

**JOINT REGIONAL PLANNING PANEL
(Northern Region)**

JRPP No	JRPP Reference Number 2012NTH021
DA Number	2012/280
Local Government Area	Lismore City Council
Proposed Development	Refurbishment of City Hall, including improved accessibility, services and finishes
Street Address	1 Bounty Street, Lismore
Applicant/Owner	The Crown and Lismore City Council as the Trustee
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	Mrs Sue Thatcher, Development Assessment Officer (Planning)

Assessment Report and Recommendation

DETERMINATION REPORT

REPORT TO THE NORTHERN REGION JOINT REGIONAL PLANNING PANEL

ADDRESS/LOCALITY: LOT: 566 DP: 728127, 1 Bounty Street LISMORE

APPLICATION No: 5.2012.280.1

PROPOSAL: Refurbishment of Lismore City Hall, including improved accessibility, services and finishes

PLANS REF:

Plans numbered and Drawing Title	Drawn by	Issue	Date
DA01 Masterplan	Phillips Smith Conwell Architects	A	07/09/12
DA02 Fountain Floor Plan	Phillips Smith Conwell Architects	A	07/09/12
DA03 Auditorium Floor Plan + Dressing	Phillips Smith Conwell Architects	A	07/09/12
DA04 Mezzanine Floor Plan	Phillips Smith Conwell Architects	A	07/09/12
DA05 Roof Plan	Phillips Smith Conwell Architects	A	07/09/12
DA06 Long Elevations	Phillips Smith Conwell Architects	A	07/09/12
DA07 Short Elevations	Phillips Smith Conwell Architects	A	07/09/12
DA08 Sections	Phillips Smith Conwell Architects	A	07/09/12
DA08 Zones New	Phillips Smith Conwell Architects	A	07/09/12
DA09 Zones New	Phillips Smith Conwell Architects	A	07/09/12
DA10 Zones New	Phillips Smith Conwell Architects	A	07/09/12
DA11 Zones Existing	Phillips Smith Conwell Architects	A	07/09/12
DA12 Zones Existing	Phillips Smith Conwell Architects	A	07/09/12

OWNER: Crown Lands - (Lismore City Council Trustee)

APPLICANT: Lismore City Council

AUTHOR: Mrs S J Thatcher – Development Assessment Officer (Planning)

DATE OF REPORT: 22 October 2012

DATE LODGED: 19 September 2012

SUMMARY

ISSUES/VARIATIONS: Fire safety, accessibility, tree removal

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

Background

The development as proposed is on Crown Land and the cost of the works is in excess of \$5M and is presented to the Northern Region Joint Regional Planning Panel for its consideration and determination as the consent authority.

The subject building was constructed in the early 1960s and opened in 1965 and has been used as a multi-purpose building for a variety of entertainment and social events continuously. The building contains at first floor a main auditorium (with a mezzanine), stage, change rooms, amenities and main entry foyer and on the ground floor a function room, dance theatre, commercial kitchen, amenities, storage rooms and offices. The offices are currently leased to NORPA – Northern Rivers Performing Arts who are currently managing the operation of the building.

The building currently remains largely the same as it was built, with minor changes made as a consequence of the following approvals and works:

- DA No. 90/437 and BA No. 90/576 approved alterations to the building.
- In 1993 minor internal commercial fit-outs were approved under BA No. 93/273 and BA No. 93/449 and undertaken.
- In 1993 the elevator located on the southern side of the building was approved under DA No. 93/424 and BA No. 93/458 and installed.
- In 1996 the pergola in the garden area to the west of the building was approved under DA No. 96/211 and BA No. 96/466 and erected, together with some landscaping work.
- In 2000 a commercial addition was approved under DA No. 00/546.

Lismore City Council (LCC) has received grant funding to assist with the refurbishment of this major facility for the community of Lismore.

A pre-lodgement meeting was held with the applicant, relevant architectural and building consultants and planning assessment staff of LCC on 18 July 2012. All matters relevant to the development application discussed at the meeting have been addressed by the Development Plans and Statement of Environmental Effects.

Description of Proposal

The application seeks development consent to undertake a refurbishment of Lismore City Hall, including improved accessibility (involves creation of new main entrance at ground floor northern elevation), upgrade of existing services (mechanical, electrical, hydraulic), upgrade of existing internal and external finishes, alterations to foyers at ground and first floor level, alterations to existing offices, kitchen fountain room, upgrading of the mezzanine, creation of an outdoors entertainment area under the existing portico. The plans also detail a proposed Stage 2 works which will involve the construction of a loading dock and associated change rooms and facilities to the eastern section of the building.

External works to the building will also be undertaken, involving the construction of awnings to the north, south and western elevations, the removal of the existing northern driveway, installation of rainwater storage tanks adjacent to the southern elevation and associated landscaping works.

Stage 1 comprises the refurbishment in general terms as follows:

1. Building upgrade works including; structural works, mechanical, electrical and hydraulic upgrade and commercial kitchen improvement.
2. Western end refurbishment including; improvements to the Fountain Room including; a new structural floor, new internal finishes and lighting, extension of the foyer, accessibility upgrade, new bar and box office, provision of better access between auditorium and foyer levels.

3. Landscaping works including; removal of inappropriately located trees, removal of the rotunda, new specimen trees and garden beds, new (and up-grading of) paver and concrete footpaths and turf.
4. Upgrading of performance infrastructure.

Stage 2 comprises new 'back of house' facilities including; loading and scene dock, internal house and lift. The development of Stage 2 is dependent on the cost of Stage 1 and subsequent funding availability.

Locality Map



Statutory Controls

Lismore LEP 2000

- Zoning – 3(a) Business
- Item of Heritage – No
- In vicinity of Heritage Item – Yes
- Conservation Area – No

Draft Lismore LEP 2010

S94 Contributions Plan

Environmental Planning & Assessment Act 1979

SEPP No. 64 - Advertising and Signage

SEPP (Infrastructure) 2007

North Coast REP

Local Development

Policy Controls

Lismore DCP

2.1.3 Fire Safety of Buildings

5.2.10 Equity in Access and Provision of Facilities to Public Spaces

5.2.29 Development Application Determination

8.2.1 Public Art Policy

Description of Locality

The land has an area of 6070m² and comprises the existing city hall building, gravel car parking area, established gardens and fountain. Adjoining development consists of Bounty Street to the north that comprises commercial premises for car and boat repair and sales as well as a residential flat building. To the west is Molesworth Street that comprises the Lismore Visitor Information Centre, car park and surrounding park lands. To the south of the site is Ballina Road that comprises commercial buildings including car sales and residential development of elevated detached dwellings. Development to the east of the site comprises offices and a motel on the corner of Bounty and Keen Streets.

