

DEVELOPMENT ASSESSMENT REPORT – DA 076/12 REFURBISHMENT OF EDUCATION FACILITY, LOT 3 DP 1077295 & LOT 1 DP 379892, BRIDGE STREET LITHGOW NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application 076/12 from The University of Western Sydney for the refurbishment of an education facility on land known as Lot 3 in DP 1077295 and Lot 1 in DP 379892, Bridge Street Lithgow NSW 2790.

The University of Western Sydney proposes to lease the two lots, which is currently owned by Council, to refurbish the building and operate it as an educational facility.

The building, also known as the Charles Hoskins Memorial Building, is located on Lot 3 DP 1077295 will contain wet and dry laboratories, a lecture theatre, general teaching spaces and student resource rooms. The existing residential flat will be retained for temporary use of visiting lecturers.

The adjacent Lot 1 will be converted to a car park to service the facility.

Lot 2 DP 1077295 currently contains the Union Theatre. The development proposes to encroach over the rear of this Lot for a ramp to adjoin the carpark to the walkway between the Hoskins Building and the Theatre.

The development will also include:

- Internal alterations including minor demolition works, the residential unit to comprise two bedrooms with en-suits and shared living space,
- Associated landscaping in car park and courtyard areas,
- Signage's of building identification and logo.

The hours of operation for the teaching facility will be:

Monday to Friday 9.00am-9.00pm

Saturday and Sunday the use will be limited to occasional community use of educational facilities.

It is anticipated that the new facilities will be able to accommodate approximately 168 students, 10 staff members and the occasional public events in the lecture theatre with have a maximum capacity of 100 attendees.

The building is a two storey building which was formerly used as the Lithgow Library from 1907 until 2004. Since 2004 it has been occupied by Lithgow Senior Citizens group, a residential flat and a private gym. The Lithgow Musical Society and Theatre Group used rooms in the building for the storage of props and costumes and change rooms.

Previous DA's

DA 140/87 – Extensions to Office & Installation of 2 Underground Storage Tanks

BA 68/88 – Extension to Fuel Depot and Office Building

2. SUMMARY

To assess and recommend determination of DA 076/12. Recommendation will be for approval subject to conditions

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 3 DP 1077295 and Lot 1 DP 379892
Property Address : Bridge Street and Mort Street Lithgow NSW 2790

Lot 3 DP 1077295 is located on the corner of Bridge Street on the west and Mort Street on the south. The Union Theatre is located on the northern side of the building with the Lithgow Court House adjacent to Bridge Street on the west side. The Hoskins Memorial Presbyterian Church is located adjacent to Mort Street on the south side of the development.

Lot 1 DP 379892 has a frontage onto Mort Street and contains an existing driveway. The Lot is currently being used for the storage by Council. The previous use of the site includes a railway line and fuel depot which both have been decommissioned many years ago. The Lithgow Council Depot is located to the north of the Lot, with the United Service Station located adjacent to Mort Street.

Location of Development and Adjoining Landuses



Union Theatre

Lot 3 DP 1077295
Hoskins Building

Lithgow Court
House

Lithgow Council Depot

Lot 1 DP 379892
Proposed Car park

United Service Station

Hoskins Memorial
Presbyterian Church

4. ZONING: Lot 3 DP 1077295 is zoned 3 Business & Lot 1 DP 379892 is zoned 4 Industrial in accordance with Lithgow City Local Environmental Plan 1994.

5. PERMISSIBILITY: The development being an educational facility is considered permissible under Lithgow City Council's Local Environmental Plan 1994, subject to development consent.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Section 94A Contributions do not apply to this application as it was submitted prior to June 2012 when Section 94A Contributions were incorporated.

5.3 LEGAL IMPLICATIONS

Local Government Act 1993

If this application is approved, the applicant must obtain a written Section 68 application for connection to Council's water and sewerage supply. This must be lodged and approved prior to commencement of any work on site and shall be at full cost to the applicant.

The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicably supporting information for the proposed works. All conditions of the Section 68 Approval must be complied with prior to the release of the Subdivision Certificate.

Mine Subsidence Compensation Act 1961

The development is considered to be integrated under this act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Mine Subsidence Board is required prior to Council being in a position to determine the application. Approval from the Mine Subsidence Board has been obtained and is discussed later in this report under "submissions made in accordance with the act".

Water Management Act 2000

A Certificate of Compliance is not required as the premises is already connected to services.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

LEP 1994 – Compliance Check		
	Clause	Compliance
4	Covenants, agreements. etc	Yes
9	3 zoning table	Yes
9	4 zoning table	Yes
22	Residential development in the business zone	Yes
23	Demolition control in the Business Zone	Yes
26	Development along arterial roads	Yes
28	Environmentally sensitive land	Yes
37	Contaminated land	Yes
Part 4	Heritage provisions	Yes

Comment: The proposed development is consistent with the above zone objectives. The land is deemed suitable for the proposal. While dwellings are permissible within the zone, the two bedroom unit is for short stay visitors of the University. The proposed development also includes minor demolition works of external stairways, the redundant service platform and the ancillary wing for the new lift and the slab on the access way from Bridge Street.

Mort Street is classified as an arterial road and as such access is currently and will remain off Mort Street. Access from Bridge Street is not possible given that the proposed development works within the constraints of an existing building which does not currently accommodate parking or vehicular access. Access from Mort Street is the only built form to be retained without impacting the adjoining Union Theatre which is heritage listed. The development is also supported by a traffic report which states that the road is adequate to support the development and the access way.

Appropriate remediation works have been identified for the car park which will be undertaken prior to the construction of the development.

The site is not identified as a heritage item in the LEP. However, the following items are in the vicinity of the site.

- Union Theatre
- Lithgow Court House
- Hoskins Memorial Presbyterian Church

The development will not impact on the heritage items above as the development does not propose to alter the façade of the building.

The development complies with Councils LEP 1994 in the above table.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	Yes

Comment: The application required the concurrence of the Sydney Catchment Authority (SCA), being outside the limitations of the online NorBE tool. The SCA provided the following comments:

“Based on the SCA’s site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to conditions being imposed”

These conditions are found later in this report.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 – Compliance Check		
Clause		Compliance
7	Contamination and remediation to be considered in determining development application	Yes
17	Guidelines and notices: all remediation work	Yes

Comment: A preliminary contamination assessment was prepared by Douglas Partners. The assessment states that appropriate remediation works is anticipated to begin prior to the capping of the earthworks for the construction of the car park surface. As such the development complies with the above SEPP.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 – Compliance Check		
Clause		Compliance
13	Consultation with Councils- development with impacts on council-related infrastructure or services	Yes
104	Traffic-generating development	Yes

Comment: The above SEPP requires that any education establishment that will accommodate 50 or more students will trigger a referral to the Roads and Maritime Services (RMS).

The proposed development accommodates approximately 168 students and therefore a referral was sent to the RMS under Clause 104 as a “traffic generating development”.

A Traffic Report has been prepared which includes a technical assessment of the traffic impacts of the proposed development. It concluded that the development will not have a major impact on the road as Mort Street is a major road network within the Lithgow area. Surrounding developments consists of industrial uses with the Lithgow Council Depot is located next door and has vehicles entering and exiting the site at all times of the day. As such the traffic will be similar for the development.

The RMS response is found further in this report.

SEPP 64-Advertising and Signage – Compliance Check		
Clause		Compliance
8	8 Granting of consent to signage	Yes

Comment: A full assessment of the proposed signage against the SEPP 64 objectives and assessment criteria has been undertaken, which demonstrates that the proposed signage is found to be compliant with the SEPP.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

None.

5.3.3 Any Development Control Plan

Off Street Car Parking Development Control Plan

Councils Off Street Car Parking Development Control Plan requires the following:

Educational Establishments

(c) Higher Education Establishments, Tertiary Schools and Colleges = 1 space per staff plus, 1 space per 5 students plus bus turning areas for auditoriums and sports stadiums.

Comment:

Required in DCP	Expected No. of people	No. of car parks required
1 space per staff plus	10	10
1 space per 5 students	268	53.6
Total		63.6
Shortage	63.6 - 45	18.6 Shortfall

It is anticipated that the new facilities will be able to accommodate approximately 168 students, 10 staff members and the occasional public events in the lecture theatre with have a maximum capacity of 100 attendees.

A total of 45 car parking spaces are proposed which includes one disabled space. Additionally, 10 bicycle spaces will also be provided. Although the use of the lecture theatre will not be regularly used, the proposed development does not comply with Councils Off Street Car Parking Development Control Plan.

A traffic report has been submitted with the application which tested the current traffic generation for the UWS Campbelltown Campus (similar development to the proposal). From these tests it was recorded that there is approximately 52 vehicle movements a day. Given these statistics, the proposal for 45 car parking spaces is found to be sufficient for the development.

