

SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

Development Application No.	DA200/23 (PAN-395744)
Subject Site	Lot 2 DP 1077295, 67 Bridge Street Lithgow
Proposal	Internal alterations and additions to the Union Theatre, including replacement of kitchen and installation of a new serving window.
Zoning	E1 Local Centre (LEP 2014)
Permissibility	Entertainment facilities are permitted with consent in the E1 Local Centre zone
Cost of Development	\$60, 000.00
Applicant	Lithgow City Council
Owner	Lithgow City Council
Notification	Not applicable.
Submissions	Nil (0)
Variations	Nil (0)
Site Inspection	Tuesday 19 December 2023
Responsible Officer	Emma-Rose Cooper – Team Leader Development Planning
Recommendation	Approval subject to attached conditions

Executive Summary

On 11 December 2023, the subject Development Application DA200/23 was lodged into Council seeking consent for internal alterations and additions to the Union Theatre. The proposal includes the replacement of the kitchen and installation of a new serving window.

Pursuant to the Community Participation Plan, part 2.3.7 applications relating to internal alterations that do not alter the use of a building or its Class under the Building Code of Australia do not require notification. As such, the Application was not notified.

Pursuant to Council's Policy 7.6 *Development Applications by Councillors and Staff (including immediate relatives), Or On Council Owned Land & Conflicts of Interest*, the subject Development Application is to be referred to Council for consideration and determination as the development is on Council owned land.



Figure 1 - Aerial Image of Site (GIS Maps 2023)

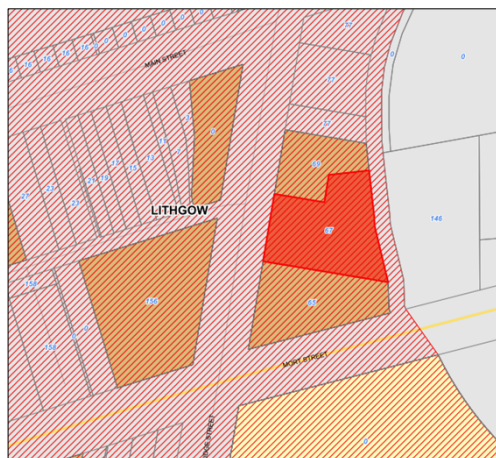


Figure 2 - Heritage Map (LEP 2014)

Description of Site and Surrounds

The subject site is formally known as Lot 2 DP 1077295, 67 Bridge Street Lithgow. The site is an irregular shaped allotment with a land area of approximately 1363m².

The site contains the Union Theatre, an entertainment facility, that was constructed circa 1880. The Theatre is an item of local heritage (I321) and within the Lithgow Heritage Conservation Area (Lithgow LEP 2014).

The building includes an auditorium, kitchen, box office, gallery space, backstage amenities, and a mezzanine level comprising of seating and a meeting room. The Union Theatre has a seating capacity of two-hundred and ninety-nine (299) persons.

The site is situated between two (2) items of local heritage, The Tin Shed (I319) and Charles Hoskins Memorial Institute (I341) currently occupied by the Western Sydney University and known as 'The Hub'. Located adjacent to the site is two (2) items of local heritage, the Lithgow Court House (I307) and the Court House Hotel (I383).

A review of council's records revealed two (2) approved Development Applications of relevance:

1. On 28 July 2015, approval was granted for additions to the rear of the Union Theatre under Development Consent No. DA193/14.

Works included the construction of two-storey back of house facilities including change, toilet and makeup rooms, a green room, storage and set preparation spaces, new BCA compliant stage curtains, a low-rise chair lift to the front of the stage and a passenger lift for performers to access the green room from the basement level dressing room. The works improved accessibility and safety for performers and audience members.

2. On 10 July 2013, approval was granted for improvements to the Union Theatre under Development Consent No. DA127/13.

Council have also undertaken internal repairs and maintenance works including painting, refurbishment of timber floors, replacement of carpet and prerecruitment of new seating.

A site inspection was conducted by Council on 19 December 2023 and the images are provided in this report.



Figure 3 - External Front Entry to Union Theatre



Figure 4 - Internal Front Entry



Figure 5 - Location of Proposed New Serving Window



Figure 6 - Existing Kitchen and Location of Proposed New Serving Window



Figure 7 - Existing Kitchen



Figure 8 - Existing Kitchen and Access to Electrical Box



Figure 9 - Existing Electrical Box Located Inside Kitchen. The electrical box is to be upgraded as part of the proposed works

Proposed Development

Council is in receipt of Development Application No. DA200/23 seeking consent for internal alterations and additions to the Union Theatre located at 67 Bridge Street Lithgow.