The topography of the site is level and classified as within the 'flood fringe area' in Lismore Development Control Plan Chapter 8 – Flood Prone Lands. Access is proposed to the site from Bounty Street and Ballina Road (Bruxner Highway).

Internal Referrals

Building

A fire safety audit was undertaken of the building in November 2008 which identified the following matters that required URGENT ATTENTION:

- installation of panic bars to the main entry doors of the building,
- upgrade the existing exit and emergency lighting so as to ensure that cellophane and other similar materials are not placed over the lights to reduce the luminance;
- placement of bollards in front of the eastern exit doors so as to prevent cars from obstructing these exits.
- Further works are needed to be undertaken to improve the fire detection and alarm system, fire separation within different sections of the building, improved levels of fire fighting services both internal and external to the building, improved smoke exhaust system, fire upgrading to stage area and improved means of egress from the building.

This audit also acknowledged that the building cannot be upgraded to comply with the requirements of today's BCA, however the immediate implementation of these measures would greatly improve the level of fire safety for the occupants of the building.

Following this audit Council (as trustee) undertook works to address the issues raised.

This current major upgrade will ensure that works are undertaken to provide appropriate and suitable fire safety measures, which are adequate to promote the safety of persons in the building in the event of fire or other emergency event occurring.

Clause 94 of *Environmental Planning & Assessment Regulation 2000*, states that Consent to the change of building use sought by a development application must take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*.

This assessment has been undertaken following a review of the report "Building Code of Australia- Clause 94 Consideration Report", Reference No. 12138, dated 11 September 2012 and prepared by BCA Check P/L.

Access for people of all abilities is provided to the building. Refer to the report prepared by BCA Check. Preventing the spread of fire and containing a fire within a particular fire compartment limits the size and severity of a fire which allows the occupants of the building more time to be able to safely egress the building before conditions become untenable & further assists in protecting adjoining properties and assisting fire brigade intervention.

A review of that BCA report has determined that appropriate consideration has been given to relevant provisions of the BCA referred to in clause 94 of the *Environmental Planning & Assessment Regulation 2000*. The recommendations of that report for upgrading and other works to be incorporated into the proposed development activity are considered appropriate and supported to satisfy the relevant statutory provisions.

Heritage

The building was identified in the Lismore Heritage Study, 1995 as an item of environmental heritage. The Heritage Study Inventory Sheet Ref #22153 identifies the building as an 'architectural item' having rare local aesthetic significance and social significance. The building was not included as a heritage item in the Lismore Local Environmental Plan 2000.

The building is not proposed for listing in the 2012 Draft Lismore Local Environmental Plan.

It is acknowledged that whilst the City Hall is not listed as a "heritage item" the building itself has cultural and social significance to Lismore as well as being highly visible from Bruxner Highway when entering Lismore from the west as well as Molesworth and Bounty Streets.

Social Planner

Social impact assessment matters were previously discussed at a pre lodgement meeting and any concerns raised at that meeting appear to have been addressed. The proposal delivers many beneficial social impacts to the community, in particular, improved access to social and cultural events for people with disability. There are no further concerns regarding potential social impacts.

Water and Sewer

Development proposes a range of variations to the existing building for which follow up approvals under s68 will be required. Water supply works and sewerage works required are subject to further approval.

Section 64 levies do not apply to this development. The proposal does not seek to amplify the use of the site and the proposal relates to upgrade of the existing facility. There is some additional floor area. In accordance with Council's definitions in the LEP Gross Floor Area excludes areas for loading and unloading. The remaining floor area is simply providing approved amenities and facilities for the artists and performers such as more toilet/showers and change room space.

There are some variations to the kitchen and bar areas therefore the proposal will require a Liquid Trade Waste application and approval for these works.

Fire services are subject to BCA assessment and the proponents will need to coordinate requirements with the Hydraulic Services consultant if required.

Engineering/Traffic/Stormwater Drainage

The subject DA is for substantial works and improvements, essentially an upgrade of the site, however there is no significant amplification of the site use. There may be some intensification or increased use following the upgrade works but demands and services will be largely the same and within capacity of the previous intended use of the site.

Vehicular access to the site remains as is, similar or no additional access is proposed. The existing drive through for set down and pick up is to be removed therefore it could be considered that there is a reduction in access to the site. Existing access points are to be maintained and are satisfactory.

The proposed use of the site post upgrade is similar and consistent with the current use. Therefore traffic volume and movements are similar. The upgraded site may prove to be more attractive and the frequency of use may increase but the surrounding streets are suitable for the

use and satisfactory. No net impact on pedestrian traffic with the same risks as present as there is no amplification of the site.

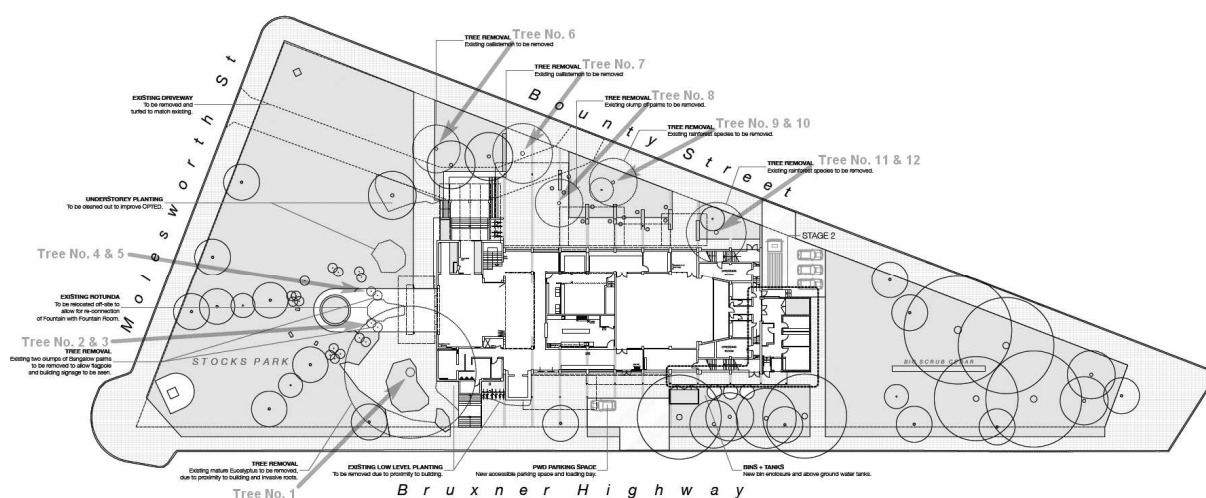
Site currently has limited on-site parking and there is no proposal to provide any additional on-site parking. The primary access is from Bounty St where there is a wide road corridor and angled parking along the entire site frontage. Some parking is also available as parallel parking along the Bruxner Hwy. Therefore, the site maintains its current access and capacity for parking with no variation to the existing historical usage of the site.