There are 5 bus stops within walking distance of the site, with relatively low frequency services. Lithgow Railway Station is also within a 7 minute walk of the site with services to the Blue Mountains and Sydney. As such buses will not need to enter the carpark.

On street parking is available on Bridge Street in front of the development and the Union Theatre. Parking restriction signs are located on the street and state that parking is restricted to 2 hours only between the hours of 8.30am to 6.00pm Monday to Friday and 8.30am to 12.30pm on Saturdays. Parking across the road in front of the Court House is further restricted to 1 hour parking. These restrictions allow people to visit the University for a short period throughout the busiest time of the day.

After 5.00pm weekdays and all day on weekends Councils Mort Street carpark behind the Court House will provide more available parking.

Although the development does not meet Councils Off Street Car Parking Development Control Plan, there is sufficient justification demonstrating that carparking will be adequate for the development.



Photo: Back of the Hoskins Building and the proposed Car park.

Landscaping: *The Landscaping of a surfaced car park is an important feature that serves to reduce the harsh effect often created by large open asphalt or concrete areas. Landscaping design should be integral part of the car park layout design.*

Landscaped areas should be used throughout the car park rather than placed only on the perimeters. They can often be used in conjunction with the provision of pedestrian thoroughfares and in the separation of conflicting traffic movements. Pedestrian desire lines should be incorporated to ensure pedestrian traffic can move from the car park to the desired destination without the need for walking on landscaped areas.

Comment: Landscaping includes the planting in central arrangement between parking bays and on the boundaries of the lot to improve the visual presentation. Pedestrian desire lines to the building will be maintained by access ways and ramps.

The car parking bays and aisle have been assessed and meet the relevant Australian Standards and DCP provisions.

Parking for People with Disabilities: *Parking spaces for disabled persons are to be provided and signposted in accordance with the requirements of Section 2.4.5 of the Australian Standard AS 2890.1. Clear access from these car parks to the building/facility being served must be provided. Where spaces are provided under cover, vertical headroom clearance must be designed in accordance with Section 5.3.2 of AS 2890.1.*

Comment: One disabled space is proposed to be provided. The proposed car parking spaces will comply with the relevant Australian Standards.

Industrial Development Control Plan

Industrial Development Control Plan – Compliance Check		
	Clause	Compliance
4.1	Design and Appearance of Buildings	Yes
4.2	Landscaping	Yes
4.3	Parking and Access	Yes
4.4	Setbacks	Yes
4.5	Storage Areas	Yes
4.6	Advertising Signs	Yes
4.7	Drainage	Yes
4.8	Security Fencing	N/A

4.9	Additional Requirements Adjoining Residential Areas	N/A
4.10	S94 Contributions – Coal Related Development	N/A
4.11	Garbage and Trade Refuse Storage and Collection Areas	Yes
4.12	Soil Erosion and Sediment Control	Yes

Comment: The site is zoned 3 Business and zone 4 Industrial. Industrial development is not proposed as part of this DA and therefore the Industrial Development DCP does not strictly apply to the proposal. Lot 1 is zoned Industrial and this lot will be utilised for the car parking area.

The only structures proposed on Lot 1 as part of this application is a garbage enclosure located in the far south-east corner of the car park and a substation to be located in the landscape area in the far south east corner of the site.

The car park is setback approximately 5 metres from Mort Street and will contain landscaping which will soften the visual presentation to Mort Street. A landscape plan has been provided with the application which shows planting to be situated throughout the two lots.

Stormwater arrangements have been proposed and shown on the civil plans submitted with the application.

The development will only result in a small amount of liquid trade waste.

As such the development complies with Councils Industrial Development Control Plan.

Outdoor Advertising Development Control Plan

As of Right Sign: *One sign which can be erected on a premises containing the name and nature of the business without the need for consent from the Council providing the sign complies with the requirements of this Development Control Plan.*

Advertising Panel: *any advertising structure which is not otherwise specifically defined in this plan.*

Part 4 – Design Controls

Design Controls – General	
Performance Standards	Compliance
The number of signs should be limited to avoid visual clutter	Yes
The scale of signs should compliment the architecture of buildings and be proportional in scale	Yes
The signs should be in keeping with the setting of the surrounding area	Yes
Existing signs that do not meet accepted standards should be rationalised by consolidation or simplification	N/A
Signs should not cause a hazard to traffic, pedestrians or cyclists	Yes
Signs should provide a simple and clear message	Yes
Signs should not exceed beyond a roof line or be erected on top of awnings	Yes
Signs should not despoil the building façade	Yes
Signs should not be erected on trees, light poles and the like	Yes

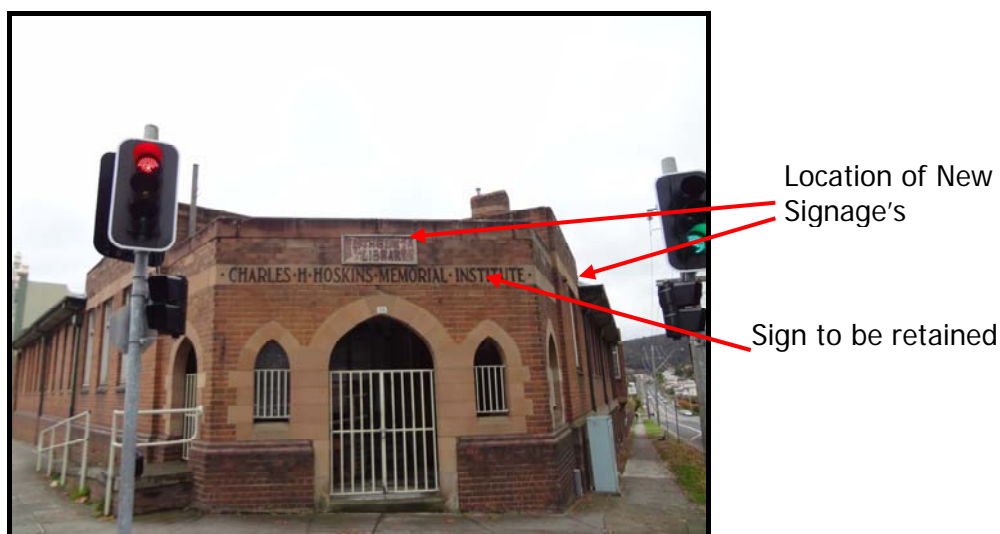
Comment: One “As of Right sign consisting of the UWS logo and letters for 'University of Western Sydney Outreach Campus' is proposed to be installed above the existing Hoskins building signage at the main entry (proposed to be retained).

The proposal also includes the following signage's:

- A new signature university logo on the eastern façade of the building
- Two smaller identification logos on each side of the main entry and at the Bridge Street entry to the shared pedestrian walkway.
- A smaller identification sign on the northern façade.

It is proposed that there will be one sign located on different building facades which physically separates the signs to avoid visual clutter. The proposed signs will be small and will not dominate the façade when compared to the size of the building. The significance of the existing Hoskins Building will be maintained within the streetscape.

Overall there will be five signs including an As of Right sign; therefore the development complies with Councils Outdoor Advertising Development Control Plan.



5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development consists of minor demolition works such as the courtyard stairs and some internal walls. Fire safety measures have been considered for the development. The development was further referred to Councils building surveyor who has made comments and conditions to ensure that the building complies with the Australian Standards. These comments are found further in this report.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Access, Parking and Traffic: Pedestrian Access: The front entrance will be maintained on the corner of Mort and Bridge Street which will provide access to the first floor of the building. There is currently a walkway between the Union Theatre and the Hoskins Building. This walkway will be upgraded to provide pedestrian entry from the proposed carpark and Bridge Street to the Courtyard of the University. This access way will also provide access to the lift lobby for disabled access and access

from the ground floor to the first floor. A ramp is proposed from the car park to the secondary access point. A controlled gate access will also be provided from Bridge Street with only egress permitted outside of University Hours.

Vehicular access: Access to the car park is proposed via an existing 8m wide one way access from Mort Street. Vehicles exiting the car park will do so by the existing 7m one way access to Mort Street located 40m east of the entrance.

The access is currently used by Lithgow City Council as a one way entry into the depot. It is located between two Council depot buildings. The entry is a shared driveway that runs to the Council depot gates which is located within the road reserve while the other driveway runs behind the SES building to the proposed carpark entry gates. This shared entry may create a conflict which will be managed by the Council moving their entrance to a new location on the other side of the depot building where the exit is currently located.

The development was referred to the Roads and Maritime Services (RMS) who requires convex mirrors to be located at the access between the two existing buildings. This will improve the traffic and pedestrian views when exiting and entering the site.

Parking: 45 Car parking Spaces are proposed including one disabled space and 12 small car parking spaces. 10 Bicycle spaces will also be provided. The car parking spaces do not comply with Councils Development Control Plan as outlined and justified under the section for Development Control Plans above in the report.

