

DEVELOPMENT ASSESSMENT REPORT - DA193/14

PROPOSED ADDITIONS TO THE REAR OF THE UNION THEATRE, BRIDGE STREET LITHGOW NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA193/14 from LITHGOW CITY COUNCIL for ADDITIONS TO THE REAR OF THE UNION THEATRE on land known as Lot 2 DP 1077295, BRIDGE STREET LITHGOW NSW 2790.

The proposal is for a two storey addition at the rear of the Union Theatre to allow for the construction of dressing rooms and a back stage area. Minor internal alterations are also proposed to be undertaken.

The statement of Environmental Effects states that the proposal involves:

Existing stage front:

- *Provide a low rise chair lift to the front of the stage.*

North wing of the building:

- *Remove rear window and retain for reuse within the new additions;*
- *A new door is proposed to replace a window opening;*
- *Widen existing north door to provide for piano access to new store.*

South wing:

- *Remove rear window and retain for reuse within the new additions;*
- *A new door is proposed to replace a window opening.*

Existing steel stairs to North deck:

- *To be relocated in new work.*

Lower floor area:

- *Remove existing entry doors and retain opening;*
- *Partition walls to provide for male and female dressing rooms;*
- *Remove existing partition walls.*

Works to be added to the rear area include:

- *Upper level addition of makeup room, green room, unisex toilets (x2 including an accessible toilet) and scene storage room.*
- *Lower level addition of locker room, unisex (x2) toilets/shower and storage area;*
- *Interconnecting lift and stairs.*

The lower level is proposed to be built of a selected bagged render finish, while the upper level is proposed to be built from corrugated galvanised iron.

The Union Theatre is connected to the adjoining building, being the old Hoskins Institute, which the Lithgow Musical society previously utilised for their change rooms and props. The University of Western Sydney now occupies the building, after upgrade works were undertaken. As the space within the old Hoskins Institute is now

unavailable, the Union Theatre requires the proposed additional works to help sustain the ongoing use.

Refer to the photo below showing the rear of the Union Theatre:



2. SUMMARY

To assess and recommend determination of DA193/14. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 2 DP 1077295
Property Address : BRIDGE STREET LITHGOW NSW 2790

4. ZONING: The land is zoned 3 Business in accordance with Lithgow City Local Environmental Plan 1994.

5. PERMISSIBILITY: The development being a *'place of assembly'* is considered permissible under Lithgow City Council's Local Environmental Plan 1994 under Clause 9, subject to development consent.

The development was submitted prior to Council's current Local Environmental Plan (LEP) 2014 being gazetted.

Clause 1.8A under Council's Draft Local Environmental Plan 2014 states:

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Although the development was submitted prior to the gazettal of Council's LEP 2014, the development assessment took into consideration both Council's LEP 1994 and the Draft LEP 2014. Due to the timeframe of the gazettal of the Draft LEP 2014 and the submission of the application, considerable weight was given to the Draft LEP 2014 for the assessment of this application.

As such, the development is permissible under Council's Draft Local Environmental Plan 2014 as the property is zoned B2 Local Centre.

The development would allow the continued use of an existing building to be utilised by the community.

A full assessment of the permissibility in relation to the LEP's is found later in this report.

The Environmental Planning and Assessment Model Provisions 1980 defines the development as:

Place of assembly means a public hall, theatre, cinema, music hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's Policy 7.6 – *Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is 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)

Lithgow Council's Section 94A Contributions Plan 2012

Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

(h) An application for or on behalf of Lithgow City Council for community infrastructure such libraries, community facilities, child care facilities, sport and recreational facilities, recreational areas of carparks.

Comment: The Union Theatre is used by the community for various functions and events including the Lithgow Musical Society.

As such, the development is considered to be exempt from Section 94A contributions.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

88B (easement)

An 88B covenant relates to the property which identifies easements and restrictions. There are two easements on the property, 1 is for a 3m right of carriageway and the other is for a 1m wide encroachment between structures. The easements and restrictions are identified in the table below:

		<i>Lot Burdened</i>	<i>Lot Benefited</i>
<i>1. Identity of Easement firstly referred to in the plan:</i>	<i>Right of Carriageway 3m wide</i>	<i>Lot 1</i>	<i>Lot 2</i>

2. Identity of Easement secondly referred to in plan	Easement to permit encroaching structure to remain 1m wide	Lot 2	Lot 3
3. Identity of Positive Covenant thirdly referred to in plan	Positive Covenant: The registered proprietor of the lot burdened shall subject to normal wear and tear maintain the building erected thereon and known as "The Tin Shed" in good and sound condition and to a standard in conformity with the conditions set out in Development Consent No. 507/03 issued by Lithgow City Council and in conformity with the Conservation Management Plan prepared by R. Christison referred to in such Development Consent, so as to maintain the heritage significance of the building.		