There is some additional roof area however, this is not a significant area to warrant any further detailed stormwater assessment. There is plenty of access into the stormwater network in various locations of the existing system on-site and for disposal. The existing network has adequate capacity for stormwater disposal from the additional roof areas.

There will be no net impact on flooding as the building is an existing structure. The increased floor area to the eastern end of the building is or is considered to have minimal impact on flood movement. There are no surrounding buildings and it is considered that there is no potential impact of the minor additional structure to the existing pattern of flow during floods.

Parks & Reserves

Plan showing trees proposed for removal



Tree details:

Tree #	Name: Botanical / Common	Size	Not suitable	Suitable
1	Corymbia citriodora / Lemon Scented gum	L	1B	
2	3x Archontophoenix alexandrae / Alexandra palms	S		2A
3	2x Archontophoenix cunninghamiana / Bangalow palm	S		2A
4	3x Archontophoenix alexandrae / Alexandra palms	S		2A
5	2x Archontophoenix cunninghamiana / Bangalow palm	S		2A
6	Melaleuca alternifolia / Small Leaf Paper Bark	S	1L	
7	Melaleuca alternifolia / Small Leaf Paper Bark	S	1L	
8	Chrysalidocarpus lutescens / Golden Cane palm	S	1L	
9	Melaleuca styphelioides / Prickly Paper Bark	M	1L	
10	Flindersia australis / Teak tree	S	1L	
11	Glochidion ferdinandi / Cheese tree	M	1B,1L	
12	Archontophoenix cunninghamiana / Bangalow palm	S	1B,1L	

Further Council assessment comments:

Tree #	Comments
1	The Lemon Scented gum is a large tree approximately 4m from the building. Two Engineer reports have been presented with the recommendation to remove the tree. The tree has a considerable amount of Epicormic growth on the upper canopy branches, this is an indication of tree stress. One of the Engineer's reports has suggested root barrier but prefers removal. An assessment of the tree and site conditions for the suitability of root barrier with the Parks Coordinator, has recommended that severing the roots between the building and the tree would more than likely be detrimental to the trees health and may not be a long term affective measure in maintaining a consistent ground moisture levels for the building.
2,3,4,5	These palms either side of the gazebo do not appear to be obstructing the view of the fountain. Parks staff have added that the area would lose its landscape value
6,7,8,10	These trees are smaller, young and can be readily replaced (DA purposes)
9	The Prickly Paper bark is not a healthy specimen.
11,	This tree is only 2.6m from the building and has an asymmetrical form due to the close proximity to building
12	These two palms are small and can be readily replaced (DA purposes)

Recommendations:

Approve removal of trees 1, 6, 7, 8, 9, 10, 11 & 12.

Refuse removal of palms 2, 3, 4, & 5 at this time on the basis that the application to remove the tree/s has not sufficiently met the criteria out lined in the tree preservation order for approval to be granted. The tree preservation order aims and objectives are to promote the retention of trees and tree cover in the urban environment. Trees that present no obvious defects are worthy to be retained for their amenity in the environment contributing to one or more of the many reasons to conserve trees, that is ecological, heritage, aesthetic, flora and fauna habitat, remnant or riparian vegetation. The issue of the palms interfering with flag poles may be best rectified by relocating the flag poles.



Plate 1 – Fountain room and palm trees viewed from the west

External Referrals**RTA (Infrastructure SEPP)**

The development adjoins Bruxner Highway, however the application was not referred to the RTA as there are no works or changes proposed to the access to the site from this major road.

NSW Police

The application was referred to NSW Police and comments were received on 11 October 2012, raising no objection to the proposed development.

Notification/ Submissions

The application was advertised in the Northern Rivers Echo in accordance with the provisions of the Lismore DCP for the Notification and Advertising of Development Applications. As a result of the notification and advertising, no submissions were received.

Consideration

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

Lismore LEP 2000

The proposed development is permissible as refurbishment of an existing “community facility” within the 3(a) Business zone under the provisions of the Lismore LEP 2000.

1. Development in the vicinity of a heritage item (cl 17A)

The proposed development is in the vicinity of 185 Molesworth Street, which is listed as a heritage item in LLEP 2000. The refurbishment of Lismore City Hall will have no adverse impact on the heritage significance of the building at 185 Molesworth Street.

2. Preservation of trees (cl 18)

The requirements of this clause have been considered under the heading “Internal Referrals – Parks & Reserves” and an appropriate recommendation made to incorporate into the conditions of development consent.

3. Development on flood affected land (cl 22)

The development site is shown on Council’s mapping system as being ‘flood fringe’. Council has considered all matters relating to flood affected land and is satisfied that there will be no adverse impacts on flood characteristics as a result of the proposed refurbishment of City Hall.

4. Development along main roads (cl 25)

The existing approved driveway crossing onto Ballina Road will continue to be utilised.

Zone objectives and Zoning Control Tables

Having regard to the provisions of Lismore LEP 2000, it is considered that:

- (a) The development is in accordance with and promotes the specific aims of this plan, the objectives of the zone and the objectives of the controls, and
- (b) The development, in particular, is in accordance with and promotes the character of the neighbourhood within which the development is carried out.

The proposed refurbishment strengthens the City’s role as a regional centre, is not changing existing provision for on site car parking and makes adequate arrangements to minimise possible impacts of flooding. As such, consent to the development may be granted.

Draft LEP 2010

The proposed development is permissible with development consent as “community facility” within the B3 Commercial Core zone under the provisions of the Draft Lismore LEP 2012.

The application has been assessed against the relevant numeric controls in Draft LEP 2012 as indicated in the following compliance table. Additional more detailed comments with regard to other relevant provisions are provided after the table.

