



## DEVELOPMENT ASSESSMENT REPORT

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Broken Hill City Library Refurbishment (DA2023/103, PPWES-206)

252-256 Argent Street and 243-259 Blende Street, Broken Hill



## EXECUTIVE SUMMARY

The application was publicly exhibited from 9 November 2023 to 28 November 2023.

As a result of the exhibition, nil submissions were received.

DA2023/103 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to:

- Comply with the relevant State Environmental Planning Policies;
- Comply with the Broken Hill Local Environmental Plan 2013;
- Comply with the Broken Hill Development Control Plan 2016;
- Have minimal impact on the natural and built environment;
- Have minimal and positive social and economic impact;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

It is recommended that DA2023/103 be approved subject to conditions as outlined in **Annexure C**.

## 1. BACKGROUND - PREVIOUS APPLICATIONS

The Western Regional Planning Panel has considered and approved two (2) previous applications for the refurbishment of the library on this site:

- (a) **DA6/2020** – This application included part demolition of the Police Station building and Charles Rasp Memorial Library and construction of a new two storey library, a stage to the rear of the existing Town Hall, new public square and public car park. This DA was approved by the Western Regional Planning Panel on the 2 April 2020.
- (b) **DAMOD06/2020** – This was a Section 4.55(1A) Modification application to modify the approved library including the retention of the existing Police Station building, deletion of the Town Hall rear addition, addition of town square and public car park. This modification was approved by the Western Regional Planning Panel on 14 December 2022.

As a result of the increase in construction costs and limited funding available, the proposed development was revised to downscale the development.

Amended plans for the subject development (DA2023/103) were received during the assessment of the application resulting in minor changes to the detail of the design. Amendments included changes to window arrangements, layout of the parent room, signage and landscaping, external finishes, relocation of the electricity substation and waste storage Area. No additional environmental impacts arose from the amendments and re-notification was not necessary.

The amended development is the subject of this application and discussed in detail in Section 5 of this Assessment report.

## 2. OWNERS CONSENT - CROWN LANDS

The Police Station site which is Part Lots 3 and 7 Section 35 DP 759092 was previously owned by the Crown Lands Department (Reserve No. 39037).

Owner's consent was issued by Crown Lands on 30 October 2023 for the lodgment of the Development Application, however Condition 5 of the Owner's Consent letter prohibited the commencement of work until Broken Hill City Council was appointed Crown Land Manager of the site (see **Annexure A**).

On the 16 February 2024, Broken Hill City Council was appointed as Crown Land Manager in the NSW Government Gazette over part Reserve 39037 and to use the land for the additional purpose of "Public Recreation" (see **Annexure B**).

Pending the approval of the subject development application, the Applicant is permitted to seek approval for a Construction Certificate to legally commence work in accordance with the terms of any issued development consent and relevant conditions.

## 3. NATIVE TITLE

The owner's consent letter from Crown Lands notes the following:

*"During the assessment of your proposal, it was noted that native title has not been extinguished on the subject land and that the proposal may require notification under the Native Title Act 1993 in order to afford any claimants or potential claimants procedural rights. This is a requirement to be undertaken by Broken Hill City Council as the Consent Authority for the Development Application."*

The Applicant was asked to provide additional information in relation to this matter and the Applicant provided the following response:

*“Council are aware that the site is subject to Native Title, and Council management have had ongoing discussions with Crown Lands. In addition to this, Crown Lands have been liaising with the Barkandji. In November 2023, Council formally notified the Barkandji of the development proposal, and no submission was received. Council currently manages numerous Crown reserves subject to the Barkandji Native Title determination, and we have previously obtained legal advice regarding the implications of managing reserves subject to Native Title under the Crown Land Management Act”.*

As discussed above, the Applicant has fulfilled its obligations of the owner’s consent letter and no further action is required in this matter.

#### 4. SUBJECT SITE AND LOCALITY

The site is located at 252-256 Argent Street and 243-259 Blende Street, Broken Hill. The subject site comprises four (4) allotments and is identified in the Locality Map and site photos below:



- **252 -254 Argent Street (Lot 3 Sec 35 DP 759092)**– The current Broken Hill Police Station is listed as a heritage item in Schedule 1 of Broken Hill LEP 2013 comprising two main office buildings and a carpark. The demountable Police station buildings are located behind the station and at the rear of the Police residence.