Specifically, the development proposes:

- Replace the existing kitchen with a new kitchen comprised of stainless-steel open shelves and benches, a pass-through dishwasher, stove top, pie warmer, fridge and freezer.
- Construction of a new survey opening between the kitchen and theatre auditorium.
- The proposed alterations and additions are designed to allow for the serving of light refreshments (food and drinks) to theatre attendees. The proposal is considered to support the ongoing viability and usability of the Union Theatre.

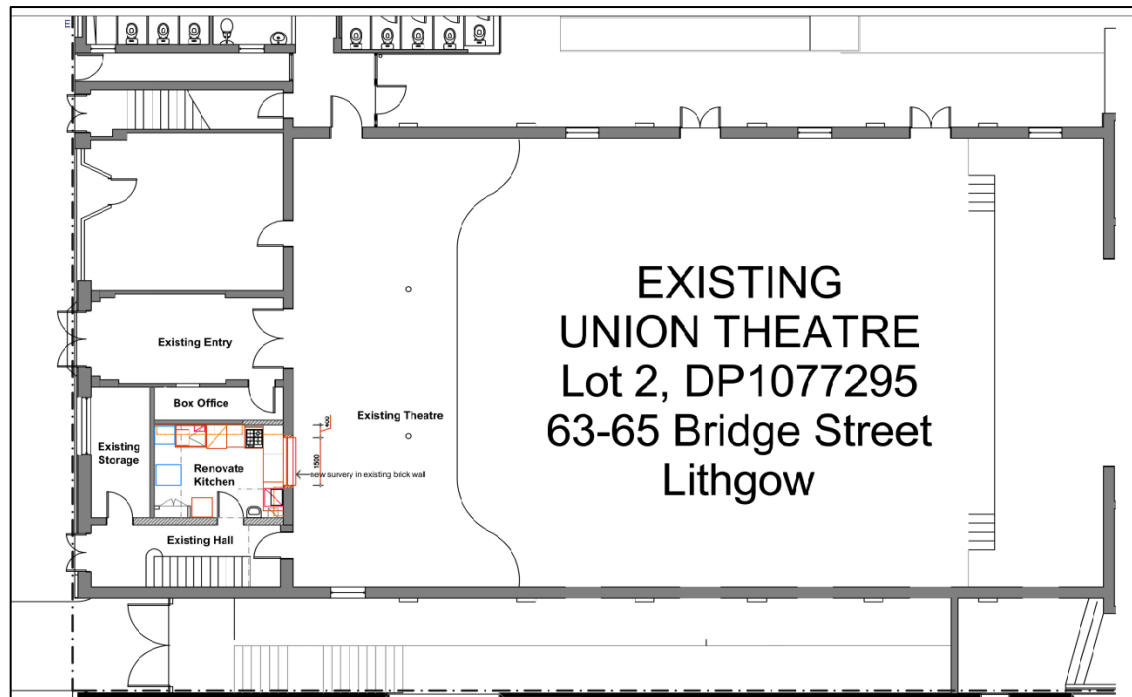


Figure 10 - Internal Floor Plan (Six B Design 2022)