SEPP 44 – Koala Habitat Protection

The site is less than 1ha in area, and there is no potential koala habitat on the site. The proposed development will not disturb any areas of potential habitat. On this basis it was concluded that further investigation into core koala habitat, or an individual koala plan of management, is not required for this development under the terms of SEPP 44.

SEPP 55 & Contaminated Land Management Issues

Following a review of available information, Council is unaware of any contamination affecting the site. The subject site has been considered in the context of Clause 7 of State Environmental Planning Policy 55 and the Contaminated Lands Management Act and is considered unlikely the subject site presents contamination issues such that remediation would be required for the development to proceed.

SEPP 64 – Advertising and Signage

No new signage is proposed as part of the proposed development.

SEPP (Infrastructure) 2007

Clause 101 - The land immediately adjoins Ballina Road (the Bruxner Highway) which is a classified road. The proposed refurbishment of the existing City Hall building meets the objectives of clause 101(1) and Council is satisfied that the requirements of clause 101(2) have all been adequately met, particularly as the proposed refurbishment is not a new development and the existing satisfactory access to Ballina Road will not change. The nature volume and frequency of vehicles using the highway to access the land will not significantly change.

Clause 104 - The proposed DA does not trigger any threshold of Schedule 3 which requires that Council refer the DA to NSW Roads and Maritime Services for comment prior to its determination.

Lismore Development Control Plan

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table, and comments are provided where the proposal does not strictly comply with the applicable provisions or conditions are required to address certain matters. Additional more detailed comments with regard to the major issues are provided after the table.

1. DCP 2002 Compliance Table

LISMORE DEVELOPMENT CONTROL PLAN		
	Complies Yes/No	Relevant Comments
Crime Prevention Through Environmental Design		
Rationale	Yes	The comments and provisions within the application documentation are considered appropriate to satisfactorily address these provisions.
Guidelines for Development Assessment	Yes	
Surveillance (i.e. site and design of buildings, subdivision design, landscaping and lighting)	Yes	
Access Control and Target Hardening	Yes	
Territorial Reinforcement	Yes	
Defensive Space	Yes	

Tree Preservation Order		
Land to which the TPO Order applies	Yes	TPO request made in DA
Tree Removal requiring Consent from Council	Yes	
Tree Removal Requiring Consent from another Authority	No	Lismore City Council is the consent authority for tree removal in urban areas
Exemptions to the Tree Preservation Order	No	The trees all require consent for their removal under the provisions of the TPO
Arborist and Structural Engineers Reports	No	Not required
Waste Minimisation		
Relationship with Legislation	Yes	Appropriate provisions are contained within the application and can be reinforced by conditions of consent.
Handling Waste	Yes	
Development and Construction Certificate Application	Yes	
Public Art		
Benefits, provisions and assessment of proposals	Yes	Appropriate condition incorporated into development consent

Car parking

The proposed refurbishment addresses the requirements of Chapter 7 of the DCP, and as the proposal does not:

- change or substantially increase the gross floor area of the building;
- alter the access points; and
- sufficient area is available for on-street car parking.

It is considered that there is no justification on planning grounds to require the provision of additional car parking facilities on the subject site.

Section 94 Contributions Plan

The proposal does increase floor area to the eastern end of the building over two floor levels. This space is for the loading and unloading of goods and equipment. This space in accordance with Lismore LEP 2000 definitions, “*Gross Floor Area*”, item (d) is excluded. Other parts of the floor area other than loading and unloading of goods is designed / proposed to be used to improve amenity / facilities for the artists / performers. As mentioned previously there is no intensification of the site other than increased patronage of the facility and no amplification of the site.

Therefore, no levies are applicable to this application.

Applicable Regulations

The EPA Regulation 2000 requires that Council take into consideration Fire Safety upgrade. This matter is discussed under the heading “Internal Referrals – Building” previously in this report.

The EPA Regulation 2000 also requires that Council take into consideration Demolition and Public Entertainment. Where relevant the prescribed conditions in accordance with EP & A Regulation 2000 have been included in the development consent.

Relevant Council Policies

- 2.1.3 Fire Safety of Buildings – Proposed development is in accordance with the provisions of this Policy
- 5.2.10 Equity in Access and Provision of Facilities to Public Spaces– Proposed development is in accordance with the provisions of this Policy
- 5.2.29 Development Application Determination– Proposed development is in accordance with the provisions of this Policy
- 8.2.1 Public Art Policy– Proposed development is in accordance with the provisions of this Policy

The provisions of these policies have been properly addressed and satisfied by the application.

Urban Design

The proposed design of the refurbishment is appropriate in the circumstances and achieves the desired outcomes of the project brief provided to Architects Phillips Smith Conwell in association with Dominic Finlay Jones. The functional requirements of the building have been re-configured internally and externally to allow the existing lift infrastructure to be utilised to solve the access issues. This strategy has also controlled costs and provided opportunity for some level of performance upgrades to be included in the project.

A series of innovative solutions have combined to improve how the building works, inside and out, increasing the usability and flexibility of all the internal spaces. Equity of access has been mainly addressed and solved on all floors of the buildings.

The inclusion of awnings to the northern side of the building will add visual interest to this elevation as well as provide shade and weather protection to the northern entrance to the dance theatre and box office (see Plate 2).



Plate 2 – Northern elevation viewed from the east

The building design unfortunately still leaves the southern elevation (fronting Ballina Road) appearing as though it is the “service entry” only (see Plate 3). This can be ameliorated by incorporating some design requirements into the condition of consent relating to landscaping. The inclusion of improved paving and landscaping to provide an “entry statement” to the southern entry would not only enhance the visual appeal of the building but would clearly delineate that this is also a main entry to the building and all its facilities, particularly as the designated Person with Disability (PWD) car parking space is located at this entry.

The water tanks and bin storage could either be included on the western side of the building or suitably screened with landscaping. The large brick wall between the southern entrance doors and external stairwell could incorporate signage to the effect “Lismore City Hall – Southern Entrance” to be clearly visible to patrons. This would be of assistance with way finding for patrons who park in the on street parking spaces available in Ballina Road. Appropriate conditions will be included on the development consent to this effect.



Plate 3 – Southern elevation viewed from the east

Overall, Lismore City Hall takes several steps towards becoming a premium performance venue with four distinct performance and multi-use spaces separated by clear and functional circulation spaces. The inclusion of appropriate conditions on consent will ensure the building incorporates best practice urban design principles as well.

Materials

The proposed materials, as described in Appendix No 2 – Architects Statement by Dominic Finlay Jones are considered appropriate and will result in a more contemporary building style while respecting existing elements and character.