- **243 Blende Street (Lot 7 Sec 35 DP 759092)**- The Police Residence which is also listed as a heritage item in Schedule 1 to the Broken Hill LEP 2013 is located on this site with other outbuildings and structures located towards the rear of the block.



- **256 Argent Street** - This site contains the existing Town Hall Façade which is listed as a heritage item under Schedule 1 of the Broken Hill LEP 2013.



- **245-259 Blende Street** - The Charles Rasp Memorial Library which is also listed as a heritage item under Schedule 1 of the Broken Hill LEP 2013 and existing car park is located on this allotment.
- The development site is also located within the Argent Street Heritage Conservation Area.

## 5. PROPOSED DEVELOPMENT

The proposed development is categorised as “Regionally significant development” under Schedule 6(3) of *State Environmental Planning Policy (Planning Systems) 2021* because Broken Hill City Council is the applicant/proponent/owner of the development, and the capital investment value is more than \$5 million.

The proposed development involves the following:

### **Demolition**

- Demolition of the existing demountable buildings, sheds and car port at the rear of the old Police building to accommodate a car park with 22 car spaces which includes one (1) accessible parking space.
- Part demolition of 513m<sup>2</sup> of GFA at the rear of the Charles Rasp Memorial Library on the ground and first floor including the existing children’s library area, existing ground floor and first floor interior walls, ceilings, floors, roof, structural elements and mechanical equipment to accommodate the new addition to the library building (see new building works heading below)
- Removal of existing car park infrastructure and surface at the rear of the existing Town Hall Building which accommodates a total of 61 car parking spaces, allocated as follows:

**Table 2: Parking space allocations**

<b>Parking space allocation</b>	<b>Number</b>
library spaces	7
reserved BHCC spaces	22
unrestricted spaces	25
15-minute spaces	3
accessible	2
loading docks	2
<b>Total spaces</b>	<b>61</b>

According to the *Traffic and Parking* Report prepared by ARUP (18 August 2023), out of the 61 existing car parking spaces available, 30 are available to the public.

### **New building works**

The proposed new library located at the rear of the existing library façade will have a total floor area of 1130m<sup>2</sup> over two storeys with the following new internal spaces and facilities:

- Retention of the existing Charles Rasp Memorial Library Heritage-listed building front elevation and addition of a new internal accessible ramp for persons with limited mobility into Charles Rasp Memorial Library.
- New reading room which is accessed off the Blende Street entrance adjoining an internal library

garden.

- A new Main Collections Area and Archive exhibition centre will occupy the central library space.
- The West wing of the building is proposed to include:
  - Children's library with a small balcony. The children's area includes storage area, parent's room and parent's toilet facilities.
  - Maker space room
  - Quiet study room and storage
  - Group 1 & 2 rooms
  - Youth area including a meeting room
  - Library Manager's room
  - Outback Letterbox room
  - General meeting room
  - Internal toilet facilities including an accessible water closet, unisex, female and male facilities.
- The East wing of the building is proposed to include:
  - Staff kitchenette
  - Staff workplace
  - Print room
  - Staff water closet and shower
  - Server and Main Switch Room
  - Public kitchenette
  - A *Wilyakali* Room and Keeping Place
- Outdoor spaces include the Blende Street Library garden within the front setback to Blende Street, a rock library garden accessible from the eastern facade of the new library building and a covered accessible walkway which runs for the entire length of the western elevation leading to the Library Square at the southern end of the building.

The southern end of the Library Square is covered by a two-storey height all weather protected awning which is attached to the southern end of the new library building.

### **New public car park**

- A new public car parking area comprising of 22 car parking spaces including one accessible parking space (Car space # 22) is proposed between the existing Police Station Building on Argent Street and the existing Police cottage on Blende Street.
- There is an accessible path of travel between the accessible car parking space and the library building.
- A car parking loading area for the "Outback letterbox parking" is also proposed within the car parking area.
- Access into and out of the new car park is proposed via Blende Street.
- Landscaping treatment is proposed for the carpark (see Heading below under 'Landscaping' and Tree Removal'.)