The Roads and Maritime Services requests that if the development is approved then it is recommended that 18 bicycle spaces would be more suitable for the development and is outlined within the Traffic Assessment. This is due to the development being located within close proximity to the train station for people who are travelling from Sydney, for example, are able to easily commute to and from the development. It is further located close to the Lithgow Business Centre, schools and bus stops. The University will generally be catering for people who are 18 years and older. Therefore it is expected that bicycle racks will be sufficiently utilised.

The carpark will further be required to be sealed with bitumen or hotmix to meet Councils Engineering requirements.

Traffic: Fortnightly deliveries are anticipated for stationary/general office deliveries to the main entrance via 2 tonne courier vans. Laboratory deliveries are also expected to occur every 2 months from small vans or light trucks (3 tonne) and will utilise the side access to the laboratory door on Mort Street. These delivery trucks are not expected to have a major impact on traffic as the surrounding landuses are for industrial purposes requiring unloading and loading of vehicles. Kerb side parking is also available on Mort Street, close to the entrance.

Based on the similar projects, the traffic report that was submitted indicates that the proposed development is expected to generate up to 52 movements in any peak hour and 226 vehicles daily. It was concluded that the additional traffic generated by the proposed development would not compromise the safety or function of the surrounding road network.

Accordingly, the proposed access, parking and traffic arrangements are considered appropriate for the development.

Natural Hazards: The land is not bushfire prone land and no other natural or technological hazards have been identified as applying to the land.

Landscaping: It is noted within the Statement of Environmental Effects that the proposed car park and external areas will be landscaped as follows:

- Planting in central arrangement between parking bays,
- Embankment planting to the car park boundary along Mort Street and along the northern boundary to improve the visual presentation of the car park.
- Planted embankment on the western boundary with native species,
- 1:20 ramps linking the car park with the court yards,
- A main pedestrian spine providing access to and from Bridge Street through the site with concrete paving,
- Three courtyard spaces including one main turfed courtyard space and two smaller courtyard areas providing breakout spaces including seating and shade areas.

Design: The development has been designed to improve the internal layout for the UWS educational establishment and will provide an associated car park. The development will provide an underutilised building for a more dominant purpose. The car park will also reduce on-street parking and provide facilities such as a lift for the disabled. The building will further be maintained and managed to ensure the upkeep of the building will remain in a suitable visual state. Comprehensive landscaping will help to improve the visual presentation to the two lots.

Overall the design will not incorporate changes to the façade or impact the surrounding heritage items. The proposed works will also retain the existing main entrance to the building and enhance the fundamental architectural character of the building.

Social and Economic Impact: The development will improve the services and facilities offered in the Lithgow area. As such the development will be a positive impact as the teaching facility will provide the local community with pathways to tertiary education, it will bring people to Lithgow from other cities and towns, local shops and services is expected to receive an increase in economic benefits, community events will be able to utilise the lecture theatre. The upgrades to the building will further improve its appearance to the streetscape and the car park will help to reduce on street parking.

There are 5 bus stops within walking distance of the site, with relatively low frequency services. Lithgow Train Station is also within a 7 minute walk of the site with services to the Blue Mountains and Sydney. This will benefit the social impacts in the area.

The building was previously used by the Senior Citizens, a gym and the Musical Society. These groups have relocated to other premises. The development will contain rooms that may be available for use by the community.

In regards to food preparation, a kitchen will be provided but no commercial cooking will be undertaken therefore the development does not need to meet the commercial kitchen standards.

As the proposed development will be generally in keeping with the provisions of the planning instruments, create a long term use of the site, it is expected to have minimal social impact and improve the economy to local businesses and services.

Adjoining Landuse: Lot 3 DP 1077295 is located on the corner of Bridge Street on the west and Mort Street on the south. The Union Theatre is located on the northern side of the building with the Lithgow Court House adjacent to Bridge Street on the west side. The Hoskins Memorial Presbyterian Church is located adjacent to Mort Street on the south side of the development. The surrounding landuses are of heritage significance to the Lithgow area. As such the development will keep the existing building to much of its original form with minor upgrades to the external exterior which can be viewed from public spaces.

Lot 1 DP 379892 has a frontage onto Mort Street and contains an existing driveway. The Lot is currently being used for the storage. The previous use of the site includes a railway line and a fuel depot which were decommissioned many years ago. The Lithgow Council Depot is located to the north of the Lot, with the United Service Station located adjacent on Mort Street.

It is considered that the development will compliment the adjoining landuses through the refurbishment and landscaped features. The development therefore will have minimal impact to adjoining landuses.

Services: A garbage enclosure will be located in the far south-east corner of the car park. All other services including water, sewerage, electricity and gas will be retained on the site. The proposed stormwater works are considered appropriate for the development as below the ground there will be an on-site detention tank in the north east corner of the car park area created to control the flows from the site to the discharge point. A new stormwater drainage pit over the existing stormwater main will also be connected to the existing stormwater infrastructure. The existing stormwater drainage is currently located on the proposed carparking site but is required to be repaired prior to the construction of the development. This will be dealt with as a separate matter to this application.

Context and Setting: The proposed development is compatible with the visual setting as it is located within an established industrial/commercial zone and will have no major impact on the context and setting of the area. The landscape character will improve the visual view of the property and compliment the surrounding developments such as the Lithgow Council Depot which contains no landscaping and adjoins the developing lot.

The streetscape will remain as the surrounding concrete paths will be retained and protected. Construction work will be mostly from the new car park entrance (currently Council Depot entrance).

The development will therefore not impact the context and setting of the locality.

Public Domain: The development will not impact on the public domain.

Safety and Security: A CCTV system will be install at the premises and located in a number of areas including: car park, perimeter of the facility, back laneway, main entrance, reading room, corridor, lift foyer/stairs, entrance of staff quarters, laboratory and the entrance to the courtyard.

External landscape lighting will be designed and positioned to reduce the number of low illuminated areas.

Contamination: Lot 3 DP 1077295 is currently being used for storage of old drums and unwanted building materials. The previous use of the site includes a railway line for the offloading of coal and a fuel depot which both have been decommissioned many years ago. A preliminary contamination assessment was prepared by Douglas Partners. The assessment states that appropriate remediation works is anticipated to begin prior to the capping of the earthworks for the construction of the car park surface. As such contamination will be managed in an appropriate manner to provide minimal impact to the development and as such the site is suitable for the proposed use.

Noise and Vibration: The only nearby noise source will be via traffic on Mort and Bridge Streets. As the development is for a purpose that will generate traffic, noise is not expected to be an issue for the development.

The development has been designed to incorporate external sound insulation to provide a low background noise level which meets the statutory requirements. The development is further not located within a residential area.

The development is expected to only cause noise during the construction phase therefore this will be of minimal impact to the surrounding uses which are for industrial and commercial purposes.

Other Land Resources: The development will not impact on the value of the land in terms of agricultural potential, mining etc. with all waste and water being properly managed on the site.

Soils: The proposed development will have no significant impact on soils. The existing building will remain and be reused. The proposed carpark area will be refurbished to Councils Engineering standards. Landscaping will also be provided around the boundary and scattered throughout the site. The development is therefore expected to not have a major impact on soil.

Air and Microclimate: There will be no significant impact on air or microclimate.

Waste: Waste will be managed on the site with a garbage enclosure located in the far south-east corner of the carpark and will be picked up on a weekly basis. All other waste during the demolition and construction stage of the development will be deposited at Council Landfill Depot. Fume cupboards and gas connections are expected to be located within the proposed laboratories. If these are to be connected then further details will be provided at the Construction Certificate stage of the development. The development will further need to comply with safety regulations set out by the WorkCover.

The laboratory may further create waste therefore a trade waste approval will be required and conditioned within the consent if approved.

Heritage: The site is not identified as a heritage item in the LEP. However, the following items are in the vicinity of the site.

- Union Theatre
- Lithgow Court House
- Hoskins Memorial Presbyterian Church

The development is not expected to impact on the heritage items above as the development does not propose to alter the façade of the building other than minor closure of a window. The proposed works to the Hoskins Building are mainly all internal with external works focussing on upgrades to access paths and landscaping.

The separation between the site and the Presbyterian Church is approximately 50m and therefore the proposed works will not impact on its heritage significance. The development will improve the egress to the Union Theatre by providing a beneficial access upgrades.

Most of the internal building will be retained and protected. The ceilings and timber floors have been identified to be in relatively good condition. New construction works will not impact the original building fabric.

All new construction works and demolition will not be visible from Bridge Street and will not impact on adjacent heritage items.

The development was referred to Councils Heritage Advisor whose comments are provided further in this report.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for industrial/commercial pursuits. Therefore, the size and nature of the development is not expected to have major impacts to the surrounding area.

The building was previously underutilised therefore the development will improve the maintenance, streetscape and visual character of the area.