Amenity

The proposal provides a high level of amenity through the provision of accessibility, functionality and aesthetics to the Lismore City Hall through the upgraded access spine, awnings to shelter patrons from the elements and a clear view to the Tresise fountain and surrounding gardens.

Roads Act Approvals

The proposal requires minor works within the public road reserve to remove and existing vehicular crossing in Molesworth Street, and as such, a permit under the provisions of s.138 of the Roads Act would be required but can be managed under the conditions of this consent.

Local Government Act Approvals

The proposal requires approval under the provisions of s.68 of the Local Government Act for liquid trade waste, water supply and sewerage works which must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

All Likely Impacts of the Development

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|--|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |

4. Landscaping/Open Space Provision	Yes
5. Traffic generation and Carparking provision	Yes
6. Loading and Servicing facilities	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	Yes
9. ESD Principles and Climate Change	Yes
10. All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

CONCLUSION

The proposed refurbishment of Lismore City Hall is considered to be appropriate in the circumstances. The positive impacts of the proposed refurbishment include the provision of accessibility to the entire building and improved facilities internally for all users of City Hall. The visual appeal of the building will be enhanced by upgraded landscaping and paving as well as the awnings to the northern and southern elevations of the building. The awnings provide much needed shelter as well as adding visual interest to otherwise bland street facades.

The proposed development meets all legislative requirements and is considered to be in the public interest.

Consequently, there is no planning objection to approval of the proposed development subject to the imposition of appropriate conditions on development consent.

RECOMMENDATION

PURSUANT TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT:

- A. The Northern Region Joint Regional Planning Panel, as the consent authority, grant consent to Development Application No. 5.2012.280.1, subject to the conditions as specified in Appendix 1 attached to this report.



Mrs S J Thatcher
ASSESSING OFFICER



Mr P Jeuken
MANAGER – DEVELOPMENT & COMPLIANCE

Proposed Conditions of Consent

DA No. 5.2012.280.1 **1 Bounty Street LISMORE** **Refurbishment of Lismore City Hall**

A. Conditions that Identify Approved Development

Development in Accordance with Plans

A1. The development being carried out in accordance with following drawings:

Plans numbered and Drawing Title	Drawn by	Issue	Date
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DA12 Zones Existing	Phillips Smith Conwell Architects	A	07/09/12

as endorsed with Council's approval stamp, and the supporting documents submitted with the application, except where amended by the following conditions.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information*

Plans on Site

- A2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance*

No Demolition of Extra Fabric

- A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building or trees on site which is shown to be retained (except where varied by the conditions of this consent).

Reason: *To ensure compliance with the approved development*

- B. Conditions that require 'Ancillary' Matters to be Completed to the Satisfaction of Council or another Nominated Person Prior to Issue of Construction Certificate**

Construction Management Program

- B1. A Construction Management Program shall be submitted and approved in writing by Lismore City Council prior to the issue of any Construction Certificate. Any use of Council property shall require appropriate approvals prior to such work commencing. The program shall specifically address the following matters:

- (a) Provide a Safe Work Method Statement;
- (b) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and disruption to traffic flows and noise in the area, and provision for vehicles leaving the site in a forwards direction. (Access across public parks and open space reserves is prohibited.)
- (c) Provisions to ensure through traffic is maintained at all times;
- (d) The proposed method of pedestrian management to comply with AS1742.3 and AS1742.10, including pram ramp details;
- (e) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (f) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of demolition and construction will be undertaken;
- (g) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. The road is not to be used as a waiting area for trucks delivering to or awaiting pick up of materials;

- (h) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (i) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.

All traffic control work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

Notes:

- 1) Lismore City Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- 2) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction management Plan be lodged with Council as early as possible, as a minimum six (6) weeks notice is required to refer items to the Traffic Committee.
- 3) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)*

C. Conditions that Require Subsidiary Matters to be Completed Prior to Issue of a Construction Certificate

Public Art

- C1. Prior to the issue of any Construction Certificate, the person acting on this consent shall enter a written agreement with Lismore City Council in accordance with Council's Public Art Policy and Procedures towards a mutually agreed public art project to a value of at least \$15,000 as proposed in the application, that is to be provided in a location that is readily accessible to members of the public, of a permanent and durable nature.

The agreement shall include timing of proposed payment and procedures for determining the preferred art project.

Reason: *To ensure compliance with the provisions of Council's Policy No 8.2.1 Public Art (S79C)*

Section 68 Application required for Water/Sewer/Trade Waste

- C2. Prior to the issue of any Construction Certificate the proponent shall obtain approval under Section 68 of the Local Government Act, 1993 for the water supply and sewerage works and Liquid Trade Waste management works required for this development. The proponent shall submit the appropriate Activity Application Forms accompanied by such information as is listed in Council's Water, Sewer and Liquid Trade Waste Activity Application Check-list.

Notes: The proponent shall not commence construction of any part of the water supply and sewerage works or Liquid Trade Waste management works prior to receiving an Activity Approval specifically for the water supply and sewerage works and plans with Council's stamp of approval imprinted thereon.
A fee applies to the Activity Application. The fee is as adopted at the time of payment and is as set out in Council's Fees and Charges.

Reason: *To comply with Section 68 (s68) of the Local Government Act, 1993.*

Construction, Cleanliness and Maintenance of Food Preparation Areas

C3. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of the:-

- (a) Food Act (as amended)
- (b) Food Regulation (as in force);
- (c) Food Standards Code
- (d) AS4674 (Design, Construction and Fit-Out of Food Premises);
- (e) Lismore Water - Trade Waste Section;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) the Protection of the Environment Operations Act; and
- (i) the Building Code of Australia;

The relevant matters to be taken into account under this approval relate to:-

- (a) construction, materials and finishes;
- (b) installation of fixtures, fittings and equipment;
- (c) washing facilities, other facilities and special requirements;
- (d) mechanical ventilation and exhaust discharges; and
- (e) temperature control

The premises must be registered with Council prior to the commencement of the use.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted to, and approved by, the Certifying Authority prior to the issue of a Construction Certificate for works relating to areas intended for the preparation/storage of food.

Note: Lismore City Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant written concurrence of design details prior to the issue of any Construction Certificate. Please note that failure to provide complete and detailed information may result in delays and requests for additional information.

Reason: *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation*

Waste Management Plan

- C4. Prior to the issue of a Construction Certificate, a waste management plan in accordance with the provisions of Chapter 15 - Waste Minimisation of the Lismore Development Control Plan, must be prepared and be submitted and be approved by the Certifying Authority with the Construction Certificate application.