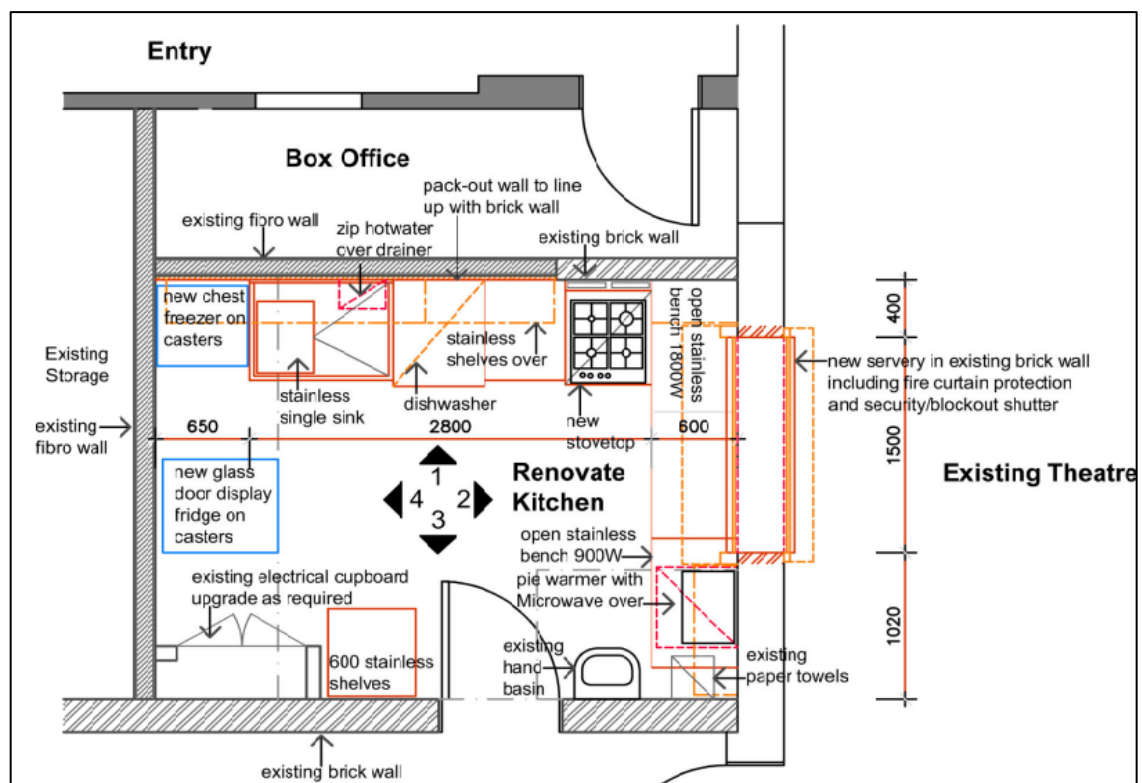


Figure 11 - Proposed Floor Plan (Six B Design 2022)

Referrals

Internal Referrals

Branch	Comment
Building ID 2216173	On 9 January 2024, the Building Surveyor Team Leader completed the referral and raised no objections subject to conditions being imposed in the consent.

Environmental & Health ID 2213810	The application was referred to Council's Environmental & Health Team as the proposal relates to the fit-out and use of a commercial kitchen. On 20 December 2023, the team completed their referral and raised no objections subject to standard conditions being imposed in the consent.
Water & Wastewater ID 2215979	On 9 January 2024, Council's Plumbing, Drainage and Trade Waste Officer completed the referral and raised no objections subject to standard conditions being imposed in relation to trade waste requirements.

Statutory Assessment

In determining a Development Application, a consent authority is to take into consideration the matters of relevance to the development pursuant to section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

State Environmental Planning Policies

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments (EPIs), which includes State Environmental Planning Policies (SEPPs). SEPPs applicable to this assessment are addressed in the following sections:

- Lithgow Local Environmental Plan (LEP) 2014
- Lithgow Development Control Plan (DCP) 2021

Lithgow Local Environmental Plan (LEP) 2014

Clause 1.2 Aims of Plan	
Objective	Comment
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	Complies. The proposed internal alterations and additions will support an existing entertainment facility known as the Union Theatre. The proposal will support current operations and the ongoing viability of the Theatre. The proposed works are considered to protect and promote the use of the Theatre.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	Complies. The proposed development relates to internal works only and will complement the internal character of the Union Theatre. The proposal will not result in any external alterations.
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	Complies. The proposed works shall contribute to the social and economic vitality of the Union Theatre and Lithgow Town Centre.
(c) to manage, facilitate and encourage sustainable growth and development that—	
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	Complies. The proposed works will support an established entertainment facility that supports the established and future community of Lithgow.
(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they	Not applicable.

make to the local, regional and State economy, and	
(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	Not applicable.
(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and	Not applicable.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	Not applicable.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Complies. The proposed works will support and enhance an established entertainment facility.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	Complies. The proposed works are considered to protect and enhance the entertainment facility, an item of heritage significance.
(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and	Not applicable. The proposal relates to internal alterations and additions only.
(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and	Complies. The proposed works will support and enhance the Union Theatre. The proposed development has the capability to encourage the ongoing use of the Theatre, supporting employment opportunities and providing appropriate tourism development and growth within the Lithgow Town Centre.
(x) creates resilience to natural hazards through local land use planning.	Not applicable.

Characterisation

Pursuant to the Lithgow Local Environmental Plan (LEP), the subject site is characterised as an entrainment facility and defined as follows:

Entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

The subject Development Application relates to internal alterations and additions within an established entertainment facility.

Zone of Land E1 Local Centre

Permissibility Entertainment facilities are permitted with consent in the E1 Local Centre zone.

Zone Objectives

Objective	Comment
E1 Local Centre zone	
<ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. 	Complies. The proposed works will support an existing entertainment facility that serves the needs of the community.
<ul style="list-style-type: none"> To encourage investment in local commercial development that generates employment opportunities and economic growth. 	Complies. The entertainment facility and the proposed works are considered to support employment opportunities and economic growth within the Lithgow Town Centre.
<ul style="list-style-type: none"> To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. 	Not applicable.
<ul style="list-style-type: none"> To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	Not applicable. The land use is existing.
<ul style="list-style-type: none"> 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 streetscapes and features. 	Complies. The proposed internal works shall support the established heritage character of the Union Theatre. No external works or alterations are proposed.
<ul style="list-style-type: none"> To maintain or improve the water quality of receiving water catchments. 	Not applicable. The proposal relates to internal works only.
<ul style="list-style-type: none"> To ensure development within the area is of a scale consistent with the needs of the local community and will not detract from the role of the Lithgow core business area as the primary centre. 	Complies. The proposed works are within an existing entertainment facility and will continue to support the needs of the local community.