## **Landscaping and Tree Removal**

A detailed Landscape Plan has been prepared by *Neesen Murcutt + Neillie* and submitted as part of the Development Application (DA). The proposed Landscape Plan includes:

- Retention of five (5) existing trees and the removal of three (3) existing trees.
- A “*Yarning Circle*” in the central part of the library square which includes Ghost Gum (*Corymbia aparrerinja*), local red river sand and bench seating to future design.
- Raised path over dry creek bed and concrete pathways.
- Bike parking
- Replanting of multiple trees and plants including Curly Mallee Trees (*Eucalyptus gillii*), Wilga Trees (*Geijera parvifolia*) and planting within the children's story area with shrubs and ground covers including Darling Lily, Emu Bush and Billy Buttons and Scented Mat-Rush.
- Trees are proposed to the periphery of the new car park, the boundary between the new carpark and the new library building as well as in the internal library garden which is open to the sky and within the rock garden outside the eastern wall of the library building. New trees are also proposed within the Library Square to provide shading over the future benches and enhance visual amenity of the space.
- Landscaping materials and finishes across the total site will include concrete paving, brick paving, coloured concrete, boulders, stone mulch and gravel paving.

## **Signage**

The proposed development involves the installation of identification, directional, operational and place making signage throughout the site to assist the public navigate their way around the library precinct and to provide interpretation for visitors to the precinct.

## **Waste Management**

Operational Waste Bins are proposed to be stored in a future bin enclosure approximately 8.7m<sup>2</sup> in area at the rear of the existing Police Station building. The bin enclosure is to have a lockable sliding door and will be screened from public view.

On-site waste servicing will be undertaken by Council's Waste Servicing Vehicle. Waste Vehicle Turning Templates have been provided as part of the DA documentation to demonstrate that Waste Vehicles can enter and exit the site in a forward direction as well service the waste storage area.

Waste servicing will occur outside the operating hours of the library to minimise disruption to car park users.

## **Operating hours of the library**

The existing library opening hours are between 10am to 6pm Monday to Thursday, 10am to 5pm on Fridays and 10am to 1pm on Saturdays with the library closed on Sundays and Public Holidays. Operating hours and days are proposed to remain the same.

## **Site Consolidation**

The Applicant has advised that they do not wish to seek development consent for Site Consolidation as part of this Development Application. There is no legal or compliance requirement for lot consolidation. The applicant may choose to do this as a separate application at a future date.

### **6. SECTION 4.15 (1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, the following matters are of relevance to the consideration of this Development Application.

#### ***(a) The provisions of:***

##### ***(i) Environmental Planning Instruments***

#### **6.1 State Environmental Planning Policies**

The following SEPPs are relevant to the assessment of the proposed development.

##### **6.1.1 State Environmental Planning Policy (Planning Systems) 2021**

The proposed “Community Facility” meets the criteria for regionally significant development under Schedule 6 of the SEPP because Council is the proponent of the development, and the capital investment value is over \$5 million.

The application has been referred to the Western Regional Planning Panel for determination in accordance with the requirements of the SEPP.

##### **6.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 requires the consent authority to consider whether the land is contaminated and whether it is suitable in its current state or requires remediation to be made suitable for the intended use.

The site is currently occupied by the existing library building and demountable police station buildings and is located within the Civic Precinct of the Broken Hill Town Centre. The majority of the site is either covered by buildings, sealed driveways and parking areas.

There is no evidence to suggest that the site has been occupied by previous potentially contaminating activities or uses which could have contaminated the soil or structures and require the preparation of a Preliminary Site Contamination Investigation Report.

An *Asbestos Register Report*, prepared by Carter Corporation Pty Ltd, dated 23 May 2017 presents the findings of a non-destructive survey of asbestos, with recommendations for additional testing prior to demolition and construction phases of the development as a precautionary measure.

Conditions are recommended requiring Hazardous Material Inventory to the satisfaction of the certifying authority prior to the issue of a Construction Certificate. Conditions are also recommended for an unexpected finds protocol should the works detect potentially contaminating materials once works have commenced. Any unexpected finds would require testing in accordance with the EPA Contaminated Sites Sampling Design Guidelines 1995. Any remediation action required because of contaminants being found on the site will be required to be detailed in a Remedial Action Plan.