Comment: The development is not proposed to impact the right of carriageway as all structures would be wholly confined to Lot 2.

The easement between Lot 2 and Lot 3 would not be impacted upon by the proposed development as the proposed additions are at the rear of the Union Theatre on Lot 2. The Union Theatre is owned and managed by Council. The 'Tin Shed' is privately owned and therefore the positive covenant does not apply to this development.

Heritage Act 1977

The development is heritage listed under Council's LEP 1994 and Council's Draft LEP 2014. The development is considered to comply with the Heritage Act 1977 as a Statement of Heritage Impact was submitted with the application and referred to Council's Heritage Advisor for Assessment. Council's Heritage Advisors comments and further Heritage implications are more detailed later in this report.

Local Government Act 1993

If this application is approved, the applicant must obtain a Section 68 approval 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 Construction 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".

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
9 3 zoning table	Yes
23 Demolition control in the Business Zone	Yes
Part 4 Heritage provisions	Yes

Comment: The proposed development is consistent with the zone objectives which includes:

1 Objectives of the zone

The objectives of the zone are:

- (a) To encourage a range of retail and commercial uses within the central business district,*
- (b) To encourage high density residential development in conjunction with business development, and*
- (c) To accommodate retail, commercial and allied services within the City.*

The development is not expected to impact the surrounding businesses in the area as the additions would provide a place for the community to utilise. The development is also expected to encourage the community to utilise the surrounding businesses.

The building is identified as being a heritage item under Council's Local Environmental Plan 1994. A Statement of Heritage Impact was submitted with the application and states:

The Union Theatre is of high local heritage significance as a landmark local Victorian Theatre building that has had a significant role in the civic life of Lithgow for over 120 years.

The proposal to upgrade the back stage area will enable on going viable use as a theatre after access to previous backstage area was removed. The consistent design language will ensure the contribution of the building to the surrounding area will retain its significance.

The additions have been designed to be in keeping with the styling of a Victorian Theatre building.

The development was referred to Council's Heritage Advisor who has no objection to the development. Council's Heritage Advisor's comments are found later in this report.

The development is considered satisfactory for the property and complies with Council's LEP 1994.

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

Comment: The application is required to be assessed using Module 1 of the Neutral or Beneficial Effect on Water Quality Assessment Tool - see below.

Neutral or Beneficial Effect on Water Quality Assessment Tool

General Information

Council Name	Lithgow City
Date	14 July 2015
DA Number	DA193/15
Assessing Officer	Lauren Stevens
Development Class	Tourism/recreation/religious/education

Assessment Summary

NorBE Status: **Determined**
 System Outcome: **Satisfied** User Outcome: **Satisfied**
 SCA concurrence outcome: **Granted**
 Determination outcome: **Granted** Determination date: 14/6/2015

Pre- Assessment Checklist

Within Sydney Drinking water catchment **Yes**
 SCA S88 Instrument **NA**
 Crown Leasehold **No**

Module 1

Water Quality Impact **No**
 Concentration of flow of water **No**
 Flow of water impeded **No**
 Discharge of pollutants **No**
 Any other matter **No**
 Documentation is complete **Yes**
 Does Water Cycle Management Study meet SCA/Council requirements **Yes**

Description: Addition to the Union Theatre with a roof area of approximately 100m², stormwater discharged to a drainage system and connected to Council's sewer. No water quality impacts are considered to be affected.

State Environmental Planning Policy (Infrastructure) 2007

SEPP(Infrastructure) 2007 – Compliance Check		
Clause		Compliance
45	Determination of development applications—other development	Yes

Comment: The above clause applies to a development application for development comprising or involving any of the following:

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out:

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line.

No easements are shown on the Deposited Plan with no electricity distribution pole or tower identified to be located in the vicinity of the development. There are also no exposed overhead power lines identified. The closest overhead power line to the building is located in Mort Street, on the other side of the University of Western Sydney. This is located over 5m from the development.

Lights to the University of Western Sydney's carpark and footpath are internal and not managed or controlled by an electricity authority.

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

Lithgow Draft Local Environmental Plan 2014

Lithgow Draft LEP 2014 – Compliance Check		
	Clause	Compliance
Part 2	B2 Local Centre zoning table	Yes
5.10	Heritage Conservation	Yes
Schedule 5	Heritage Items	Yes

Comment: Although the development was submitted prior to the gazettal of Council's LEP 2014, the development assessment took into consideration Council's Draft LEP 2014. Due to the timeframe of the gazettal of the Draft LEP 2014 and the submission of the application, considerable weight was given to the Draft LEP 2014 for the assessment of this application.

The proposed development is consistent with the above zone objectives. The objectives of the zone are:

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain the built integrity of the area by enabling development that is sympathetic to the heritage character and significance of the area and surrounding streetscape and features.
- To maintain or improve the water quality of receiving water catchments.