The two lots are not located within the bushfire zone and as such no natural hazards have been identified during the assessment of the application.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding land uses.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to The Sydney Catchment Authority (SCA), Roads and Maritime Services, Mine Subsidence Board, Councils Engineers, Building Surveyors, Environmental Officer, Traffic Authority Local Committee (TALC) and Councils Heritage Advisor for commenting. The proposal was also sent to adjoining neighbours and placed on public display in Councils Administration Building for a period of 14 days.

SYDNEY CATCHMENT AUTHORITY (SCA)

Reference is made to Councils letter received 29 May 2012 requesting the concurrence of the Chief Executive under Clause 11 of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) with a proposal for a development proposal for a change of use of the Lithgow Senior Citizen Club (formerly the Lithgow Library) to an educational establishment, retaining an existing residential unit at the Charles Hoskins Memorial Building and conversion of an existing Council depot to a car park.

The subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Warragamba catchment which forms part of Sydney's water supply.

The following documents have been considered in the assessment of the application:

- Statement of Environmental Effects prepared by Urbis Pty Ltd (dated May 2012)
- Site Plans prepared by tanner Architects (dated 10 April 2012)
- Landscape Plans prepared by Aspect Studios Pty Ltd (dated 17 May 2012)
- Phase 2 Contamination Assessment Report prepared by Douglas Partners (dated June 2012)
- a letter from Matt MacDonald to tanner Architects (dated 11 September 2012), and
- Stormwater Management Report, associated MUSIC stormwater quality model and drainage and erosion and sediment control plans prepared by Mott MacDonald (dated September 2012)

It is noted that the proposed development involves:

- internal alterations and refurbishment of an existing Lithgow Senior Citizen Club building to an education facility for University of Western Sydney
- internal alterations and upgrade to an existing residential unit at the Charles Hoskins Memorial Building, and
- construction of a car park at the existing Lithgow Council depot and associated stormwater works.

A Phase 2 Contamination Assessment of the proposed car park site has identified:

- the presence of organic and inorganic contaminants in the soils and groundwater and the potential for off-site migration
- soil contamination with faecal coliforms due to sewer overflow, and
- perched water table as a result of a broken downpipe on the adjoining property.

The contamination assessment report has recommended a second round of groundwater monitoring to confirm the current concentrations of contaminants, a further assessment and determination for off-site migration and the need for off-site groundwater monitoring wells and the development of an appropriate contamination management strategy. The site has been identified suitable for the proposed development with an appropriate management strategy which could include:

- cap and contain strategy to be implemented under an environmental management plan, or
- excavation, disposal of all contaminated soils, validation and remediation of the site to be implemented under a remediation action plan.

These matters have been addressed in conditions below.

The SCA requests Council require the repair of the broken downpipe on the adjoining property as soon as possible to prevent continuous ingress of stormwater onto the proposed car park site and migration of contaminants into subsoil and groundwater.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any

development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

General

1. The layout and works of the educational facility and car park shall be as shown on the Site Plans prepared by tanner Architects (Job No. 120171, Dwg. No. AR. DA.000; Rev. A; dated 10/04/2012) and the Landscape Plan prepared by Aspect Studios Pty Ltd (Dwg No. DA-01, Rev. E, dated 17 May 2012). Any revised layout or works of the development shall be agreed to by the Sydney Catchment Authority.

Reason for Condition 1 - The Sydney Catchment Authority has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

Waste Management of Proposed Car Park Site

1. All hazardous chemicals located or stored on the proposed car park site shall be classified in accordance with the Department of Environment, Climate Change & Water NSW Waste Classification Guidelines Part 1: Classifying Waste (2009) and disposed of at an appropriate licensed facility.

Reason for Condition 2 – To ensure that organic contaminants at the car park site are appropriately disposed of, so as to ensure a neutral or beneficial effect on water quality.

Contamination Management of Proposed Car Park Site

2. Any sewer overflow or leakage shall be immediately repaired to ensure there is no contamination associated with sewage on the site.
3. A second round of groundwater monitoring shall be undertaken as recommended in the Phase 2 Contamination Assessment Report prepared by Douglas Partners (dated June 2012).
4. An appropriate contamination management strategy including environmental management plan or remediation action plan as specified in the Phase 2 Contamination Assessment Report prepared by Douglas Partners (dated June 2012) shall be developed in consultation with the Sydney Catchment Authority prior to the commencement any works on the proposed car park site.

Reason for Conditions 3 to 5 – To ensure that organic and inorganic contaminants held in the subsoils are either appropriately removed or remain in situ and are not mobilised by stormwater, so as to ensure a neutral or beneficial effect on water quality.

Stormwater Management for the Proposed Car Park Site

5. The stormwater collection, treatment and management measures shall be implemented as specified in the Stormwater Management Report (dated September 2012) and shown on the Site Works and Stormwater Drainage Plans and Details (Dwg. No. MMD-306403-C-DR-CC-04, MMD-306403-C-DR-CC-06 to 08, Rev O, dated 31.08.12) both prepared by Mott MacDonald, in particular as elaborated below.

6. The car park shall be constructed so as to drain all stormwater runoff via a series of stormwater pits and pipes to the following:
 - a gross pollutant trap (Humegard HG12)
 - an oil and silt arrestor (Humeceptor STC2)
 - an onsite detention tank with a minimum capacity of 23 cubic metres, and
 - discharge to the council stormwater drainage system in the north east.
7. There shall be no treatment or disposal of stormwater by infiltration methods on the site.

Reason for Conditions 6 to 8 – To ensure stormwater runoff from the site and associated infrastructure is appropriately designed and managed so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Operational Environmental Management Plan

8. An Operational Environmental Management Plan (OEMP) shall be prepared that details the nature and location of all stormwater management measures, including the pits, pipes, gross pollutant trap, oil and silt arrestor, on-site detention tank, and specifies the requirements and responsibilities for their inspection and maintenance. The OEMP shall be developed in consultation with the Sydney Catchment Authority and Council within three months of granting the modification approval.

Reason for Condition 9 –To ensure that all stormwater management systems are maintained and managed so as to ensure an overall and sustainable neutral or beneficial effect on water quality over the long term.

Excavation and Construction Activities

9. A detailed Erosion and Sediment Control Plan (ESCP) shall be prepared for all excavation and construction works for the car park site, by a person with the experience in the preparation of such plans. The detailed ESCP shall incorporate the elements of the Soil and Erosion Control Concept Plan prepared by Mott MacDonald (Dwg. No. MMD-306403-C-DR-CC-05, Rev O, dated 31.08.12) and be consistent with the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual – the "Blue Book".
10. The excavation and construction works for the car park site shall also be carried out in accordance with the EPA's Environmental Guideline Assessment Classification & Management of Liquid and non Liquid Wastes (1999) and shall implement the following specific requirements in relation to the excavation or disturbance of potentially contaminated soils on the site:
 - fence off the perimeter of the construction area, surrounded the site by suitable erosion and sediment controls, and have a stabilised entry point for the entry and exit of machinery
 - test excavated materials for contaminants as defined by the Department of Environment & Climate Change <http://www.environment.nsw.gov.au/clm/servicestation.htm>, and dispose of contaminated material at a properly licensed facility as soon as possible
 - ensure temporarily stockpiled material is located within the construction area, is underlain by plastic and covered by weighted or heavy plastic to avoid wind or water erosion

- ensure that all stormwater drains and inlet points that drain from the construction site are covered with geotextile fabric and surrounded by silt socks or protected by other sediment control measures as appropriate
 - ensure that sediment management measures for stormwater drains and inlet points on the site that drain from the construction site are checked and maintained weekly and cleaned as necessary following rainfall events
 - ensure that appropriate measures are taken to minimise the infiltration of stormwater into the subsurface soil during the excavation and construction phase at the site, and
 - ensure that the construction site is cleaned up at the end of each day.
11. Effective erosion and sediment controls shall be installed prior to any demolition and construction activity and shall prevent sediment or contaminated water leaving the site or entering Council's stormwater system, and shall be regularly maintained and retained until the works have been completed.

Reason for Conditions 10 to 12 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from a potentially contaminated site during this phase.