LEP Clauses		
Relevant Provisions		Comment
Part 2 Permitted or prohibited development		
2.3	Zone objectives and Land Use Table	The existing entertainment facility is permissible in the zone. The proposed works are considered to be in keeping with the zone objectives.
Part 5 Miscellaneous provisions		
5.10	Heritage conservation	<p>The site contains the Union Theatre, an entertainment facility, that was constructed circa 1880. The Theatre is an item of local heritage (I321) and within the Lithgow Heritage Conservation Area (Lithgow LEP 2014).</p> <p>The proposed development is considered to appropriately respond to the heritage character of the Union Theatre.</p> <p>Based on the information provided, a review of the site history and a site inspection conducted on 19 December 2023, the proposed work(s) are unlikely to result in adverse impacts on the subject site, heritage listing and wider heritage conservation area.</p>

LEP Clauses		
Relevant Provisions		Comment
Part 7 Additional local provisions		
7.10	Essential services	As part of this proposal, the electrical box located in the kitchen is to be upgraded to support the ongoing electrical demands of the entertainment facility.

Draft Environmental Planning Instruments (EPI)

No draft EPIs relate to the site or proposal.

Provisions of any Voluntary Planning Agreements (VPA)

No VPAs relate to the site or proposal.

Lithgow Development Control Plan (DCP) 2021

The proposed development has been considered against the relevant provisions of the Lithgow DCP 2021. Given the work(s) relate to internal alterations, a number of controls are not applicable. Notwithstanding, the relevant controls have been considered and detailed below:

Chapter 2 – Site Requirements	
Development Control	Assessment Comments
2.2 Site Analysis, Local Character & Context	
2.2.2 Site Analysis & Development Response d) Heritage items or heritage conservation areas; f) Amenity for the Site and adjacent sites (where relevant).	<p>The site contains the Union Theatre, an entertainment facility, that was constructed circa 1880. The Theatre is an item of local heritage (I321) and within the Lithgow Heritage Conservation Area (Lithgow LEP 2014).</p> <p>Based on the information provided, a review of the site history, and a site inspection, the proposed works are considered to appropriately integrate into the existing and desired characteristics of the heritage item.</p> <p>In addition, the proposed works shall support the ongoing viability and usability of the site while enhancing the visitor experience.</p>
2.2.3 Local Character & Context	The proposal relates to internal alterations and additions with no external works proposed. As such, the proposal is not considered to impact the local character.
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	Essential services and utilities are readily available at the subject site. Nonetheless, the electricity box is to be upgraded as part of these works to support the ongoing use of the facility.

Chapter 4 – Heritage & Cultural Conservation

Development Control	Assessment Comments
4.3 General Controls – Development of Heritage Items/Places & within Heritage Conservation Areas	
4.3.2 Design and Character	
1) Development is to demonstrate how it respects the heritage value of the heritage item or the heritage conservation area through a Heritage Impact Statement as outlined in DCP Section 4.2.3	The proposed kitchen fit-out and new serving window is considered to respect the existing built form and social heritage of the site.
6) The design of any proposed additions or alterations should complement the existing building in its scale, form, and detailing. However, it should be possible to distinguish the new work from the old, on close inspection, so that old and new are not confused or the boundaries/junctions blurred.	The proposal is considered to support the ongoing success and viability of the site. The works are considered to complement the existing built form and finishes.
7) All new work and additions should respect the proportions of major elements of significant existing fabric including doors, windows, openings and verandas.	Based on the information provided, the proposed works are considered unlikely to result in adverse impacts on the subject site and heritage value of the site.
4.3.5 Detailing	
1) Only detailing which is known to have been original to a building is to be considered acceptable. Do not add what was never there.	Additional (or new) detailing is not proposed as part of this application.
4) Authentic reconstruction is encouraged. Decorative elements should not be introduced unless documentary or physical evidence indicates the decorative elements previously existed. Undertake thorough research before attempting to reconstruct lost detail and elements.	Decorative elements have not been proposed as part of this application.
4.3.13 Commercial Properties	
1) Original forms, details, materials and finishes should be retained, including original shopfronts, original suspended awnings and open balconies at first floor level.	The proposed kitchen fit-out is to replace the existing layout. The layout
4.3.14 Service and New Technologies	
2) Essential changes to cater for electrical or telecommunications wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed.	Complies. Upgrades are to occur to the electricity box located within the kitchen to support the ongoing use of the site.
4.4 Specific Controls – Heritage Conservation Areas	
4.4.7 Lithgow Main Street Heritage Conservation Area "C7"	
Consideration has been given to the provisions outlined within part 4.4.7 of the DCP. This part of the DCP does not provide specific provisions for minor internal alterations or additions but rather focuses on the external finishes. Notwithstanding, the proposal is considered to achieve compliance with the objectives of the controls.	