The development would allow the continued use of an existing building that serves the community. Employment opportunities would be available during the construction works with surrounding businesses expected to benefit from the building usage. The

Union Theatre is located within walking distance to the Lithgow Train Station, bus stops, taxi ranks and Lithgow's Main Business Centre. The proposed additions would maintain the heritage significance of the building and surrounding landuses. The development is not considered to impact the water quality in the area (refer to the Norbe assessment).

The objectives of Clause 5.10 Heritage Conservation are:

Objectives

The objectives of this clause area as follows:

- (a) To conserve the environmental heritage of Lithgow,*
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) To conserve archaeological sites,*
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

The building is identified as being a heritage item under Council's Draft Local Environmental Plan 2014. A Statement of Heritage Impact was submitted with the application. The Statement of Heritage Impact states:

The Union Theatre is of high local heritage significance as a landmark local Victorian Theatre building that has had a significant role in the civic life of Lithgow for over 120 years.

The proposal to upgrade the back stage area will enable on going viable use as a theatre after access to previous backstage area was removed. The consistent design language will ensure the contribution of the building to the surrounding area retain its significance.

The additions have been designed to be in keeping with the styling of a Victorian Theatre building.

The development was referred to Council's Heritage Advisor who has no objection to the development. Council's Heritage Advisor's comments are found later in this report.

The development is considered satisfactory for the property and complies with Council's Draft LEP 2014.

5.3.3 Any Development Control Plan

Council's Outdoor Advertising DCP

Council's Outdoor Advertising DCP – Compliance Check		
	Clause –Design Controls-Commercial	Compliance
Size of Signs	No specific size limit will be applied	NA
Number of Signs	-One as of right sign will be permitted per premises providing it complies with the requirements of this plan - Generally no more than 2 signs shall be erected above an awning of a premise. This includes 1 as of right sign. Signs shall not be erected directly on top of an awning.	NA
General	-Signs that detract from the architectural appearance of a building will not be permitted. -Pole or pylon signs shall be no higher than 6 metres.	NA

Comment: It is to be noted that no signs are proposed as part of this application. One sign exists on the front of the existing building facing Bridge Street. The sign is a building identification sign that states 'Union Theatre'.

The development complies with Council's Outdoor advertising DCP.

Council's Off Street Carparking DCP

Council's Off Street Carparking DCP – Compliance Check		
	Clause	Compliance
Place of Assembly (includes Theatres, concert halls, cinemas and similar uses	1 Space per 10 seats or 1 space per 6.5m ² of GFA whichever is greater.	No

Comment: No off street parking is available on the property. The Union Theatre has existed on the property for many years and is regularly used by members of the community.

Although there is no off street carparking available on the site, Council's public carpark is located adjacent to the building on Main Street Lane. The majority of the time, the Union Theatre is used at night time after 5pm and on the weekends when the surrounding businesses are closed and carparking spaces are available within the surrounding streets and carparks.

2 Disabled car parking spaces are also located in front of the Union Theatre.

The Union Theatre is located within walking distance to the Lithgow Railway Station, bus stops, taxi ranks and Lithgow's Main Business Centre.

As the proposed additions is for an upgrade of an existing building (includes additional backstage space, dressing rooms and bathroom facilities) and due to the above justifications, the development is considered to be suitable for the site and is not required to provide off street carparking.

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 proposed additions would be required to comply with the Building Code of Australia and the Australian Standards relating to the fire upgrade and safety of the building. Council's Building Suvaylor has provided comments and conditions to the requirements. These are found later 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, Transport and Traffic: Pedestrian access would be retained via the front entrance of the existing building from Mort Street. Side entrances and emergency exits are also available throughout the existing building and proposed additions.

The proposed additions are not expected to increase the traffic volumes in the area as the proposal is for minor external and internal works to an existing building that is currently utilised by the community.

Although there is no off street carparking available on the site, Council's public carpark is located adjacent to the building on Main Street Lane. Majority of the time, the Union Theatre is used at night time after 5pm and on the weekends when the surrounding businesses are closed and carparking spaces are available within the surrounding streets and carparks.

2 Disabled car parking spaces are also located in front of the Union Theatre.

The Union Theatre is located within walking distance to the Lithgow Railway Station, bus stops, taxi ranks and Lithgow's Main Business Centre.

Access, transport and traffic is considered to be satisfactory for the development with the pedestrian access and surrounding roads not required to be upgraded as part of this application.

Adjoining Landuse: The former Hoskins Institute (now the University of Western Sydney) is located on the southern side of the property with the carpark located on the eastern side. The building was refurbished by the University approximately 2 years ago and kept the heritage exterior of the building. An Application has recently been approved by Council for the reuse of the Tin Shed on the northern side of the development to be utilised as a restaurant/cafe. Adjacent to the Union Theatre is the Lithgow Court House and the Court House Hotel.