The following conditions are recommended:

*“A Hazardous Materials Inventory prepared by a suitably qualified building consultant shall be prepared to the satisfaction of the Certifying Authority prior to the issue of a Construction*

*Certificate. Should any hazardous building materials be identified that require demolition or disturbance as part of the approved works, the Inventory report must include methods for handling and disposal of those materials in a manner that protects human health and the environment.”*

*And*

*“An Unexpected Finds Protocol is to be implemented during demolition and construction such that any soils or material uncovered that are suspected of contamination from chemicals, asbestos, lead or the like shall be tested generally in accordance with the EPA Contaminated Sites Sampling Design Guidelines and the OEH Guidelines for Consultants Reporting on Contaminated Sites. The results of testing shall be submitted to Broken Hill City Council for determination of any further investigation and/or remediation action. Any remediation action must be carried out prior to the issue of an Occupation Certificate and supported by a Validation Report”.*

### **6.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### **Clause 2.47 Development likely to affect an electricity transmission or distribution network.**

There is an existing *Essential Energy* substation located on the adjoining allotment (known as Lot 2 DP 776313, at 23 Chloride Street).

As the substation is located less than 5m from the new library building, a referral to *Essential Energy* was undertaken in accordance with Clause 2.47 of the SEPP.

Essential Energy provided the following comments:

*“As the plans provided do not show the distances from Essential Energy’s pad mounted substation 6-16255 and the proposed new library additions, there may be a safety risk.*

*Compliance with the fire segregation of AS2067 is required were it states the following;*

*a transformer with less than 1000L of oil is required to have any part of a building within 6m of the pad substation to be constructed of non-combustible material up to a height of 4.5m. Alternatively a barrier wall can be erected 4.5m in height between the building up to 1m away from the pad substation. If either of these measures are achieved Essential Energy would have no safety concerns with the proposal.*

*Please note that either of the above need to have minimum NCC fire resistance level rating (FRL) of 120/120/120. (See attached AS2067, section 6.7.4.4 Outdoor transformers, page 83)”.*

The applicant sought further advice from Essential Energy in respect of this issue and found out that the pad mount substation (6-16255) holds less than 1000L of oil. Essential Energy advised the applicant that given this, the proposed library building would need to achieve compliance with AS2067 fire segregation requirements as outlined below:

*“Any combustible surface within 6m of the closest part of the pad substation will need to be made of non-combustible materials and have a 2hr fire rating, this non-combustible material will need to continue up the wall of the building by 4.5m or have a fire barrier 4.5m in height (no closer than 1m away from the pad mounted substation)”.*

To ensure compliance with the *Essential Energy* requirements and to ensure the safety of the community, patrons, visitors and staff of the library, this requirement has been included as a recommended condition of consent with evidence of compliance to be submitted prior to the issue of a Construction Certificate.

## **Clause 2.122 Traffic generating development**

The proposed development is not categorised as traffic generating development.

### **6.1.4 State Environmental Planning Policy (Industry and Employment) 2021**

A Signage Strategy (19 July 2023) has been prepared by *Studio MAAT* and lodged as part of the proposed development. The signs have been designed by the architects *Murcutt + Neille* and are to be displayed at key locations within the site to direct and inform visitors.

Primary identification signs and selected destinations on key signs are illustrated in dual language. *Wilyakali* wording will be confirmed through consultation with Elders.

Key identification and wayfinding information on the vehicular & primary pedestrian signs are internally illuminated to provide legible viewing day and night.

## **Chapter 3 Advertising and Signage**

The manner in which the proposed signage achieves the objectives of Section 3.1(1)(a) of the SEPP are discussed below:

- (i) *is compatible with the desired amenity and visual character of an area, and*

The proposed signage involves identification, directional, interpretative and place making signage. The signage has been designed by the Architects of the development and directly responds to the heritage context in which the site is located.

- (ii) *provides effective communication in suitable locations, and*

The signage is located in logical and practical locations within the site and on the library building. The size, colours and finishes are respectful of the site's location within a civic historical precinct.

- (iii) *is of high-quality design and finish,*

The signage is professionally designed and finishes are durable, low maintenance and compatible with the building materials.

The extent to which the signage satisfies the assessment criteria specified in **Schedule 5 of the SEPP** is discussed in the table below:

<b>Schedule 5 Assessment Criteria</b>	<b>Proposal</b>	<b>Complies?</b>
<b>Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signage is compatible with the existing and desired future character of the heritage precinct in which they are located.</p> <p>The pedestrian sign located adjacent to the Town Hall is freestanding, and reads as a new object separate from the building. It is set out in the pedestrian route between the Town Hall and Post Office within the site entry/pathway.</p>	Yes