A copy of the approved documentation must be submitted to the Consent Authority (LCC) for record purposes.

Reason: *To comply with the requirements of the Lismore Development Control Plan.*

Damage to Public Infrastructure

- C5. The person acting upon this consent shall advise Council, in writing or by photographic record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Reason: *To ensure the protection of existing built public infrastructure*

Landscaping Plan Required

- C6. A detailed landscaping plan shall be prepared for submission with the application for the **Construction Certificate**. Landscaping plans shall be in accordance with Council's Landscape Guideline and relevant Development Control Plans. Species identified in Council's Landscape Guideline shall be planted wherever possible. Landscaping plans shall indicate:

- (a) Planting throughout the site in accordance with CPTED principles, such that clear sightlines are maintained beneath the canopy of trees and over the top of understorey planting. Low shrubs and groundcovers < 1 metre in height and clear trunked tree species are to be used;
- (b) Screening of rainwater tanks and bin storage areas as shown on the southern elevation to ensure a high level of amenity of the streetscape from the Ballina Road frontage;
- (c) The inclusion of signage, paving and landscaping to provide an "entry statement" to the southern entry to enhance the visual appeal of the building and clearly delineate that this is also a main entry to the building and all its facilities;
- (d) Location of Council's sewer;
- (e) Proposed location for planted shrubs and trees;
- (f) Botanical name of shrubs and trees to be planted;
- (g) Mature height of trees to be planted;
- (h) Location of grassed areas;
- (i) Location of paved areas;
- (j) Location of trees identified for retention in the development application plans.
- (k) Development application Plan DA01 Masterplan shall be updated to identify trees number 2, 3, 4 and 5 to be retained on the plan detail;
- (l) A minimum of seven (7) trees to be planted to compensate for loss of amenity.

Details prepared by an appropriately qualified person demonstrating compliance with the above requirements are to be submitted to Certifying Authority for approval with the Construction Certificate, and the landscaping undertaken generally in accordance with the approved landscaping plan.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*

Protection of Trees During Works

- C7. All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site, and any recommendations (or methods) to ensure the protection of trees shall be undertaken for the duration of works on the site.

Reason: *To ensure compliance with the requirement to retain significant planting on the site.*

BCA Upgrading

- C8. The proposed works and the existing building shall be upgraded to incorporate the recommendations of the BCA Consideration Report prepared by BCA Check Pty Ltd dated 11 September 2012, and confirm the further works required to comply with the BCA, consistent with the advisings attached to these conditions of consent.

In addition to these requirements, an electrical audit of the whole building, including existing wire shall be undertaken by a licensed electrical contractor certifying all the wiring in the building is compliant, safe and unlikely to be a source of ignition for fire. This includes the roof void.

Details prepared by an appropriately qualified person(s) demonstrating compliance with the above requirements are to be submitted to Certifying Authority for approval with the Construction Certificate.

Reason: *To comply with s.94 of the EP & A Regulation and eliminate sources of ignition.*

D. Conditions That Must be Complied with during Demolition and Building Work

Compliance with Building Code of Australia

- D1. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Notes:

1. There are advisings attached to these conditions which provide detail of works required to comply with the provisions of the Building Code of Australia relative this proposed development. It is strongly recommended that any contractor undertaking work on this project familiarise themselves with these advisings to ensure compliance with relevant BCA requirements or seek clarification from the Principal Certifying Authority if there is uncertainty about compliance requirements. Failure to seek clarification may result in delays in final certification of the works.
2. In this condition, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or

- (b) construction certificate, in every other case.

Reason: *Statutory condition imposed under the provisions of the Environmental Planning & Assessment Regulation*

Flood compatible fixtures and power outlets

- D2. All building materials used in the building or fixtures and power outlets, below the adopted standard flood level of 12.3 m (AHD), shall be flood compatible.

Reason: *Required by Lismore Development Control Plan No. 1, Part A, Chapter 8 – Flood Prone Land.*

Demolition

- D3. Demolition must be carried out in accordance with Australian Standard AS 2601-2001, *Demolition of structures*.

Reason: *Statutory condition imposed under the provisions of the Environmental Planning & Assessment Regulation*

Development involving asbestos material

- D4. Development that involves asbestos removal building work or demolition work must comply with the following requirements:

- (a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*;
- (b) the person having the benefit of the construction certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out. The notice must state that the works may include the removal of asbestos and, if it does, it will be carried out by a licensed person in accordance with the requirements of the *Occupational Health and Safety Regulation 2001*;
- (c) the person having the benefit of the construction certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences;
- (d) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- (e) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the construction certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Notes:

- (1) A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the *Occupational Health and Safety Regulation 2001* (refer to *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority).

If the work is not undertaken by a licensed contractor it should still be undertaken in a manner that minimises risks (refer to *Fibro & Asbestos—A Renovator and Homeowner's Guide* at <http://more.nsw.gov.au>). Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment & Heritage.

- (2) In this clause, "bonded asbestos material", "bonded asbestos removal work", "friable asbestos material" and "friable asbestos removal work" have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.
- (3) Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.
- (4) The effect of this condition is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.
- (5) Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Office of Environment & Heritage.

Reason: *To ensure statutory compliance and minimise potential harm to the environment consistent with the provisions of the EP & Regulation 2000*

Erection of signs

- D5. For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is 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.

Notes: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason: *Statutory condition imposed under the provisions of the Environmental Planning & Assessment Regulation*

Hours for construction

- D6. 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.

Notes:

For the purposes of this condition:

"*Building construction*" means any physical activity on the site involved in the erection of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.

"*Demolition works*" means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.

"*Excavation work*" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community*

Noise generating construction activities

- D7. All noise generated by construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009.

Reason: *To minimise the impact of demolition and construction noise on the neighbourhood.*

Sediment control measures

- D8. Sediment control measures must be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion **and** must be effectively maintained until the site has been stabilised and landscaped.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites*

Waste Disposal

- D9. All waste materials generated from construction works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2008'. All contractors must be properly supervised and auditing procedures put into place to ensure compliance with this condition.

Reason: *To protect the environment and manage wastes appropriately. (EPA Act Sec 79C(b))*

Aboriginal Heritage

- D10. If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for Lismore City Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

Reason: *Aboriginal Heritage Protection*

Protection of Public Places

- D11. (1) If the work involved in the erection or demolition of a building:-
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,
- a hoarding and site fencing must be erected between the work site and the public place.

- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: *To ensure public safety and the proper management of public land*

Prohibition on Use of Pavements

- D12. Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless written approval is obtained from Council beforehand).

Reason: *To ensure public safety and amenity on public land*

Plant & Equipment Kept Within Site

- D13. All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, shall be situated within the boundaries of the site (unless written approval is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Reason: *To ensure public safety and amenity on public land*

E. Conditions that require ancillary matters to be complied with prior to final completion and the issue of an Occupation Certificate.

Food businesses

- E1. If the development is a **food business** within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act or licensed as required by the *Food Regulation 2004*, before an occupation certificate (whether interim or final) for the complying development is issued.

Reason: *To ensure compliance with statutory requirements*

Landscaping

- E2. Principal Certifying Authority approved landscaping shall be completed in accordance with the approved landscape plans as referred to in the conditions of this consent prior to the release of any Occupation Certificate and maintained at all times to the satisfaction of Council. Trees identified for retention in the Development Application plans shall not be removed without separate Council approval.

Reason: *To ensure that appropriate landscaping is provided. (EPA Act Sec 79C(c))*

Disused Driveway Crossings

- E3. Any disused driveway crossings are to be reinstated to standard kerb and gutter and verge restored in accordance with Council's standards and or to be consistent with the adjoining existing alignment or conditions.

Reason: *To prevent unlawful use and obstruction of the adjacent public. (EPA Act Sec 79C(c))*

Bicycle Parking Facilities

- E4. The applicant shall provide bicycle parking facilities on-site, in accordance with Austroads Part 14 'Bicycles' and Australian Standard AS2890.3 'Bicycle Parking Facilities'.

Reason: *To provide adequate parking facilities for the anticipated traffic that will be generated by the development. (EPA Act Sec 79C(a))*

Mechanical ventilation systems

- E5. If the development includes a mechanical ventilation system that is a **regulated system** in **regulated premises** within the meaning of the *Public Health Act 1991*, the system must be notified as required by the *Public Health (Microbial Control) Regulation 2000*, before an occupation certificate (whether interim or final) for the development is issued.

Reason: *To ensure compliance with statutory requirements*

Utility services

- E6. If the development requires alteration to, or the relocation of, utility services on the lot on which the development is carried out, the development is not complete until all such works are carried out.

Reason: *To ensure compliance with the terms of this consent*

F. On-Going Conditions That Must be Complied With At All Times

Entertainment venues

Nitrate film

- F1. An entertainment venue must not screen a nitrate film.

Reason: *Compliance with s.98C of the Environmental Planning & Assessment Regulation 2000*

Stage management

- F2. During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

Reason: Compliance with s.98C of the Environmental Planning & Assessment Regulation 2000

Proscenium safety curtains

- F3. If a proscenium safety curtain is installed at an entertainment venue:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

Reason: Compliance with s.98C of the Environmental Planning & Assessment Regulation 2000

Projection suites

- F4. (1) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the **projection room**) must be in attendance at the entertainment venue.

(2) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.

(3) No member of the public is to be present in the projection suite during the screening of a film.

Reason: Compliance with s.98C of the Environmental Planning & Assessment Regulation 2000

Emergency evacuation plans

- F5. (1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.

(2) An **emergency evacuation plan** is a plan that specifies the following:

- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
 - (b) the number of any fire safety officers that are to be present during performances,
 - (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.
- (3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

Reason: Compliance with s.98C of the Environmental Planning & Assessment Regulation 2000

Condition relating to maximum capacity signage

F6. That the total number of persons permitted to be accommodated in the building, are not to exceed the following:

- a) Auditorium - Standing 750 persons
 - Seating 536 persons;
- b) Fountain Room - Standing
 - Seating 103 persons
- c) Dance Theatre - 188 persons

and a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

Reason: Compliance with s.98C of the Environmental Planning & Assessment Regulation 2000 and to ensure compliance with the application details submitted by the applicant which were taken into consideration and influenced the determination of the application.

Mezzanine

F7. The mezzanine is not to be enclosed to create a separate room at any future time.

Reason: To ensure compliance with the requirements of the BCA

Baby Change Facilities

F8. Approved baby change facilities must be provided within toilet facilities for people with disabilities and the facility must be provided with appropriate signage.

Reason: Required by Policy 05.02.10 of the Lismore City Council.

END OF CONDITIONS

ADVISORY NOTES TO DA 5.2010.280.1

1. The erection of the building under the terms and conditions of this Development Consent must not be commenced until detailed plans and specifications of the building have been endorsed with a Construction Certificate by:

*(i) The Council; or
(ii) An accredited certifier*

Before work is commenced Council must be informed in writing of the name and accreditation number of the Principal Certifying Authority who has been appointed to do the work.

2. The building design shall comply with the requirements of the **Building Code of Australia (BCA)**, so as to achieve and maintain acceptable standards of structural efficiency, fire safety, health and amenity for the ongoing benefit of the occupants of the building and the community. The following sections of the BCA are required to be addressed and detailed on the plans accompanying the application for a Construction Certificate:

- **Part C1—Fire Resistance;**
- **Part D1—Provision for Escape**
- **Part D2—Construction of Exits;**
- **Part D3—Access for People with a Disability**
- **Part E1—Fire Fighting Equipment;**
- **Part E2—Smoke Hazard Management;**
- **Part E4—Emergency Lighting, Exit Signs and Warning Systems;**
- **Part F2—Sanitary and Other Facilities**
- **Part H101 NSW—Entertainment Venues**

3. Access is to be provided to the building and to those areas within the building to which the public would normally be expected to gain access in accordance with **Disability (Access to Premises — Buildings) Standards 2010** and Australian Standard (AS)1428.1 - Design for Access and Mobility, including the provision of tactile surface indicators in accordance with AS1428.4.
4. The building is not to be occupied until an Occupation Certificate is issued by the Principal Certifying Authority and in this regard all matters relating to this Development Consent are to be completed prior to the issue of the Occupation Certificate.
5. The whole building, shall be provided with a fire and smoke alarm system complying with AS1670.
6. The building is to be provided with automatic shutdown of any air-handling system (other than miscellaneous exhaust air systems installed in accordance with Sections 5 and 11 of AS/NZS 1668.1) activated by an automatic smoke detection and alarm system complying with Clause 5 of Specification E2.2a.
7. An emergency lighting system, including exits signs, are to be provided throughout the building to comply with Clause E4.2 Building Code of Australia. Details of the emergency lighting system and a certificate from an electrical engineer certifying the level of illumination required is provided and that the circuits are designed as required, is to be submitted to Council prior to installation.
8. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10, Building Code of Australia.
9. All fire door frames and doors must be installed and labelled in accordance with AS 1905.1-1990 "Fire Door Code".
10. Plumbing and air conditioning shafts must have the required fire resistance level and openings must be kept as small as possible and protected in accordance with Clause C3.13, Building Code of Australia or plumbing stacks may be of metal pipes sealed

tight at each floor. Details of methods of construction to be used are to be submitted to Council for approval.