The proposed additions are not expected to impact adjoining properties in regard to privacy views and overshadowing.

The development is considered to have minimal impact to the surrounding heritage buildings as the proposed additions are at the rear of the existing building and would include materials to keep with the authentic view of the streetscape. The design of the building additions is proposed to compliment the heritage nature of the area.

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

Bushfire: The land is not bushfire prone with no other natural, industrial and technological hazards identified as applying to the land.

Services: Electricity and telephone services are connected to the existing building on the property and would be able to be connected to the proposed additional works.

The building is connected to Council's Water and Sewer services. The development was referred to Council's Water and Waste Water Officer as the proposed additions include new amenities for performers. These comments are found later in this report.

Roof water drainage will have a runoff into the existing stormwater system. This is considered satisfactory for the development.

Streetscape and Design: The proposal will not impact on the street frontage, that being Bridge Street, as the proposed additions are to be located at the rear of the existing building. The proposal will improve the rear views of the current building that are prominent from Mort Street. The University carpark, entry and landscaping features are located between the Union Theatre and Mort Street. This is considered to prevent direct views to the proposed additions.

Landscaping and lighting is currently provided between the University footpath that leads onto the carpark and the Union Theatre. These will be required to be removed and relocated for the proposed building additions.

It is to be noted that the lights to the University of Western Sydney's carpark and footpath are internal and not managed or controlled by an electricity authority.

As such the following conditions would be included on the consent:

Landscaping and Lighting

1. All planting and lighting associated with the University of Western Sydney is to be relocated. Lighting is to be provided for safety and security purposes for the carpark and footpath. The relocation of the planting and the lighting is to be in consultation with the University of Western Sydney.

2. Prior to construction of work, the underground electricity easements located at the rear of the Union Theatre and that is currently being provided for the lighting of the footpath and carpark is to be identified on a plan and removed/relocated by a licensed electrician.

Context and Setting: The proposed development will be located within an established business zone. It is considered to have a positive impact on the context and setting of the area. The development has been designed to complement existing features of the existing building and surrounding developments in the area.

Waste: The Statement of Environmental Effects states:

The proposed works may produce the following waste products:

- *Removal of/work around asbestos in pipe work.*
- *Paint removal (led).*
- *Minor brick removal under window sills, widening doors etc.*
- *Spoil from excavation.*

Specifications are included in the submitted plans and would be carried out in accordance with Occupational Health and Safety Standards.

This is considered satisfactory for the development. A condition would be placed on the consent to ensure that all wastes are taken off-site and disposed of at Council's Landfill.

Water: There will be no significant impact on water resources.

Soils: The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems.

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

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally on the development. The proposal will further not cause any noise issues except during construction works.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instruments and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

The development is expected to have a positive social and economic impact as it would provide employment during the construction works to local contractors and businesses. The development would further allow for the continued use of an existing building for a variety of community functions.

Heritage: The Union Theatre is a heritage listed item under Council's Local Environmental Plan 2014. A Statement of Heritage Impact was submitted with the application and stated the following significance of the building:

The Union Theatre is of high local heritage significance as a landmark local Victorian Theatre building that has had a significant role in the civic life of Lithgow for over 120 years.

The proposal to upgrade the back stage area will enable ongoing viable use as a theatre after access to previous backstage area was removed. The consistent design language will ensure the contribution of the building to the surrounding area retain its significance.

The additions have been designed to be in keeping with the styling of a Victorian Theatre building.

Some historical notes were included in the Statement of Heritage. A summary is listed below:

- The Theatre building was opened in 1891 as the 'Oddfellows Hall' that provided a place for community and worker support groups to join together to provide a welfare network system specifically to the coal mining community.
- Movies were shown at the hall from 1910 and were the first movies shown in Lithgow.
- In 1927 renovations to the hall were undertaken with the hall being renamed to the 'Union Theatre' as the hall was taken over by the Unions of Lithgow to show silent movies, meetings, concerts, dances etc.
- Over time the Union Theatre was used as a bowling alley, a clothing factory and a farm supply store.

- The hall is now owned by Lithgow City Council and used for concerts, theatre groups, meetings, dances, parties, weddings etc,

The Statement of Heritage Impact identifies previous owners of the building, surrounding landmarks, the builders who constructed the hall and photos of the building overtime. Full details of the building and a timeline as to how it has changed are also noted in the Statement of Heritage.

It is considered that the proposed development would have minor impact on the heritage significance of the building as the front façade and main hall section of the building will remain intact. The proposed additions would be in keeping with the heritage appearance as much as possible with the design, materials (e.g brickwork) being similar.

The development was referred to Council's Heritage Advisor for comments. These comments are found later in this report.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for business and community pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

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 amenity.