Chapter 7 – Commercial, Community & Industrial Development	
Development Control	Assessment Comments
7.4 Commercial & Community Uses	
The Lithgow DCP does not provide specific development standards for internal alterations and additions. As such, the proposal has been considered against the objectives specified for Chapter 7, Part 7.4.	
O1. To reinforce the status of the CBD of Lithgow, Wallerawang and Portland as the	Complies. The proposed internal works shall support an existing entertainment

focus of higher-level commercial and retail development.	facility. The vitality and success of the entertainment facility can be seen to have a positive impact on reinforcing the CBD of Lithgow Town Centre.
O2. To avoid or minimise/mitigate any potential land use conflict(s) with neighbouring land use(s) taking into account the land use zone objective(s) and proximity to sensitive land use(s) whilst facilitating employment and economic growth.	Complies. The proposal will not change the existing land use.
O3. To integrate proposed development with the existing (and/or desired future) character and building form, siting and layout of the surrounding sites, street and locality whilst promoting innovation and function.	<p>Complies. The existing kitchen is not considered to be in keeping with the established or desired future characteristics of the heritage item. The existing kitchen is not fit for purpose in a commercial context and it is therefore proposed to upgrade the kitchen facilities.</p> <p>The new kitchen fit-out is considered to be fit for purpose and support the viability of the Union Theatre. In addition, the new kitchen is not considered to detract from the heritage significance and/or value of the Union Theatre.</p> <p>The serving window is proposed to compliment the new kitchen fit out and functionality. The serving window will support and enhance the visitor experience.</p> <p>The proposed works are considered to promote innovation and functionality within an item of local heritage.</p> <p>Based on the information provided, a review of the site history, and a site inspection, the proposed works are considered to appropriately integrate into the existing and desired characteristics of the heritage item.</p> <p>No external alterations or additions are proposed as part of this application.</p>

Environmental Planning and Assessment Regulation 2021

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulation 2021 (the Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the Regulation.

Likely Impacts of the Development

Section 4.15(1)(b) of the EP&A Act requires the consent authority to consider the likely impacts of that development including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

Head of Consideration	Comment
Natural Environment	The proposed internal work(s) are not considered likely to result in adverse impacts on the natural environment.
Built Environment	<p>The site contains the Union Theatre, an entertainment facility, that was constructed circa 1880. The Theatre is an item of local heritage (I321) and within the Lithgow Heritage Conservation Area (Lithgow LEP 2014).</p> <p>Based on the information provided, a review of the site history, and a site inspection, the proposed works are considered to appropriately integrate into the existing and desired characteristics of the heritage item.</p> <p>In addition, the work(s) shall support the ongoing use and viability of the Union Theatre. This will allow for more people to attend the site and enjoy the heritage value and significance of the site.</p> <p>The proposed work(s) are considered unlikely to result in adverse impacts on the existing and desired future built environment.</p>
Social Impact	The proposed work(s) will provide greater amenity to the user(s) of the Union Theatre and improve the visitor experience for attendees. The proposal is considered to contribute to positive social outcomes, creating a space that is desirable for future events.
Economic Impact	The proposal shall result in short term economic benefit during the construction phase of the development. In the long term, the proposed internal work(s) shall support the economic visibility of the historic entertainment facility. The proposal is considered unlikely to result in adverse economic impacts on the subject site or wider locality.

Site Suitability

Section 4.15(1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site for the development. The proposed work(s) will support an existing entertainment facility and is considered to support the ongoing viability of the site. Based on the information provided and an assessment of the proposal, the subject site is considered suitable for the proposed internal alterations and additions.

Public Participation

Section 4.15(1)(d) of the EP&A Act requires the consent authority to consider any submissions made in accordance with this Act or the regulations.

Notification Period: Pursuant to the Community Participation Plan, part 2.3.7 applications relating to internal alterations that do not alter the use of a building or its Class under the Building Code of Australia do not require notification. As such, the Application was not notified.

Submissions: Nil(0)

The Public Interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land. Based on the information submitted and an assessment of the proposal, the development is considered to be in the public interest.