Schedule 5 Assessment Criteria	Proposal	Complies?
	The pedestrian sign at the Blende Street entrance is located in the landscaping adjacent to the pathway.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The sign colour and typography are based on the Broken Hill brand language.</p> <p>The typography is Sans Serif font recommended for signage application due to its clarity and range of weights.</p>	Yes
<b>Special Areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed signage is sensitive to the location in which they are located. The heritage values of the precinct are preserved.</p> <p>Positioning, colour, size and content are all respectful of the heritage qualities of the site</p>	Yes
<b>Views and Vistas</b>		
Does the proposal obscure or compromise important views?	Views of the main heritage items being the Town Hall and the Charles Rasp Memorial Library frontage remain unaffected and unobscured by the proposed development	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage does not dominate the skyline or reduce quality of vistas	Yes
Does the proposal respect the viewing rights of other advertisers?	There is no conflict generated with other advertisers. The site is within a civic precinct and there is no overlap with other advertising	Yes
<b>Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The size, design and fabrication of signage is appropriate for the setting. The scale of free standing sign forms align with key jointing on the Town Hall Façade and the signs are of slender design recognizing the vertical nature of the Town Hall.</p> <p>Primary identification signs are well integrated with the new building façade and awning structure at the Blende Street entrance with more contemporary uppercase lettering to reflect the new building design.</p>	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage does provide interest because key signage involves the <i>Wilyakali</i> wording and will be dual language signs to connect the visitors to place. In addition, pictograms will be used to identify common destinations for visitors (e.g. Toilets, train, bus etc)	Yes
Does the proposal reduce clutter by rationalising and simplifying	The development is for the revitalization of the library precinct and as such any	Yes

Schedule 5 Assessment Criteria	Proposal	Complies?
existing advertising?	redundant signage will be removed and replaced with the new signage	
Does the proposal screen unsightliness?	The signage proposed is not used to screen any "unsightliness". The signage has been designed and selected to be fit for purpose.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not protrude above the buildings or structures	Yes
Does the proposal require ongoing vegetation management?	Ongoing management of the vegetation will be Council's responsibility	Yes
<b>Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage proposed has been designed by professional architects who have considered the context and positioned the signs at key locations within the site.	Yes
Does the proposal respect important features of the site or building, or both?	As discussed above, the proposed signage locations and design respects the heritage features of the site	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Imagination has been used in the design and styling of the signs.	Yes
<b>Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Construction of the sign forms will be considered as part of the signage design. Whole panels will be used, if joints occur they will be an integral part of the design. All fixings will be concealed, unless expressed as an integral part of the design. Maintenance access will be exposed from view or detailed such that its purpose is not evident to the user, ie appear as part of the sign form design. Signage will be sealed with a clear coat anti-graffiti coating to assist in long term maintenance of the forms.	Yes
<b>Illumination</b>		
Would illumination result in unacceptable glare?	Only key identification and wayfinding information are internally illuminated to provide legible viewing during the day and night.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No safety issues are anticipated to arise as a result of the illuminated signage. Signage is intended to improve public safety.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination proposed is skillfully designed and will not detract from the amenity of the area.	Yes
Can the intensity of the illumination be adjusted, if	Illumination intensity is limited to achieving sign legibility and safety only.	Yes

Schedule 5 Assessment Criteria	Proposal	Complies?
necessary?		
Is the illumination subject to a curfew?	No curfew for illumination is proposed and as discussed above, it is not considered necessary because only the lettering is illuminated not the whole backboard of the signs.	Yes
<b>Safety</b>		
Would the proposal reduce the safety for any public road?	No road safety issues are anticipated as a result of the signage proposed.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	No safety issues are anticipated for pedestrians and cyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not reduce public safety.	Yes

### 6.1.5 State Environmental Planning Policy (Sustainable Buildings) 2022

The SEPP (Sustainable Buildings) 2022 commenced on the 1 October 2023. As the proposed development was submitted on the NSW Planning Portal on 11 September 2023, the provisions of the SEPP (Sustainable Buildings) 2022 do not apply.

As the proposed development is not defined as “BASIX affected development” or a “BASIX affected building” as defined under the *Environmental Planning and Assessment Regulation 2021*, State Environmental Planning Policy (BASIX) 2004 also does not apply to the proposed development.