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

The proposal was sent to the Mine Subsidence Board (MSB), Council's Heritage Advisor, Council's Operations Department, Building Surveyor's and Council's Water and Waste Water Officer 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.

ADJOINING NEIGHBOURS

During the notification period no submissions were received.

MINE SUBSIDIENCE BOARD (MSB)

The Mine Subsidence Board has no objection to the proposed development.

COUNCIL'S HERITAGE ADVISOR

Council's heritage advisor assessed the development and made comments that were forwarded to Council's architect to revise. The comments related to the heritage conservation of the building including archaeological remains, roof design, clarification of brickwork, demolition plan, details of gutters and downpipes, clarification of elevation plans, details of flashing to chimneys, proposed brick colour, window design, design of posts, sign on the rear wall and response to OEH guideline questions.

Council's heritage advisor was satisfied with the response and has no objection to the development application subject to the following conditions being placed on the consent:

1. Assessment of the eastern façade is to be added to the Statement of Heritage Impact and is to be in accordance with the CMP. This is to be submitted to Council for approval prior to commencement of construction works.

Advisory Notes (to be made on the plans)

1. Partial demolition and extension of existing roof to match existing details (drawing 04 – rear east elevation).
2. Existing window to be retained (drawing 04 – rear east elevation).
3. New flashing materials and details for both chimneys to match existing (drawing 04 – rear east elevation).
4. Care to be taken at interface of new with old walls to minimise irreversible damage (drawing 03 – Lower level floor plan).

COUNCIL'S BUILDING SURVEYOR

Reference is made to Building and Development Officer Greg Prince's comments of 18 February 2015, Council's further info letter of 19 Feb 2015, Integrated Design's email of 2 March 2015, Council's email of 29 April 2015 & Integrated Design's letter of 1 June 2015 in respect to building compliance matters.

The Construction Certificate is now able to be finalised in conjunction with the issue of the consent.

Should the development application be approved the following conditions should be imposed thereon:

Conditions

1. The development shall take place in accordance with documentation that has been endorsed by Council's approval stamp, including any qualified supportive documentation submitted with the application, annotations/modifications as nominated by Council and the terms of this consent.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. 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 (6) months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.

Prior to the commencement of work

4. Prior to the commencement of work a Traffic & Pedestrian Management Plan prepared by a suitably qualified person is to be submitted to and approved by Council's Operations Group. This plan is to detail proposed measures to be implemented during the construction phase to protect pedestrians using Bridge Street footpath and to address any impact on local traffic/parking within Bridge Street and surrounds.
5. 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.

6. 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.

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, structural engineering details are to be submitted to and approved by Council in respect to:

- a) Structural steelwork, including steel studwork to external walls
- b) Retaining walls
- c) Piers
- d) Footings
- e) Timber floor / wall & roof framework

NB: The design is to have regard to the magnitude of individual actions as determined in accordance with the provisions of B1.2 of BCA2014 particularly in respect to wind, snow & ice actions. The subject site has an elevation of 934m AHD.

9. 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) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- e) Framing when external wall and roof cladding is in place and prior to internal linings.
- f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- g) Wet area flashing prior to tiling or covering.
- h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- i) 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.

10. 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.

11. 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

12. The construction is to comply with any requirements of the Mine Subsidence Board.

13. 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.

14. 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.

15. To ensure the additions do not encroach onto adjoining land, a Set-out Survey prepared by a registered surveyor is to be submitted to the Principal certifying authority prior to pouring concrete.

16. That truss validation details supplied by the truss manufacturer or shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (alternatively, full design details are to be submitted prior to commencement of construction).

Details shall include:

- (i) job address and builder's name;
- (ii) design wind velocity;
- (iii) terrain category;
- (iv) truss spacing;
- (v) roof pitch;
- (vi) material of roof;
- (vii) roof batten/purlin spacing;

- (viii) material of ceiling;
- (ix) job number

17. This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with structural design details prepared by a practising structural engineer.

18. That the proposed rainwater drains are connected to the existing rainwater disposal system.

19. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

Prior to occupation

20. 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.

21. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures listed in the attached Fire Safety Schedule must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire safety measures have been installed and comply with the relevant performance standard specified in the schedule.

23. 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, with a copy retained on site certifying that:

- (i) The fire and other safety measures have been maintained so as to meet the original performance design standard required; and
- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

COUNCIL'S WATER AND WASTE WATER OFFICER

Reference is made to the development application in regard to Council's Planner's referral dated 12 January 2014 and provide the following comments.

Please be advised of the following:

- NOTES OF ASSESSMENT

Therefore, there is no objection to the proposal given the following conditions of consent:

1. The developer must obtain written Section 68 approval from Council, under *section 68, Local Government Act 1993*. Prior to the commencement of any works as described below;

- Undertaking of water supply works
- Undertaking of sewerage works
- Installation, alteration, disconnection or removal of a meter connected to a service pipe

2. Approval will be required prior to commencement of any works. The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicable supporting information for the proposed works.