ROADS AND MARITIME SERVICES (RMS)

The RMS does not object to the proposed development and provides the following comments:

1. Adequate turning circles and storage room should be provided at the access for the largest type of vehicle that would access the site during construction or operation.
2. All vehicle movements into and out of the site are to be via the one way car park entry and exit points at the eastern end of the site on Mort Street.
3. All vehicle movements into and out of the site of the development are to be in a forward direction.
4. Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design and RMS Supplements to Austroads Guide to Road Design are to be maintained in both directions along Mort Street at the entry and exit points. For a 50km/h speed zone the minimum SISD is 90m.
5. Convex mirrors at the exit point should be retained to improve the visibility of pedestrians.
6. All activities including loading and unloading of goods associated with the development are to be carried out in a designated area on site.
7. It is suggested that the development is fitted with end of trip facilities for bicycle riders and pedestrians (including bicycle parking racks, showers and lockers). Council should consider the recommendation in the Traffic Impact Assessment that 18 bicycle parking spaces be provided on site.
8. Advertising signage is to be contained within the site so that it does not create a hazard or nuisance to road users on public roads.
9. Advertising signage is not to replicate any regulatory signage or give direction to traffic.
10. A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of Mort Street. This can be obtained by contacting Mr Paul Maloney on (02) 6861 1686. Submission of a traffic control plan is required as part of this licence.
11. All works associated with the development are to be at no cost to RMS.

MINE SUBSIDENCE BOARD

No Comment was made by the Mine Subsidence Board.

COUNCIL BUILDING SURVEYOR

Reference is made to my referral advice of 15-06-12 and to the subsequent receipt of additional supporting documentation from the applicant, namely:

- BCA Compliance Assessment Report dated 21/06/12 in respect to the subject building prepared by AE & D Consulting;
- Fire Engineering Report dated 28/06/12 developed/prepared by AE & D Consulting incorporating a number of alternative solutions to address identified non-compliances with the proposal when considered against the DTS Provisions of BCA2012;
- BCA Egress Assessment Report dated 21/06/12 prepared by AE & D Consulting to comment on the impact that the proposed infill/removal of one existing exit door will have on the existing level of egress from the adjacent Union Theatre Building to the north.

Points to Consider

1. *Clause 94 of Environmental Planning & Assessment Regulation 2000*

(cf clause 66B of EP&A Regulation 1994)

- (1) This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:
 - (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
 - (b) the measures contained in the building are inadequate:
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.
 - (c) (Repealed)
- (2) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*.
- (2A), (2B) (Repealed)
- (3) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.

In respect to the matters listed in my advice of 15-06-12 I am satisfied that sufficient supporting documentation has been submitted for Council to assess the proposal against the abovementioned fire safety objectives of Clause 94 of the Environmental Planning & Assessment Regulation 2000.

In respect to the above additional reports prepared by AE & D Consulting I am satisfied that the relevant fire safety objectives of Clause 94 will be met through the implementation of the nominated upgrading measures to both the subject building

and the Union Theatre Building as per the identified alternative solutions and due-diligence assessment.

2. *Consolidation of Lots & Establishment of a Right-of-Carriageway over existing laneway benefitting the Union Theatre Building.*

The existing land/laneway between these two buildings is required, where used as an external path of travel to a public road, to be of a public nature and is to connect directly with a public road. This is to preserve the integrity of any egress paths from both buildings to the public road (Bridge Street) to facilitate safe egress in the event of fire or other emergency.

To maintain the integrity of egress paths from both the Union Theatre & the CHMB and to facilitate legal access from the proposed carpark/Bridge Street footpath to the proposed new principal public entrance doorway to the Charles Hoskins Memorial Building (CHMB) it is suggested that:

- a) the various separate allotments over which this proposal extends be consolidated into one allotment; and
- b) An easement having a minimum width of 1.0m for the purpose of access/egress to and from the Union Theatre Building be created over the existing land between the Union Theatre Building and the CHMB.

Discussions with Andrew Muir on 14/12/12 resolved that no consolidation or creation of easement(s) is necessary given that the various lots associated with or affected by this proposal are all under the control and ownership of the Council and are at no risk of being separately utilised or sold to others for any other purpose. Therefore my previously proposed condition relating to consolidation should be ignored.

It should be noted that the applicant has proposed in the Fire Engineering Report to establish a 1m wide easement over the laneway to benefit/preserve egress path from the CHMB to Bridge Street alignment. This however does not address the consolidation issue referred to above.

3. *Works Required to be Undertaken to Union Theatre Building as identified in Consultant's report.*

In respect to the Union Theatre, the fire safety upgrading works recommended by 'BCA Compliance Assessment Report dated 21st June 2012' prepared by AE & D Consulting are works that should be carried out by the applicant at no cost to Council. A suitable condition should be imposed to facilitate such work.

Recommendation

Should the application be approved the following conditions are to be imposed thereon:

1. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
2. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to

prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.

3. Prior to the commencement of any works on the land, a single vehicle/plant entry/access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement.
4. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

5. The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
6. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook). All haul roads and construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.
7. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
8. Prior to the commencement of any works on the land a detailed demolition work plan (or waste management plan) designed in accordance with Clause 1.7.3 of AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance, quantity and type of materials, recycling of materials and the disposal methods for materials including hazardous materials.
9. Certification from an Approved Practising Structural Engineer (if applicable) is to be submitted to Council prior to the commencement of building works if a part of a structure is to be demolished or removed. Structural certification must indicate that the remainder of the building will be structurally adequate and the amenity of the adjoining/surrounding buildings and occupants will not be affected by demolition works. Structural certification is required for demolition works affecting an adjoining building/structure.
10. An appropriate fence preventing public access to the site shall be erected for the duration of the demolition works.

11. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.
The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
12. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works
13. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
 - b) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - e) Slab base if no piers required and prior to placement of the membrane.
 - f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - g) Framing when external wall and roof cladding is in place and prior to internal linings.
 - h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - i) Wet area flashing prior to tiling or covering.
 - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.
- At each inspection, erosion and sediment control measures and site management will be inspected.
Note: forty-eight (48) hours notice shall be given to Council prior to inspections.
14. To ensure compliance with Australian Standard 3500 – National Plumbing and Drainage and Council (being the Water and Sewer Authority), compliance certificates are to be issued by Council only for the following:
- a) Internal drainage carried out by licensed plumber prior to covering.
 - b) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - c) Hot and cold water plumbing installation
- Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**
15. All work on site shall only occur between the following hours:
- | | |
|----------------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
| Sunday and public holidays | No work |

16. The construction is to comply with the requirements of the Mine Subsidence Board
17. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

18. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
19. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the current Fire Safety Schedule for the building must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standards specified.

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:

- (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

Works to Union Theatre Building

20. Prior to removal of:
 - a. the eastern-most door within the southern external wall serving as a required exit from the Union Theatre auditorium;
 - b. and the associated external path of travel to the Bridge Street alignment,

the Union Theatre building is to be upgraded in accordance with the recommendations of the AE & D Consulting Egress Assessment Report dated 21st June 2012.

In this regard the applicant is to enter into an agreement with Council, prior to the commencement of any work, to ensure that agreed fire safety upgrading works are implemented by the applicant to Council's satisfaction and at no cost to Council.

Fire Safety Upgrading Works to Charles Hoskins Memorial Building

21. Prior to the issue of an occupation certificate, the existing building is to be upgraded in accordance with the recommendations of the:
 - a. AE & D Consulting BCA Compliance Assessment Report dated 21st June 2012; and
 - b. AE & D Consulting Fire Engineering Report dated 28th June 2012.

COUNCIL ENGINEER

1. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

2. Internal trafficable area is to be constructed of full-width, 150mm thick, unreinforced concrete, having a characteristic strength of not less than 25MPa. Expansion joints are to be provided using 9mm thick bitumen impregnated filler boards. Alternatively, plain or coloured asphaltic concrete (hotmix) of 40mm thickness laid over 100mm compacted roadbase; 140mm thick asphaltic concrete; or paving bricks or blocks of minimum 65mm thickness laid in stretcher bond, herringbone or basket weave pattern to manufacturer's recommendations may be used, with a 150x150mm concrete edge each side.

3. Car parking spaces shall be created and defined by line-marking and appropriate signage, including an allocation for disabled parking, in accordance with Lithgow City Council's off-street car parking development control plan.

COUNCIL ENVIRONMENTAL OFFICER

Has assessed DA 076/12 and has no objections subject to the following comments and conditions:

Comments:

The proposal to use the lecture theatre for community events will generate the inclusion of noise conditions included below.

A preliminary Contamination Assessment Report and Geotechnical Investigation Reports were prepared by Douglass Partners reports a strong hydrocarbon odour was detected in the test bores suggesting potential contamination of the soil and groundwater.

A Phase 2 Contamination Report has now been prepared and contains recommendations for the repair of downpipes, investigation of possible sewage discharge followed then by further monitoring of groundwater. It is recommended that this be carried out, followed then by an additional recommendation for the preferred remediation action and plan to be implemented.

Phase 2 Contamination Report and Remedial Action Plan

1. As detailed in the Phase 2 report further investigation is required to determine the status of the contamination and to determine if there is a potential for off site migration of groundwater contamination.

Following the investigations recommendation of the preferred remediation shall be submitted to Lithgow City Council for approval.

2. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:

(a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or

(b) clearly indicate the legal property description of the fill material source site;

(c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.

(d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and

(e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use

Site Remediation Works

3. Remediation and validation works must be carried out in accordance with remediation plan prepared by the consultant. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.

4. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Site Contamination Validation Report

5. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:

(a) describe and document all works performed;

(b) include results of validation testing and monitoring;

(c) include validation results of any fill imported on to the site;

(d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and

(e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

Noise

6. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

7. The use of the premises including music and other activities shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

8. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

9. When amplified music of musical instruments are played within the lecture theatre all doors and windows shall be closed.

10. The L_{A10} noise level emitted while entertainment is being provided (as determined in accordance with Australian Standard AS 1055.1—1997, *Acoustics*—

Description and measurement of environmental noise, Part 1: General procedures) must not exceed the ambient background noise level (L_{A90}) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB:

- (a) at the boundary of the lot on which any residential accommodation is located, and
- (b) if the existing building is on the same lot as (but not in) a building containing any residential accommodation—on the outside wall of the building containing that accommodation, and
- (c) if the existing building contains any residential accommodation—within the residential premises concerned.

Subclause (a) does not apply in relation to any boundary of the lot on which the existing building is located unless that boundary is shared with another lot on which residential accommodation is located.

Environment

11. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

TRAFFIC AUTHORITY LOCAL COMMITTEE (TALC)

TALC conducted a site inspection and the following questions were raised and discussed with Councils planner.

The entrance to the car park will be via the existing entry point to Council's Works Depot and will be changed from one way to two way. Although there is no other acceptable access available to the car park, council has the following concerns;

1. Is this access wide enough to become a two way (considering the turning circles required for vehicles entering the site). Would measures such as pavement markings and advisory signage be adequate?
2. Is there adequate pedestrian visibility at the access? A mirror may need to be installed in order to improve safety?
3. The car park is 18 spaces short of the standard requirement for such developments. Will this increase parking issues in the vicinity of the development?

Recommendation - That Council approve the development application for the University of Western Sydney in Mort Street Lithgow in relation to the car parking and traffic entry/exit point proposed for the University.

COUCILS HERITAGE ADVISOR

Reference is made to the DA and site inspection on 10th July 2012 for the refurbishment of the Charles Hoskins Memorial Institute building in Bridge Street, Lithgow. The following heritage advice is based on that inspection with the documentation submitted.

Background

The property comprises two portions of land comprising the Charles Hoskins Memorial Institute (CHMI) building and the adjacent undeveloped land to the east. Both properties are Council owned. The properties are not included on *Schedule 1* of

the *Lithgow City Council LEP 1994* as a heritage item. However, the CHMI was identified in the 1997-8 Heritage Study and more recent 2010 Heritage Review as having considerable significance in the social history of Lithgow with strong associations with the Hoskins family. It is on a landmark street corner with a number of key historic buildings in the immediate vicinity. Consequently, the building was nominated and adopted by Council for inclusion in the future model LEP.

Also, the 2011 Heritage DCP study undertaken by Council recommended a number of urban conservation areas in Lithgow, one of which includes the CHMI and the immediate vicinity.

The CHMI has been unoccupied since the Lithgow Library relocated to a building in Main Street, Lithgow. It is therefore very positive that UWS are considering occupying the property which provides some continuity with its past educational uses and enables the building to be refurbished and updated in a sensitive manner. The appointment of *Tanner Architects*, with their experience in adaptive reuse and heritage buildings, is equally positive.

Current Proposals

The current proposals noted in the SoEE include the following:

- Change of use to teaching, short stay visitors and occasional community events.
- A wide range of alterations, externally and internally, including minor demolition.
- Car parking on the adjacent lot to the east.
- Associated landscaping in the carpark and CHMI courtyard and boundary areas.

Issues and Recommendations

The following heritage / urban design issues arise from the proposals:

Regarding the Documentation

- The architectural and landscape drawings are sufficient to understand the general proposal. However, a perspective or model of the western courtyard would be helpful to better understand the impact of the new lift shaft and plant room facilities.

Comment: A model of the courtyard has been submitted. The plant rooms are not currently utilised and are proposed to be upgraded to bathroom facilities. Therefore this represents minimal impacts. The lift will be replacing an existing bathroom and an outside staircase which both are in a poor state.

- The documentation includes a brief Heritage Impact Statement (HIS) prepared by *Tanner Architects*. The HIS generally follows the approach recommended by the Heritage Branch in their guidelines *Statements of Heritage Impact (2004)* however; it has not been prepared in a great degree of detail. In view of the obvious significance of the building it would have been preferable for a more comprehensive HIS particularly regarding the demolition works. Also, some issues have been overlooked, such as the streetscape issue of the demolition of a chimney on Mort Street elevation or changes to the external windows and their potential impact. The issue as to whether any options had been explored have not been discussed, such as, the potential for retro-fitting of proposed double glazing to key windows on Mort and Bridge Streets in lieu of their removal. The Heritage Branch guidelines include a series of recommended questions, together with a more detailed tabulation covering particular works and how they are likely to impact. Also, it would have been assistive to *Tanner Architects* to be able to refer to a Conservation Management Plan (CMP) for the building. The significance and extent of changes proposed, now and likely in the future, warrants a comprehensive CMP to guide the present and future works. It is recommended that a CMP be prepared as part of the DA Conditions of Approval.

Comment: The applicant believes that this level of documentation is warranted for this building and further investigation of the significance of the building would likely indicate that the cultural significance outweighs the architectural significance of the building. A Management Plan is therefore recommended for the ongoing uses and protocols for ongoing maintenance of the building.

Regarding the Proposed Change of Use

- The proposed change of use to teaching and occasional community events is appropriate. The building has a small residential unit which is also appropriate for a small number of short stay visitors.

Regarding the Demolition Works

The extent of proposed demolition is relatively limited as compared to the extent of general refurbishment proposed. However, the significance of the areas of demolition are uncertain without a CMP as a point of reference. As such the following comments are based on an objective architectural viewpoint only:

- Demolition of the rear “ancillary wing” to accommodate an access lift and new staircase. The loss of the rooms at 3 levels and insertion of the lift and stairs is probably the most invasive work as part of the refurbishment. The rooms appear to be highly intact and in good condition. At least one room retains original window joinery in its original stained finish. However, the proposed work appears to be essential for re-use and re-occupation of the building and the proposed location is relatively discretely located at the rear of the building. But the design and location of the lift shaft together with its bulky rooftop plant room will visually intrude on this courtyard - if this intrusive aspect could be reduced the ‘sacrifice’ of this section of the building would be less of an impact. It would be interesting to know whether other design options had been initially considered in the design stage by the architects, such as (i) designing the lift as a more free-standing glazed element on the northern boundary wall of the courtyard and the proposed stairs on the southern side of the lift which would have then contributed some visual activity to the courtyard, as opposed to the blank 3 storey lift shaft (ii) alternative lift mechanisms to reduce the height of the shaft over-run (iii) reducing the height of the proposed roof top plant room below the ridge line of the existing roofs or relocating more of the plant room to existing roof spaces (iv) alternative external finishes. Also, it is unclear from the architectural drawings and site inspection of the laneway elevation (ref section A) as to the extent of the existing brick wall (and existing original windows) to be retained on the laneway. It is also recommended that bricks generally be dismantled (rather than demolished) and recycled, if practicable, as part of the proposed works.

Comment: This part of the building is only 2 storeys and the replacement building is 2 storeys. The lift and stairs that are to be constructed within the new wing are essential to provide equitable access to the building- linking as many of the disparate parts of the building as possible. The design of the lift will not project past the roofline; the lift shaft will be a glass wall instead of black walls facing the courtyard. The plant room louvers have also been reduced in height to sit below the existing ridge levels.

- Demolition of the two-storey timber verandah and stairs to the basement level within the rear courtyard noted above. The history and significance of these elements are uncertain. Both appear to be early or original elements. The reason for their demolition is uncertain and not discussed in the documents. The architectural drawings suggest that both elements could be retained without compromising the courtyard. The existing timber glazed door at 1F is not proposed to be bricked-up. I

would recommend that the option of their retention be initially reconsidered but, if it is impossible for both to remain and supported by the appropriate heritage assessment, they be recorded and dismantled.

Comment: The existing verandah and stairs in the courtyard is to be removed as it is in a poor condition and serves minimal purpose for the ongoing operation of the building. The new courtyard will be more beneficial to the new educational use.

- Demolition of elements at front entrance on Mort Street. The demolition of the existing ramp will improve the entry from Mort and Bridge Street. However, the associated demolition work in the entrance foyer involves removal of a portion of the original timber panelled screen on the western side of the foyer to create an open reception area. The panelling is part of the distinctive, decorative wall treatment on each elevation of the foyer and should be retained. It appears to be original fabric and the opening up of the wall will break the continuity of the wall treatment in this space. It is recommended that options be explored to retain the panelling.

Comment: Significant parts of the foyer panelling will be retained and repaired. The retain panels will give a good indication of the former character of this space.