Notwithstanding this, an ESD Performance Initiatives Statement was prepared by *ARUP* (18 August 2023) which included the following comments about sustainable design initiatives integrated into the proposed development:

#### ***“Sustainable design initiatives***

*In keeping with the aspirations above, we have worked with Neeson Murcutt to ensure the re-development:*

- *Utilises **clever passive design** that responds to Broken Hill’s unique microclimate. High thermal mass precast walls on the ground floor are proposed to be embedded into the earth and insulated externally, coupling the building to temperature-stable earth. This will improve the building’s temperature stability amidst the large diurnal temperature swings, greatly reducing space heating and cooling demand.*
- *Incorporates a **high-performing building fabric**, with low-e double-glazing and thermally broken window framing systems.*
- *Allows for **high levels of natural daylight** through translucent clerestory glazing in the exhibition space. Clerestory glazing is proposed to incorporate a diffusing treatment to improve distribution of luminance throughout the space.*
- *Maximises opportunities for cross- and stack-driven natural ventilation through operable air intake above ground floor glazing and actuated awnings in the clerestory glazing. Natural ventilation will be implemented under suitable conditions, predominantly in shoulder season*

and for night purge with controls for 'dust mode' and manual override.

- *Harnesses potential for on-site renewable energy generation with a solar-ready roof design for future photovoltaic installation.*
- *Preserves the existing library structure, reducing embodied and operational carbon emissions associated with demolition, waste disposal and new construction.*
- *Engages local industry for the procurement of resources and labour.*
- *Utilises responsible internal finishes with low VOC content and a focus on natural materials.*
- *Manages precious resources through a rainwater capture and harvesting strategy.*
- *Provides educational and maker space opportunities for the local community use and skills development through considered space design".*

## 6.2 Local Environmental Planning Policies

### 6.2.1 Draft Environmental Planning Instruments

There are no draft LEPs or draft SEPPs, that apply to the subject development.

### 6.2.2 Broken Hill Local Environmental Plan 2013

The site is zoned E1 Local Centre under the *Broken Hill Local Environmental Plan 2013*. The proposed development is best defined as a "Community Facility" which is defined as:

*"Community facility means a building or place—*

- (a) owned or controlled by a public authority or non-profit community organisation, and*
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation".*

The proposed car park is considered *ancillary* to the "community facility" because it directly caters for the staff and patrons of the library. As such is it considered permissible with development consent in the E1 Local Centre Zone.

"Car parks" as a stand alone use are prohibited in the E1 Local Centre Zone, however the proposed car park is a public carpark which is ancillary to the community facility and as such, is considered permissible in the zone.

Compliance with the relevant provisions of the Broken Hill LEP 2013 are discussed in the table below.

Broken Hill LEP 2013 Compliance Table			
Clause / Control	Requirement	Proposal	Complies?
2.3 - Zone Objectives	<i>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.</i> <i>To encourage</i>	A refurbished and expanded library will serve the needs of the local community who live in and visit Broken Hill.  The revitalisation of the	Yes

Broken Hill LEP 2013 Compliance Table			
Clause / Control	Requirement	Proposal	Complies?
	<i>investment in local commercial development that generates employment opportunities and economic growth.</i> <i>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.</i> <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i> <i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i>	precinct will also contribute to a vibrant and active local centre by attracting the community into the civic precinct and encourage them to use the new facility and new library square.	
2.7 Demolition	Demolition is permissible with consent	Demolition is proposed as part of the development. Standard conditions for demolition have been included in the development consent.	Yes
4.3 Height of buildings	No maximum height specified in the BHLEP 2013	N/A	N/A
4.4 Floor Space Ratio	No maximum FSR specified in the BHLEP 2013	N/A	N/A
5.10 Heritage Conservation	<p>Requires development consent for part demolition and alterations to heritage items.</p> <p>The following items are heritage listed in the BHLEP 2013:</p> <p>Charles Rasp Memorial Library Town Hall Façade Police Station</p>	<p>A Heritage Impact Statement has been submitted as part of the development application to evaluate the potential impact of the development on the heritage significance of the listed items and those within the vicinity of the site.</p> <p>As detailed in the discussion below the table, the impact of the</p>	Yes(1)

Broken Hill LEP 2013 Compliance Table			
Clause / Control	Requirement	Proposal	Complies?
	Police cottage	development is considered to preserve and enhance the heritage significance of the listed items.	
	The whole of Broken Hill LGA is also listed on the National Heritage List 2015.		
	There are also heritage items in the vicinity of the development site including:		
	Broken Hill Post Office Broken Hill Technical College		
6.1 Earthworks	Requires development consent for earthworks and no detrimental impact on adjoining properties, environmental functions and processes and heritage items	Earthworks will be required to demolish, construct footings and install new pavements. Conditions of consent have been imposed to mitigate the impact from earthworks on the natural environment.	Yes
6.2 Essential services	Requires the consent authority to be satisfied as to the connection of essential services	The site is located in the town centre of Broken Hill and the site has adequate access to essential services. Notwithstanding this, conditions have been imposed requiring evidence of access to services prior to the commencement of work.	Yes
6.3 Airspace operations	Requires the consent authority to be satisfied that the proposed development would not penetrate the Obstacle Limitation Surface or Procedures for Air Navigation Service Operations Surface of Broken Hill Airport	The proposed development is a maximum 2 storeys and is below the Broken Hill Airport OLS.	Yes