If your Section 68 application is approved, Council will issue you with a Section 68 approval containing conditions that must be complied with during construction.

2. The applicant is to relocate the Vertical Shaft into the property boundary on 150mm service tie and alter the existing point of connection to a Buried Vertical Riser located within the boundaries of the University of Western Sydney building site.

3. The applicant is to replace the 150mm earthenware pipe with uPVC on the sewer branch line to the point of connection.

4. The applicant is to reroute and replace the earthenware sanitary drainage with uPVC in accordance with AS/NZ 3500 Part 2.

6. The applicant is to ensure the property's water service is separate and connected to Council's water meter.

COUNCIL'S OPERATIONS DEPARTMENT

Reference is made to the Development Application dated 12 January 2015 and provide the following comments regarding the following matter of interest:

- Drainage

The following conditions should be placed on the consent:

- All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
- A construction certificate will be required to be lodged to Council prior to the commencement of any civil works.

5.3.9 The public interest

There has been no issues raised from the public regarding planning issues.

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 193/14 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Group Manager of Environment and
Development: Andrew Muir

Signed:..... Signed:.....

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. All waste that is not reused or recycled is to be taken off-site and disposed of at Council's Landfill.
3. The applicant is to submit, to the satisfaction of council, an Erosion and Sediment Control Plan in accordance with Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) Manual- the 'Blue Book', outlining the controls that will be used to prevent sediment entering dams, drainage depressions and watercourses and/or street stormwater drainage systems.
4. Assessment of the eastern façade is to be added to the Statement of Heritage Impact and is to be in accordance with the CMP. This is to be submitted to Council for approval prior to commencement of construction works.
5. 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 (6) months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.

PRIOR TO COMMENCEMENT OF WORK

Water and Sewer Connections

6. The developer must obtain written Section 68 approval from Council, under *section 68, Local Government Act 1993*. Prior to the commencement of any works as described below;
 - Undertaking of water supply works
 - Undertaking of sewerage works
 - Installation, alteration, disconnection or removal of a meter connected to a service pipe
7. Approval will be required prior to commencement of any works. The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicable supporting information for the proposed works.

If your Section 68 application is approved, Council will issue you with a Section 68 approval containing conditions that must be complied with during construction.
8. The applicant is to relocate the Vertical Shaft into the property boundary on 150mm service tie and alter the existing point of connection to a Buried Vertical Riser located within the boundaries of the University of Western Sydney building site.
9. The applicant is to replace the 150mm earthenware pipe with uPVC on the sewer branch line to the point of connection.

10. The applicant is to reroute and replace the earthenware sanitary drainage with uPVC in accordance with AS/NZ 3500 Part 2.
11. The applicant is to ensure the property's water service is separate and connected to Council's water meter.

Engineering Requirements

12. Prior to the commencement of work a Traffic & Pedestrian Management Plan prepared by a suitably qualified person is to be submitted to and approved by Council's Operations Group. This plan is to detail proposed measures to be implemented during the construction phase to protect pedestrians using Bridge Street footpath and to address any impact on local traffic/parking within Bridge Street and surrounds.
13. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Bridge Street whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
14. Prior to the commencement of any work 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.
15. 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.

Stormwater

16. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
17. A construction certificate will be required to be lodged to Council prior to the commencement of any civil works.

Building Requirements

18. 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.
19. Prior to the commencement of any works, structural engineering details are to be submitted to and approved by Council in respect to:
 - a) Structural steelwork, including steel studwork to external walls
 - b) Retaining walls
 - c) Piers

- d) Footings
- e) Timber floor / wall & roof framework

NB: The design is to have regard to the magnitude of individual actions as determined in accordance with the provisions of B1.2 of BCA2014 particularly in respect to wind, snow & ice actions. The subject site has an elevation of 934m AHD.

20. 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) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - e) Framing when external wall and roof cladding is in place and prior to internal linings.
 - f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - g) Wet area flashing prior to tiling or covering.
 - h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - i) 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.

21. 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.

22. 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.
23. 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.

24. To ensure the additions do not encroach onto adjoining land, a Set-out Survey prepared by a registered surveyor is to be submitted to the Principal certifying authority prior to pouring

concrete.

25. That truss validation details supplied by the truss manufacturer or shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (alternatively, full design details are to be submitted prior to commencement of construction).
Details shall include:
- (i) job address and builder's name;
 - (ii) design wind velocity;
 - (iii) terrain category;
 - (iv) truss spacing;
 - (v) roof pitch;
 - (vi) material of roof;
 - (vii) roof batten/purlin spacing;
 - (viii) material of ceiling;
 - (x) job number
26. This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with structural design details prepared by a practising structural engineer.
27. That the proposed rainwater drains are connected to the existing rainwater disposal system.
28. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

Hours of Operation

29. 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

Environmental Protection

30. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
31. All fill for the earthworks shall be clean material; no foreign building materials or contamination of the soil will be permissible for the filling of this land. Contamination testing maybe required to be submitted to Council for assessment and approval.