- Demolition of miscellaneous external elements including external fire stair and brick wall in the north eastern 'courtyard'. The loss of the existing fire escape will improve the appearance of this elevation but the brick boundary wall appears to be an original element; although already apparently altered in sections. The drawings appear to show that the entire wall in this corner will be demolished. The reasoning is unclear other than to open up this space. Perhaps it is possible to retain the middle section of this wall to give some definition to the former presence of the courtyard. It is recommended that options be explored to retain a section of the wall.

Comment: The existing boundary wall in the eastern court is proposed to be removed to show more of the eastern side of the building to the new landscaped areas. This is so that the building is more engaged and connected to the outdoor area. Some residual parts of the wall at the western end will be retained.

- Demolition of the internal walls of the residential unit. It appears that most walls of the residence are to be demolished and the unit reconfigured. However, the significance of the residence is uncertain without a CMP as a point of reference. The interior of the unit is typical of the early 20th C residential scale, layout and finishes and contributes to the overall character of the CHMI in its modest way. It would be preferable for some of the basic layout and configuration to be retained but, if necessary, with widening of existing doors and walls to achieve the desired new layout. This could involve retaining the hallway and opening the wall below the existing picture rail to the new kitchen on the left and retaining the doorways and timber cupboard at the end of the hallway. This would allow the battened ceilings to remain largely as is. Existing timber doors, frames and architraves could be reused / recycled within the unit. Also, the loss of the fireplace in the end room will impact on the Mort Street elevation with the proposed demolition of the brick and sandstone chimney. It is recommended that options be explored to retain some of the layout and particularly the fireplace and chimney. It is possible that earlier finishes may be discovered below the existing carpet which should be recorded if found.

Comment: The use of this part of the building will be retained and the use will continue. The loss of the fireplace and chimney will be offset by the retention of the remaining chimneys in the main part of the building. The loss of one chimney will not

diminish the presentation and heritage reading of the building when viewed from Mort Street.

- Partial demolition of the main roof to accommodate the proposed mechanical dormer roof vents. These dormers will not be visible from principle view angles and presumably will be tiled reusing the tiles from the demolished rear ancillary wing.

Comment: The dormers will now be constructed using metal cladding, corrugated colourbond, to avoid confusion of the original and new elements. The colour recommended will be either woodland grey or another dark/recessive grey colour.

- Removal of all timber windows and replacement with double glazed units. This issue is briefly noted in conflicting way in the SoEE and HIS. The HIS notes that only deteriorated and damaged windows are to be replaced (ref p8), while the SoEE notes that (all?) windows are to be replaced (ref p32). This should be clarified. There are some important windows in the larger spaces, such as those fronting to Mort and Bridge Street, that should be retained. It would be interesting to know whether other design options had been initially considered in the design stage, such as retro-fitting double glazing to the windows as most of the windows have deep reveals within the walls.

Comment: The thermal and acoustic performance of the windows is critical to the success of sustainable initiatives. Key constraints for the windows include:

-The building is located in the cold climate zone and requires sealed double glaze to comply with Section J of the Building Code of Australia.

-the acoustic performance of the windows is essential for teaching purposes, particularly on Mort Street. Double glaze or the use of multiple panes of thick laminated glass is essential.

-The existing windows comprises of 3mm thick float glass in most rooms, have poorly sealed timber frames which does not satisfy thermal or acoustic performance.

-The retrofitting of an internal sash would improve the performance of the existing windows but does not meet the BCA requirements. Condensation would also develop in the cavity.

It is recognised that the timber framed windows is critical to the heritage values of the building therefore the new double glazed seal units will be installed within timber framed windows. This will match the profile and dimensions of the existing windows.

- It is recommended that a comprehensive photographic archival record be carried out prior to commencement of demolition and building works. A copy of the study should be lodged with Council and the Local History Group (Eskbank).

Comment: Archive reporting will be undertaken prior to construction.

Regarding the Proposed Internal Works

- The proposed internal changes, apart from those noted above, are largely functional and for the most part relatively minor in the wider opportunity of re-occupation and re-use of this building. Both the SoEE and HIS state that '*significant internal fabric and elements that give the building character are to be retained and protected*' which is positive as there are highly significant decorative ceilings through the building. The SoEE notes that it is only the lower floor that will require fire treatment (intumescent paint) to achieve the appropriate fire safety upgrade.

Comment: It is no longer proposed to use intumescent paint to the pressed metal ceilings and a fire engineered solution has been developed to address this issue.

Regarding the Proposed Signage

- The proposed signage appears relatively discrete with signage particularly noted at the front entrance and laneway access. The proposals are to retain the existing CHMI signage on the Mort Street corner which is a positive suggestion. However, the architectural drawings suggest that 'building identification signage' is proposed for the eastern end of the Mort Street. Details of this signage should be clarified.

Comment: The eastern building signage is proposed to give identity to the new University use of the building and connects the new facility to the carpark.

Regarding the Landscaping

- The proposed landscaping appears understated and restrained. The perspectives suggest the use of brickwork for the exposed retaining walls to ramps and stairs which is positive. The choice of colour and texture of new brickwork should match that of the existing building. The drawings also suggest that some brick pedestal seating is proposed in a robust way within the courtyards which is also positive and will relate well to the character of the building generally.

- The proposed open palisade style metal fence on Mort Street is appropriate. It is assumed that it will be similar to typical school boundary fencing?

Comment: The new palisade fencing to Mort Street is a proprietary fence system. It uses flat steel bars and hollow section posts.

In conclusion, the proposed refurbishment is a positive opportunity both for Lithgow and the CHMI. The reoccupation of the building for teaching and education is an excellent outcome for this key historic building on this landmark street corner. There will inevitably be essential changes to the building to enable this adaptation and the current proposals appear to be relatively sensitive to the key aspects of the building.

However, as noted above, it would be to Council's long-term benefit to commission a conservation management plan for the property to ensure that an appropriate response to the significant aspects of the building can be assured into the future.

ADJOINING NEIGHBOURS

During the notification period, 1 submission was received from the Lithgow Musical Society who had concerns in regards to the access way leading from the proposed carpark to the walkway between the Theatre and the Hoskins Building.

It is noted that the walkway encroaches onto Lot 2 (where the theatre is located). The Musical Society was hoping to utilise the rear of the theatre to add additions to the building for the storage of their proposal, dressing rooms etc.

The Musical Society suggests that the access ramp be realigned so that where it crosses Lot 2, it is limited to an area parallel to the southern boundary of Lot 2, possibly 2500mm wide (similar to the width of the current walkway). From this recommendation it would allow the theatre to be preserved for any future expansions.

Comment: New plans were submitted after the notification period which showed that the ramp was modified to take into consideration the future possible expansion of the Union Theatre. The new plans show the ramp to be 6m from the Union Theatre and located within the current unformed laneway.

5.3.9 The public interest

The benefits associated with the development include:

- Supporting local economic growth,
- Provide a pathway to tertiary education and
- Provide local employment.

As such the development would benefit the public.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA 076/12 is approved subject to conditions set out in Schedule A.

Report prepared by:.....Supervisor:.....

Dated:.....Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
3. A comprehensive photographic archival record be carried out prior to commencement of demolition and building works. A copy of the record should be lodged with Council and the Local History Group (Eskbank).
4. The layout and works of the educational facility and car park shall be as shown on the Site Plans prepared by tanner Architects (Job No. 120171, Dwg. No. AR. DA.000; Rev. A; dated 10/04/2012) and the Landscape Plan prepared by Aspect Studios Pty Ltd (Dwg No. DA-01, Rev. E, dated 17 May 2012). Any revised layout or works of the development shall be agreed to by the Sydney Catchment Authority.

Contamination Report and Remedial Action Plan

5. As detailed in the Phase 2 report further investigation is required to determine the status of the contamination and to determine if there is a potential for offsite migration of groundwater contamination.

Following the investigations recommendation of the preferred remediation shall be submitted to Lithgow City Council for approval prior to construction of the carpark.
6. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use
7. Remediation and validation works must be carried out in accordance with remediation plan prepared by the consultant. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.
8. Any new information which comes to light during remediation, demolition or construction works

which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

9. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA and to Lithgow City Council prior to an Occupation Certificate being issued. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
 - (a) describe and document all works performed;
 - (b) include results of validation testing and monitoring;
 - (c) include validation results of any fill imported on to the site;
 - (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
 - (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
 - (f) confirm whether the goals set in the RAP have been achieved.