- 11 The main switchboard within the building, if it sustains emergency equipment, must be separated from other parts of the building by construction having an FRL of 120/120/120 and any doorway must be fitted with a self closing fire door having an FRL of -/120/30.
- 12 Electrical meters, distribution boards or ducts installed in a required non-fire isolated exit, or any corridor, hallway or lobby, leading to a required exit, are to be enclosed by non-combustible construction or a fire-protective covering, so as to prevent smoke spreading from the enclosure.
- 13 Fire hose reels must be provided in accordance with Clause E1.4 Building Code of Australia and the following:-
 - (a) Must comply with Australian Standard 1221 "Fire Hose Reels" and be installed in accordance with Australian Standard 2441, "Installation of Fire Hose Reels".
 - (b) At the connection of the most hydraulically disadvantaged hose reel to the fire main or water service pipe, provide a water flow rate of 0.33 L/s.
 - (c) Must not be installed in fire-isolated stairways, fire-isolated ramps or fire-isolated passageways.
 - (d) At least one hose reel must be accessible to all occupants of the storey served by it.
 - (e) No part of the storey must be beyond the reach of the nozzle end of a fully extended hose reel installed on that storey.
- 14 During construction provide not less than one fire extinguisher to suit Class A, B and C fires and electrical fires, on each storey adjacent to each required exit or temporary stair or exit.
- 15 Provide portable fire extinguisher/s, suitable to address the relevant risk, in accordance with AS2444.
- 16 Doors forming exits, paths of travel to exits and parts of exits must comply with the relevant provisions of Clause D2.19, D2.20 and D2.21, Building Code of Australia in respect of the type of door, direction of swing and method of latching.
- 17 The mezzanine is to be provided a continuous balustrade, a minimum of 1 m high to any. The maximum permissible opening in the balustrade is 125 mm.
- 18 Deleted.
- 19 All storerooms to the fire rated having the following FRL; 60/60/60 fire separation with -/60/30 self closing fire doors and -/60/60 frames. Fire doors are to be installed in accordance with AS 1905.1-2005.
- 20 The dressing rooms immediately below the stage having a floor area of are to be provided with -/60/30 self-closing fire doors with smoke seals and frames complying with AS 1905.1-2005.
- 21 The double doors leading to stairways in the southern and northern precinct of the auditorium are to be provided with -/60/30 self-closing fire doors with smoke seals and frames complying with AS 1905.1-2005. The fire doors must have panic bars attached in accordance with BCA Part D (NSW Variation).
- 22 The eastern door leading from the dance studio and the doors to the dressing rooms at ground floor level are to be provided with -/60/30 self-closing fire doors with smoke seals and frames complying with AS 1905.1-2005.
- 23 Certification being submitted to Council from a suitably qualified mechanical engineer certifying that the existing roof mounted automatic smoke and heat vents located above the stage comply with the requirements of BCA NSW H101.22 and advise if the level of upgrade, if any, is required to meet current standards.

- 24 No *flying scenery* and a rigging loft are to be erected over the Stage at any time.
- 25 The entrance doorways to the lift shaft to be protected by 60/60/- fire doors that comply with AS 1735.11 "Fire-rated Landing Doors" and the lift call panels must comply with Clause C3.10(b) Building Code of Australia.
- 27 Automatic sliding doors must be so constructed that in the event of malfunction or failure of the power supply, they may be opened under a force of not more than 110N.
- 26 Every passenger lift must comply with Part E3.6 of the Building Code of Australia.
- 27 There must be displayed near all lift call buttons a sign "In Case of Fire Do Not Use Lifts" in accordance with Clause E3.3 Building Code of Australia.
- 28 Glazing to doors and windows must comply with AS 1288-2006 "Glass in Buildings". For external glazing the design wind speed must be provided to the glazier.
- 30 That the essential fire or other safety measures listed in the schedule (attached to the Construction Certificate) be installed in the building and are to be designed, installed and maintained in accordance with the relevant provisions of the Building Code of Australia or in accordance with such other standard as is specified in the attached schedule.

HEALTH and AMENITY

- 31 A tempering valve shall be installed so as to deliver hot water at the outlet of all sanitary fixtures, such as baths, basins and showers, at a temperature not exceeding 43.5°C for all childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick persons or persons with disabilities; and 50°C in all other classes of buildings.
- 32 Accessible facilities must be provided as specified in Clause F2.4 Building Code of Australia and shall be constructed to the requirements of AS 1428.1 "Design for Access and Mobility".
- 33 Provide car parking spaces for the disabled, including signage, in accordance with the requirements of Part D3.5 of the Building Code of Australia.
- 34 External lighting must be adjusted or hooded to prevent any nuisance to neighbouring property.
- 35 Provide signs, incorporating the disabled access symbol, identifying the location of each accessible entrance to the building, lift and sanitary facility, space with a hearing augmentation system.
- 36 A report addressing the requirements of Part J Energy Efficiency is to be provided to the Principal Certifying Authority from a suitably qualified energy efficiency consultant. The report is to contain a checklist for the required measures to be installed to the building to comply with Section J.
- 37 The mechanical ventilation system must comply with AS1668.2-2002 "Mechanical Ventilation for Acceptable Indoor Air Quality". Full details from the mechanical services engineer must be submitted to the Certifying Authority for approval together with a certificate stating that the whole system complies with the relevant standards, and the provision of the required air changes.
- 38 A certificate from the mechanical services engineer certifying that the mechanical ventilation system as installed complies with AS 1668.1 - 1991 "Fire & Smoke Control" or AS 1668.2-1980 "Mechanical Ventilation for Acceptable Indoor Air Quality " must be submitted to Council at the time of a final inspection.
- 39 Cool rooms must be provided with:-
 - (a) a door which can at all times be opened from inside without a key; and
 - (b) an approved alarm device located outside but controllable only from within the cool room.