	15/6/2011
08	B	Elevations	15/6/2011
09	B	Elevations	15/6/2011
10	B	Sections	15/6/2011
11	B	Sections	15/6/2011
Statement of Environmental Effects prepared by Michael Oliver, JBA Planning Consultants Pty Ltd dated 13/10/2010, as amended by the S96(2) Modification Application prepared by JBA Planning dated 28 June 2011			
Landscape Drawings prepared by Peter Glass & Associates			
Drawing No.	Revision/ Issue	Name of Plan	Date
0147-01	F	Landscape Plan for Section 96 Application Southern Sector	7/10/2011
0147-02	F	Landscape Plan for Section 96 Application Northern Sector	7/10/2011

Except as amended by the following conditions:

Delete Condition B12 and replace with the following:

B12 Section J BCA

Work carried out must be in accordance with the recommendations of the "Abode Hotel Blacktown Section J FTS Compliance Report (Revision B)" dated 15/06/2011.

Delete Condition B13