Contamination Management of Proposed Car Park Site

10. Any sewer overflow or leakage upstream of the mains connection or boundary trap shall be immediately repaired to ensure there is no contamination associated with sewage on the site. This condition is subject to Council's responsibility (being the landowner) for such repairs.
11. A second round of groundwater monitoring shall be undertaken as recommended in the Phase 2 Contamination Assessment Report prepared by Douglas Partners (dated June 2012).
12. An appropriate contamination management strategy including environmental management plan or remediation action plan as specified in the Phase 2 Contamination Assessment Report prepared by Douglas Partners (dated June 2012) shall be developed in consultation with the Sydney Catchment Authority prior to the commencement any works on the proposed car park site.

PRIOR TO AND DURING COMMENCEMENT OF CONSTRUCTION

13. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
14. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
15. Prior to the commencement of any works on the land, a single vehicle/plant entry/access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the site 6m or shaker grid, is to be provided as a minimum requirement.
16. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.

- b. Stating that unauthorised entry to the work site is prohibited and
- c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

17. The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
18. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook). All haul roads and construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.
19. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
20. Prior to the commencement of any works on the land a detailed demolition work plan (or waste management plan) designed in accordance with Clause 1.7.3 of AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance, quantity and type of materials, recycling of materials and the disposal methods for materials including hazardous materials.
21. Certification from an Approved Practising Structural Engineer (if applicable) is to be submitted to Council prior to the commencement of building works if a part of a structure is to be demolished or removed. Structural certification must indicate that the remainder of the building will be temporarily supported in a manner adequate so that the amenity of the adjoining/surrounding buildings and occupants will not be affected by demolition works. Structural certification is required for demolition works affecting an adjoining building/structure.
22. An appropriate fence preventing public access to the site shall be erected for the duration of the demolition works.
23. Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
24. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works
25. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - a) Pier holes/pad footings before filling with concrete.
 - b) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - e) Slab base if no piers required and prior to placement of the membrane.
 - f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.

- g) Framing when external wall and roof cladding is in place and prior to internal linings.
- h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- i) Wet area flashing prior to tiling or covering.
- j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

26. To ensure compliance with Australian Standard 3500 – National Plumbing and Drainage and Council (being the Water and Sewer Authority), compliance certificates are to be issued by Council only for the following:

- a) Internal drainage carried out by licensed plumber prior to covering.
- b) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- c) Hot and cold water plumbing installation

Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.

27. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

28. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Engineering Requirements

29. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

30. Internal trafficable area is to be constructed of full-width, 150mm thick, unreinforced concrete, having a characteristic strength of not less than 25MPa. Expansion joints are to be provided using 9mm thick bitumen impregnated filler boards. Alternatively, plain or coloured asphaltic concrete (hotmix) of 40mm thickness laid over 100mm compacted roadbase; 140mm thick asphaltic concrete; or paving bricks or blocks of minimum 65mm thickness laid in stretcher bond, herringbone or basket weave pattern to manufacturer's recommendations may be used, with a 150x150mm concrete edge each side.
31. Car parking spaces shall be created and defined by line-marking and appropriate signage, including an allocation for disabled parking, in accordance with Lithgow City Council's off-street car parking development control plan.
32. **Parking for People with Disabilities:** Parking spaces for disabled persons are to be provided and signposted in accordance with the requirements of Section 2.4.5 of the Australian Standard AS 2890.1. Clear access from these car parks to the building/facility being served must be provided. Where spaces are provided under cover, vertical headroom clearance must be designed in accordance with Section 5.3.2 of AS 2890.1.

Stormwater and Drainage

33. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

Stormwater Management for the Proposed Car Park Site

34. The stormwater collection, treatment and management measures shall be implemented as specified in the Stormwater Management Report (dated September 2012) and shown on the Site Works and Stormwater Drainage Plans and Details (Dwg. No. MMD-306403-C-DR-CC-04, MMD-306403-C-DR-CC-06 to 08, Rev O, dated 31.08.12) both prepared by Mott MacDonald, in particular as elaborated below. This is to be implemented by the applicant and would be managed in the future by Council (being the landowner).
35. The car park shall be constructed so as to drain all stormwater runoff via a series of stormwater pits and pipes to the following:
 - a gross pollutant trap (equal to Humegard HG12)
 - an oil and silt arrestor (equal to Humeceptor STC2)
 - an onsite detention tank with a minimum capacity of 23 cubic metres, and
 - discharge to the council stormwater drainage system in the north east.
36. There shall be no treatment or disposal of stormwater by infiltration methods on the site.

Operational Environmental Management Plan

37. An Operational Environmental Management Plan (OEMP) shall be prepared that details the nature and location of all stormwater management measures, including the pits, pipes, gross pollutant trap, oil and silt arrestor, on-site detention tank, and specifies the requirements and responsibilities for their inspection and maintenance. The OEMP shall be developed in consultation with the Sydney Catchment Authority and Council within three months of granting the modification approval.

Works to Union Theatre Building

38. Prior to removal of:
 - a. the eastern-most door within the southern external wall serving as a required exit from the Union Theatre auditorium;
 - b. and the associated external path of travel to the Bridge Street alignment,

the Union Theatre building is to be upgraded in accordance with the recommendations of the AE & D Consulting Egress Assessment Report dated 21st June 2012.

In this regard the applicant is to enter into an agreement with Council, prior to the commencement of any work, to ensure that agreed fire safety upgrading works are implemented by the applicant to Council's satisfaction and at no cost to Council.

Excavation and Construction Activities

39. A detailed Erosion and Sediment Control Plan (ESCP) shall be prepared for all excavation and construction works for the car park site, by a person with the experience in the preparation of such plans. The detailed ESCP shall incorporate the elements of the Soil and Erosion Control Concept Plan prepared by Mott MacDonald (Dwg. No. MMD-306403-C-DR-CC-05, Rev O, dated 31.08.12) and be consistent with the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual – the "Blue Book".
40. The excavation and construction works for the car park site shall also be carried out in accordance with the EPA's Environmental Guideline Assessment Classification & Management of Liquid and non Liquid Wastes (1999) and shall implement the following specific requirements in relation to the excavation or disturbance of potentially contaminated soils on the site:
- fence off the perimeter of the construction area, surrounded the site by suitable erosion and sediment controls, and have a stabilised entry point for the entry and exit of machinery
 - test excavated materials for contaminants as defined by the Department of Environment & Climate Change <http://www.environment.nsw.gov.au/clm/servicestation.htm>, and dispose of contaminated material at a properly licensed facility as soon as possible
 - ensure temporarily stockpiled material is located within the construction area, is underlain by plastic and covered by weighted or heavy plastic to avoid wind or water erosion
 - ensure that all stormwater drains and inlet points that drain from the construction site are covered with geotextile fabric and surrounded by silt socks or protected by other sediment control measures as appropriate
 - ensure that sediment management measures for stormwater drains and inlet points on the site that drain from the construction site are checked and maintained weekly and cleaned as necessary following rainfall events
 - ensure that appropriate measures are taken to minimise the infiltration of stormwater into the subsurface soil during the excavation and construction phase at the site, and
 - ensure that the construction site is cleaned up at the end of each day.
41. Effective erosion and sediment controls shall be installed prior to any demolition and construction activity and shall prevent sediment or contaminated water leaving the site or entering Council's stormwater system, and shall be regularly maintained and retained until the works have been completed.

PRIOR TO USE/OCCUPATION

42. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
43. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the current Fire Safety Schedule for the building must be

certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standards specified.

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:

- (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

Fire Safety Upgrading Works to Charles Hoskins Memorial Building

44. Prior to the issue of an occupation certificate, the existing building is to be upgraded in accordance with the recommendations of the:
 - a. AE & D Consulting BCA Compliance Assessment Report dated 21st June 2012; and
 - b. AE & D Consulting Fire Engineering Report dated 28th June 2012.

POST OCCUPATION

Noise

45. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
46. The use of the premises including music and other activities shall not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

47. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above

the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

48. When amplified music of musical instruments are played within the lecture theatre all doors and windows shall be closed.
49. The L_{A10} noise level emitted while entertainment is being provided (as determined in accordance with Australian Standard AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*) must not exceed the ambient background noise level (L_{A90}) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB:
- (a) at the boundary of the lot on which any residential accommodation is located, and
 - (b) if the existing building is on the same lot as (but not in) a building containing any residential accommodation—on the outside wall of the building containing that accommodation, and
 - (c) if the existing building contains any residential accommodation—within the residential premises concerned.

Subclause (a) does not apply in relation to any boundary of the lot on which the existing building is located unless that boundary is shared with another lot on which residential accommodation is located.

Waste Management of Proposed Car Park Site

50. All hazardous chemicals located or stored on the proposed car park site shall be classified in accordance with the Department of Environment, Climate Change & Water NSW Waste Classification Guidelines Part 1: Classifying Waste (2009) and disposed of at an appropriate licensed facility.

ADVISORY NOTES

Building Code of Australia Compliance

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Construction Certificate

- AN2. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

Other Matters

- AN3. The laboratory may create waste therefore an application for Trade Waste will need to be submitted to Council for approval within 3 months of the date of this consent.