Landscaping and Lighting

32. All planting and lighting associated with the University of Western Sydney is to be relocated. Lighting is to be provided for safety and security purposes for the carpark and footpath. The relocation of the planting and the lighting is to be in consultation with the University of Western Sydney.
33. Prior to construction of work, the underground electricity easements located at the rear of the Union Theatre and that is currently being provided for the lighting of the footpath and carpark is to be identified on a plan and removed/relocated by a licensed electrician.

Prior to occupation

34. 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.

35. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures listed in the attached Fire Safety Schedule must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire safety measures have been installed and comply with the relevant performance standard specified in the schedule.
36. 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, with a copy retained on site certifying that:
 - (i) The fire and other safety measures have been maintained so as to meet the original performance design standard required; and
 - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

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 copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

WINDOW SCHEDULE

No.	TYPE	HEIGHT	WIDTH	HEAD HT	IFRAME	GLAZING TYPE
W01, 02, 03, 04, 07-15	AW	900	800	2400	AL	COMFORT SAVE 6.38mm CLEAR LAMINATED GLAZING
W05, W06	DH(R)	2380	850	2400	EXISTING	REGLAZE WITH COMFORT SAVE 6.38mm CLEAR LAMINATED GLAZING

Notes:

- Glass thickness to conform to AS1288
- All glazing to be single glazing, 6.38mm laminated "Comfort Save" glass, U value 3.6, SHGC 0.79
- Aluminium window frames to be anodised finish
- Relocated timber windows (W05, W06) to be reglazed and painted (Deep Indian Red frames with Cream sashes)

AW = AWNING WINDOW

DH (R) = DOUBLE HUNG WINDOW, RELOCATED FROM EXISTING OPENINGS (SEE PLAN)

DOOR SCHEDULE

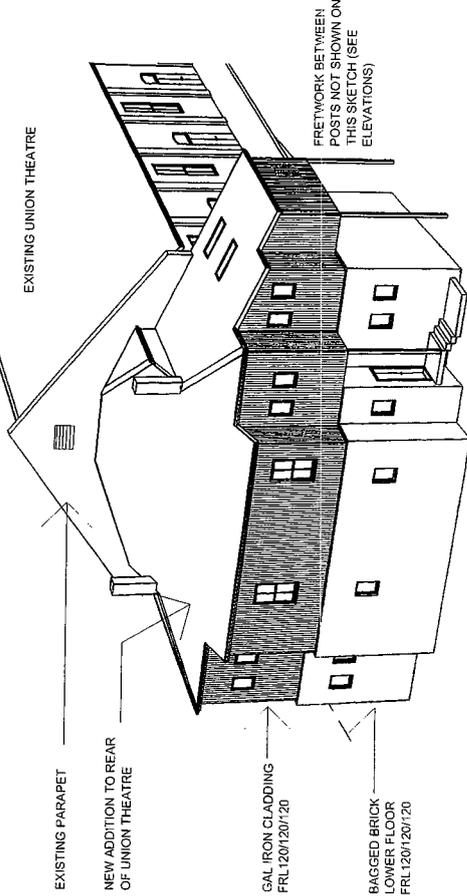
No.	DESCRIPTION	HEIGHT	LEAF WIDTH	NOTES
D01, D10	SOLID CORE TIMBER DOOR	2100	920	STEEL DOOR JAMBS, VERTICAL PANELLED TO EXTERIOR TO MATCH EXISTING EXTERNAL DOORS ON MAIN HALL
D02	DOUBLE DOORS	2100	TO SUIT NEW OPENING	APPROX. 2000 WIDE OPENING (SEE PLAN), WITH PANIC BARS TO BCA REQUIREMENTS
D03, 05, 06, 07, 08, 09, 11, 13	HINGED DOOR	2100	920	TIMBER DOOR JAMBS, SOLID CORE TIMBER DOOR LEAF
D4	SLIDING FOLLOW CORE DOOR	2100	920	SLIDING

EXTERNAL FINISHES SCHEDULE

ITEM	MATERIAL	COLOR OR FINISH
ROOFING	CORRUGATED METAL	COLORBOND "HERITAGE RED"
GUTTER	STEEL GUTTER	COLORBOND "HERITAGE RED"
DOWNPIPES	STEEL DOWNPIPES	COLORBOND "HERITAGE RED"
WINDOWS	ALUMINIUM FRAMED	"ANODISED ALUMINIUM"
METAL WALLS	CORRUGATED IRON	GALVANISED FINISH
BRICK WALLS	BAGGED RENDER	SANDSTONE COLOUR TO MATCH EXISTING SILLS ON BUILDING
DECKING	HARDWOOD (SPOTTED GUM)	OIL STAIN
STEEL POSTS	DURAGAL STEEL	PAINTED, "DEEP INDIAN RED"