Discussions and Conclusions

The proposal generally complies with the relevant provisions of all applicable environmental planning instruments and regulatory provisions. The proposal not expected to result in any significant negative impacts upon the environment or upon the amenity of the locality. The proposed development is recommended for determination by way of approval subject to the conditions outlined below.

Attachments

Schedule A- Conditions of consent.

Recommendation

THAT Application DA200/23 is approved subject to conditions set out in Schedule A.

Assessment Prepared By:

Emma-Rose Cooper
Team Leader Development Planning

Schedule A
Conditions of Consent (Consent Authority)

GENERAL CONDITIONS																																			
1.	Approved Development Development Consent is granted for internal alterations and additions at Lot 2 DP 1077295, 67 Bridge Street Lithgow.																																		
	Condition reason: To ensure all parties are aware of the approved development description and development address.																																		
2.	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.																																		
	<table><tr><th colspan="6">Approved Plans</th></tr><tr><th>Title</th><th>Author</th><th>Project</th><th>Sheet</th><th>Revision</th><th>Date</th></tr><tr><td>Site Plan</td><td>Six B Design</td><td>020222</td><td>DA01</td><td>C</td><td>July 2022</td></tr><tr><td>Floor Plan</td><td>Six B Design</td><td>020222</td><td>DA02</td><td>C</td><td>July 2022</td></tr><tr><td>Kitchen Layout</td><td>Six B Design</td><td>020222</td><td>DA03</td><td>D</td><td>Nov 2023</td></tr></table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>						Approved Plans						Title	Author	Project	Sheet	Revision	Date	Site Plan	Six B Design	020222	DA01	C	July 2022	Floor Plan	Six B Design	020222	DA02	C	July 2022	Kitchen Layout	Six B Design	020222	DA03	D
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BUILDING WORK

BEFORE BUILDING WORK COMMENCES	
3.	<p>Construction Certificate Required</p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Certifier.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
4.	<p>Fire Safety System Requirements</p> <p>A Construction Certificate for building work involving the installation, extension or modification of any relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 building, as defined in the <i>Building Code of Australia</i>, must be issued subject to the conditions required by this clause.</p> <p>The condition required by this clause is that building work involving the installation, modification or extension of the relevant fire safety system cannot commence unless:</p> <p>a. Plans have been submitted to the principal certifying authority that show:</p> <ul style="list-style-type: none"> In the case of building work involving the installation of the relevant fire safety system – the layout, extent and location of key components of the relevant fire safety system, or In the case of building work involving the modification or extension of the relevant fire safety system – the layout, extent and location of key components of the relevant fire safety systems, and

	<p>b. Specifications have been submitted to the principal certifying authority that:</p> <ul style="list-style-type: none"> Describe the basis for design, installation and construction of the relevant fire safety system, and Identify the provisions of the Building Code of Australia upon which the design of the system is based, and <p>c. Those plans and specifications:</p> <ul style="list-style-type: none"> Have been certified by a compliance certificate referred to in section 109C (1)(a) of the Act as complying with the relevant provisions of the Building Code of Australia, or Unless they are subject to an exemption under clause 164B, have been endorsed by a competent fire safety practitioner as complying with the relevant provisions of the Building Code of Australia, and <p>d. If those plans and specifications were submitted before the complying development certificate was issued – each of them was endorsed by the certifying authority with a statement that the certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the Building Code of Australia, and</p> <p>e. If those plans and specifications were not submitted before the complying development certificate was issued – each of them was endorsed by the principal certifying authority with a statement that the principal certifying authority is satisfied that it correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the Building Code of Australia, and</p>
	Condition Reason: To ensure compliance with the Building Code of Australia
5.	<p>Garbage receptacle</p> <p>A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
6.	<p>Food Premises</p> <p>The food premises areas are to be designed and constructed in accordance with the Food Act 2003. In this regard, the Applicant is to provide a detailed food premises fit-out plan and specification illustrating compliance with AS 4674-2004 – Design, construction and fit-out of food premises, for approval by Council's Environmental Health Team prior to the commencement of works.</p>
	Condition Reason: To ensure compliance with the Food Act 2003.

DURING BUILDING WORK	
7.	<p>Construction hours</p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p>
	Condition Reason: To protect the amenity of the surrounding area
8.	<p>Site management</p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
	Internal Colours and finishes