## **(1) Heritage Conservation**

A Heritage Impact Statement has been prepared by Paul Davies Pty Ltd dated August 2023 which considers the proposal against the heritage significance of the items as required under Clause 5.10 of the BHLEP 2013.

*“ The proposal complies with the objectives of Clause 5.10 of the Broken Hill LEP 2013 as the key heritage items on the site are retained with demolition of non-significant later additions and limited demolition of parts of the former Fire Station to allow some of the early fabric to be*

*revealed as part of the new works.*

*As the new development is located in the centre of the site, impact on the significant streetscapes of Argent and Blende Streets and views to the heritage buildings are minimised.*

*The proposal will reactivate the use of the Town Hall façade and involves sensitive adaptive reuse of the Charles Rasp Memorial Library building, retaining its streetscape form and presence.*

*The proposed carpark on the former police site does not affect any heritage elements of the place and allows for the sites to be integrated.*

*The intent of the LEP heritage provisions is to protect heritage values and manage change to minimise adverse heritage impacts. The proposal achieves a high level of fabric retention, spatial management of heritage values and removes a range of elements that detract from the potential significance of the locality.*

*Activation of the centre of the site and removing the current carpark are positive heritage outcomes that allow this once very significant civic site to recover its civic values.*

*The submission of a Development Application with this heritage impact statement satisfies the requirements of Clauses 5.10 (2) and (5)".*

### **(iiia) Any planning agreements or draft planning agreements**

No Planning Agreements or Draft Planning Agreements relate to this application. A Section 7.12 contribution Plan does apply to the proposed development.

#### **6.2.3 Broken Hills Section 7.12 Contributions Plan**

The question as to whether the imposition of Section 7.12 contributions is required to be imposed for a *community facility* (such as a public library) was explored in the assessment of the former Section 4.55 Application (MOD6/2020) for this site and considered by *Western Regional Planning Panel* at its meeting on the 14 December 2022.

It was determined there is no legal mechanism in the *Broken Hill Contributions Plan* to specifically exempt libraries and community facilities from the imposition of a condition requiring payment of Section 7.12 contributions. Such a condition would be imposed requiring payment of the contribution unless the payment of the Contributions is waived by Council Resolution.

Consequently, the following condition has been imposed to this effect:

*"Prior to the issue of a Construction Certificate, the monetary contribution set out in the following table is to be paid to Broken Hill City Council pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 unless the payment of the Contributions is waived by Council Resolution".*

*The contribution is current as at the date of this consent and is levied in accordance with the Broken Hill City Council Section 7.12 Developer Contributions Plan 2019. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.*

<b>Contribution Type</b>	<b>Proposed Cost of Development</b>	<b>Levy %</b>	<b>Total Contribution</b>	<b>Contribution Rate remains current until</b>
Section 7.12 Contribution	\$16, 107, 110.80	1%	\$161,071.11	Next CPI Quarterly Adjustment"

Council may consider waiving the requirement for payment of the contributions because:

- The development involves alterations and additions to a “community facility” under the care and control of Broken Hill Council. The development is being provided for the community of Broken Hill LGA;
- To require Broken Hill Council to pay the Section 7.12 contributions for the proposed community facility is equivalent to making the “community” pay developer contributions towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation) from a development which essentially provides that infrastructure to them.
- Contravenes the purpose of the Contributions Plan and the intention of Section 7.12 under the EP& A Act 1979.

#### **(iv) Development Control Plans**

### **6.3 Broken Hill Development Control Plan 2016 (BDCP)**

#### **6.3.1 Chapter 3, Section 3.3 – Development in Business Zones**

The proposed development is in Zone E1 Local Centre under the BHLEP 2013 (formerly zoned B2 – Local Centre Zone) and as such the provisions of this section of the BHDGP apply to the proposed development.