CONSTRUCTION NOTES:

- All external wall studwork to be steel framed
- Internal stud walls can be steel or timber framed.
- Provide R2 (minimum) Rockwool or Fibreglass insulation to external walls.
- Provide R3.7 (minimum) Rockwool or Fibreglass insulation to ceilings.
- Required FRLs for external walls and ceilings can be achieved as shown on Plan and Section Drawings.



AERIAL VIEW FROM NORTH EAST

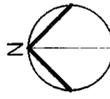
B R I D G E S T R E E T



No.	ISSUE	DATE
B	Revised for submittal - 1st issue	22/07/15
A	Construction Certificate Issue	22/07/14
		12/01/14

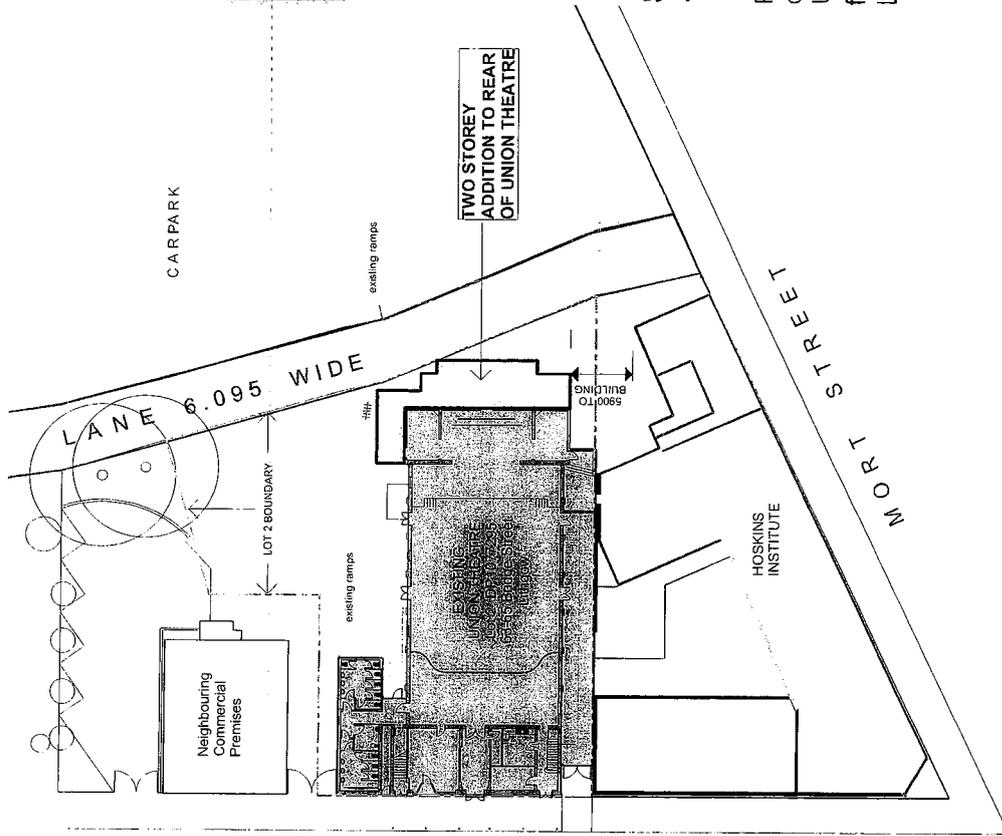
Site Plan 1:500

Proposed Upgrade of Union Theatre, Lithgow for Lithgow City Council



Drawn: RY/CB
Checked: MF
Date: December 2014
Scale: AS SHOWN

Project No. 2013024A
DACC/ 01 /B
Copyright: Integrated Design Associates
ABN 679 339 758 71



SITE PLAN 1:500

FLOOR AREAS

LEVEL	ITEM	AREA	NOTES
STAGE LEVEL	TOTAL FLOOR AREA	16m ²	INCL. 2 nd PROP.'S TOILETS, BACKSTAGE & TRANSFER RM
	CONDITIONED AREA	54m ²	GREEN ROOM AND MAKEUP ROOM
LOWER LEVEL	TOTAL FLOOR AREA	19m ²	INCL. DRESSING ROOMS AND WORKSHOP
	CONDITIONED AREA	12m ²	LOCKER ROOM AND DRESSING ROOMS
TOTALS	TOTAL AREA OF ADDITIONS	28m ²	
	TOTAL CONDITIONED AREA	86m ²	