9.	<p>The development shall incorporate colours and finishes that are consistent with the existing interior.</p> <p>Condition Reason: To ensure the development is consistent with the existing heritage schedule of colours and finishes.</p>
10.	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition Reason: To require approval to proceed with building work following each critical stage inspection</p>
11.	<p>Trade Waste Requirements</p> <p>The trade waste requirements for the development are as follows:</p> <ol style="list-style-type: none"> A passive grease arrestor with a minimum size of 1000l is to be provided. Installation of all sanitary drainage pipework connected directly or indirectly must be HDPE or equivalent. Please note, consideration should be taken for the discharge temperature of the pass-through dishwasher as HDPE may not be suitable. The grease arrestor must have a 2 x 100mm high level vents. The gastic lids of the grease arrestor must be gas tight and suitable for potential loading, they must be concreted in place. A dry basket arrestor is required for the development. Sink screens are required for the development. The Applicant must complete a Trade Waste Application for approval by Council's Plumbing, Drainage and Trade Waste Officer(s). The Occupation Certificate shall not be issued until all trade waste requirements have been satisfied. <p>For any additional information regarding trade waste requirements, please contact Council's Plumbing, Drainage and Trade Waste Officer(s), Monday to Friday on (02) 6354 9999.</p> <p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
12.	<p>Waste Management</p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. Copies of receipts stating the following must be given to the principal certifying authority—</p> <ol style="list-style-type: none"> the place to which waste materials were transported, the name of the contractor transporting the materials, the quantity of materials transported off-site and recycled or disposed of. <p>Condition Reason: To promote safe and responsible disposal of waste.</p>
13.	<p>Food Premises – Fit-Out</p> <p>The food premises area is to be designed, constructed and fit-out to comply with the following specifications:</p> <p><u>Walls</u></p> <ol style="list-style-type: none"> The walls surrounding the food preparation areas shall be of solid construction. The walls in the food preparation area of the premises shall be sealed to prevent: the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation area shall be finished with one or a combination of the following materials: <ul style="list-style-type: none"> Glazed tiles Stainless or aluminum sheeting

- Polyvinyl sheeting with welded seams
- Laminated thermosetting plastic sheeting
- Similar impervious material adhered directly to the wall.

Floors

- c. The flooring in the food preparation, storage and bar areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials:
- Sealed quarry tiles or ceramic tiles
 - Stainless steel
 - Polyvinyl sheeting with welded seams
 - Laminated thermosetting plastic sheeting
 - Epoxy resin
 - Steel trowel case hardened concrete.
- d. Coving of no less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation areas. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.
- e. The floor of the food preparation areas is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Council's wastewater requirements.

Ceiling

- f. The ceiling in food preparation areas and storage areas shall be finished with impervious sealed materials without joints, cracks and crevices. Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed, or served.

Washing Facilities

- g. A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in food preparation areas. The hand wash basin shall be located no further than 5m from any place where food handlers are handling open food.
- h. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.
- i. The wash-up sink shall be supplied with hot and cold water.

Lighting and Light Fittings

- j. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
- k. In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shutter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

Mechanical Exhaust Ventilation Systems

- l. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operate in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012.
- m. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.

	<p>n. A mechanical exhaust ventilation system that AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012 shall be provided in the food preparation areas to remove the steam from the dishwasher or other washing and sanitizing equipment.</p> <p><u>Waste Management</u></p> <p>o. Waste and recyclable materials generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.</p> <p>p. A stainless steel cleaner's sink or floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.</p> <p><u>Pest Control</u></p> <p>q. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors. Where premises are enclosed, windows shall be protected against the entry of pests by being:</p> <ul style="list-style-type: none"> • Tight-fitting and permanently fixed closed • Fitted with mesh screens that can be removed for cleaning; or • Protected by a permanent mesh screen that can be cleaned in place. <p>r. Entrances/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by:</p> <ul style="list-style-type: none"> • Tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance; or • Tight-fitting self-closing mesh screen doors. <p><u>Food Safety Supervisors</u></p> <p>s. A food safety supervisor shall be appointment in accordance with the Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the use of the kitchen.</p> <p><u>Odour</u></p> <p>t. A smoke and odour impact assessment shall be submitted to Council if any complaints are lodged with Council in relation to the emissions generated as a result of the business. The report must be prepared by a suitably qualified environmental consultant and include modelling of the odour impact on the nearest affected receptor (e.g. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).</p> <p>Condition Reason: To comply with food safety standards.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE	
14.	<p>Food Premises Final Inspection & Registration</p> <p>Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of Lithgow City Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.</p> <p>The food premises area shall be registered with Council prior to the use of the area via the Food Premises Business Registration or Information Update Form.</p> <p>Condition Reason: To enable council to ensure compliance with the Food Act 2003 before the business commences.</p>
	Fire Safety Schedule

15.	Upon completion of the building (work) and prior to the issue of an Occupation Certificate, the performance of any fire safety measures relevant to such work (as nominated by any current Fire Safety Schedule) must be assessed and verified by an accredited practitioner (fire safety), engaged by the owner. Certification is to be submitted to Council stating that the fire safety measures have been installed and comply with the relevant performance standard specified by the Schedule (Building Code of Australia).
	Condition Reason: To ensure compliance with the Building Code of Australia

OCCUPATION AND ONGOING USE	
16.	<p>Occupation Certificate</p> <p>The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</p>
17.	<p>Limitations on food preparation during ongoing use</p> <p>During ongoing use of the premises, food preparation that generates heated air, smoke, fumes, steam or grease vapours must not be undertaken unless mechanical ventilation has been approved and installed under this consent.</p> <p>Condition Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.</p>
18.	<p>Storage of Goods</p> <p>During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval.</p> <p>Condition Reason: To ensure goods are stored wholly within the premises and protect the amenity of the local area.</p>
19.	<p>Annual Fire Safety Statement</p> <p>Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and to Fire & Rescue NSW, Locked Mail Bag 12, Greenacre NSW 2190, with a copy retained on site certifying that:</p> <ol style="list-style-type: none"> The fire and other safety measures have been maintained so as to meet the original performance design standard required; and That the path of travel is clear of anything which would impede free passage of any person at any time. <p>Condition Reason: To ensure compliance with Building Code of Australia.</p>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES	
20.	<p>Site hoarding</p> <p>A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works –</p> <ol style="list-style-type: none"> could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or could cause damage to adjoining lands by falling objects, or <p>involve the enclosure of a public place or part of a public place.</p> <p>Condition reason: To ensure safe site management measures are implemented during demolition.</p>
	Removal of asbestos

21.	<p>Before demolition work commences involving the removal of asbestos, a standard commercial manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the demolition site and maintained for the duration of the removal of the asbestos.</p> <p>Condition reason: To ensure safe site management measures are implemented during demolition.</p>
22.	<p>Disconnect essential services</p> <p>Before demolition work commences, all services such as water, telecommunications, gas, electricity, and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p> <p>Condition reason: To ensure safe site management measures are implemented during demolition.</p>
23.	<p>Notice of Commencement of Demolition</p> <p>At least one week before demolition work commenced, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ul style="list-style-type: none"> a) Name b) Address c) Contact phone number d) License type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and e) The contact telephone number of Council, and f) The contact telephone number of SafeWork NSW (4921 2900) <p>Condition Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.</p>

DURING DEMOLITION WORK	
24.	<p>Demolition hours</p> <p>Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
25.	<p>Removal of waste materials</p> <p>Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)</p> <p>Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.</p> <p>Condition reason: To ensure safe site management measures are implemented during demolition.</p>
26.	<p>Removal of asbestos</p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ul style="list-style-type: none"> • Only an asbestos removal contractor who holds the required class of Asbestos License issued by SafeWork NSW must carry out the removal, handling and disposal of the asbestos material; • Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environmental Protection Authority to accept asbestos waste; and

	<ul style="list-style-type: none"> Any asbestos waste load over 100kg (including asbestos containing soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool Waste Locate.
	Condition reason: To ensure safe site management measures are implemented during demolition.
27.	<p>Compliance with AS 2601-2001</p> <p>Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014”</p>
	Condition reason: To ensure safe site management measures are implemented during demolition.
28.	<p>Site management</p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p>
	Condition Reason: To ensure safe site management measures are implemented during demolition.
29.	<p>Mitigating nuisance during demolition works</p> <p>Demolition work shall not create general nuisance by reason of inadequate dust, noise or environmental controls.</p>
	Condition Reason: To ensure safe site management measures are implemented during demolition.
30.	<p>Lead paint removal</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>
	Condition Reason: To ensure safe site management measures are implemented during demolition.

ON COMPLETION OF DEMOLITION WORK	
31.	<p>Completion of demolition works</p> <p>All disturbed/exposed soil due to proposed demolition works shall be regressed/revegetated after the completion of the demolition works.</p>
	Condition Reason: To ensure the site is returned to a satisfactory condition
32.	<p>Asbestos removal</p> <p>If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person must be submitted to council within fourteen (14) days of completion of the demolition works.</p>
	Condition Reason: To ensure safe site management measures were completed during demolition.

PRESCRIBED CONDITIONS

PRESCRIBED CONDITIONS - Environmental Planning and Assessment Regulation 2021	
33.	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <p>(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p>

	<p>(3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.</p> <p>(4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.</p> <p>(5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>(6) This section does not apply—</p> <p>(i) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p>(ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>(7) In this section—</p> <p>relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.</p>
	Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
34.	<p>Erection of signs</p> <p>(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p>(i) showing the name, address and telephone number of the principal certifier for the work, and</p> <p>(ii) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p>(iii) stating that unauthorised entry to the work site is prohibited.</p> <p>(3) The sign must be—</p> <p>(i) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>(ii) removed when the work has been completed.</p> <p>(4) This section does not apply in relation to—</p> <p>(i) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>(ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work must not be carried out until a construction certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.