The way in which the proposed development achieves the objectives of these controls are outlined and discussed below:

*Objective: to encourage comprehensive development and expansion of business activities which will contribute to economic growth and employment opportunities within the city*

The development involves the renewal of the existing library and its precinct which will contribute to positive economic growth by providing opportunities for builders and tradesperson during the construction of the new library and car park.

The on-going provision of library services also results in employment for librarians and those involved in education programs provided by Broken Hill City Council.

*Objective: to ensure the conservation and enhancement of the historic, architectural, and aesthetic character of the City, particularly the City Centre Commercial Precinct*

The proposed development retains and protects the heritage significance of the Charles Rasp Memorial Library by preserving the historical façade of the Blende Street elevation and only demolishing the later unsympathetic rear additions which have no heritage value.

Demolition of the demountable police buildings and sheds and replacement with a public car park is a better outcome for the site than what currently exists. The pedestrian interconnection proposed between the carpark (Police Station site) and the library site also reinforces the civic

relationship between the two sites which is part of their heritage values.

*Objective: to ensure commercial development meets the relevant objectives of the Broken Hill LEP 2013.*

The proposed development achieves the objectives of the Broken Hill LEP 2013.

The development protects and promotes the use and development of land for the arts and cultural activity by revitalising the existing library building into a new vibrant space for the community and staff. The development also creates a new public space in the form of the Library Square which will encourage the community to congregate and meet within their new and revitalized cultural precinct (Objective aa).

The proposed development seeks to protect Broken Hill's built and nationally significant cultural heritage assets for future generations by (Objective (d)):

- Retaining the front elevation of the Charles Rasp Memorial Library and former fire station building. Only the unsympathetic modern rear additions are proposed to be demolished as part of the development.
- By creating pedestrian linkages and interpretative signage between the police station site and the library site connects the two civic precincts and enables the patrons of the library and visitors a greater understanding and awareness of its cultural heritage.

The proposed development allows for continued and enhanced provision of free library services and access to those facilities for all community members. This includes access to free educational programs facilitated by library staff for the betterment of the community (Objective (g)).

### 6.3.2 Chapter 4 Car Parking

#### **Car parking requirements**

This section of the DCP specifies controls for the design and safety of car parks, the number of parking spaces (including parking for disabled persons) and landscaping requirements for car parks.

The development proposes the following car parking spaces to cater for the proposed development:

Type of parking	Approved DA
Public car park on Police Station Site	22 car spaces (including 1 Accessible space)
Loading bay for Outback Library	1
Existing car parking spaces in the existing police station car park accessed from Argent Street	4
Public car parking spaces on Argent Street in front of Police Station	6
Total	32 spaces plus loading bay for Outback Library

A *Traffic and Parking Assessment* was provided by *ARUP* (August 2023) and submitted as part of the proposed development application.

As no car parking rate is provided under Table 5.1 of the BHDCP for “Community facilities or libraries”, a merit assessment of the number of spaces required was undertaken utilising library visitor numbers and the occupancy capacity of the library extension as follows:

*“Visitor numbers will be used to determine the parking requirement on a typical day. The library has been sized for approximately 200 people although this will not occur at the same time. It will be assumed that some 100 people (50%) are on site at the same time. Assuming 80% of people drive to the site with a car occupancy of 2.5 people results in a car parking demand of 32 cars”.*

Based on the assumptions made in the ARUP Report, the proposed development provides sufficient car parking to support the end use.

The proposed development also provides a similar number of public car parking spaces (ie. 30 car parking spaces) as does the existing carpark currently located behind the Town Hall (which is proposed to be demolished).

The allocated spaces within the existing car park which will not be replaced in the new car park include allocated spaces for library staff (7 spaces) and Broken Hill City Council employees (22 spaces). The ARUP Traffic and Parking assessment concludes that there is adequate unrestricted on-street parking in the vicinity of the site for staff to utilise within a short walk to the council buildings. Further, the introduction of 30-minute time restricted parking for certain spaces within the new library car park will also assist to manage the demand for parking as part of the proposed development. This has been recommended as a condition of consent as part of this application.

In terms of the car parking layout and compliance with AS2890.1 Part 1: Off-Street Parking and AS2890.6 2009 Off Street Parking for People with Disabilities, conditions are recommended which are supported by Council’s Development Engineer (as discussed under the Referral section of this report):

### **Loading area and waste collection**

A designated area has been proposed within the carpark for outback letterbox parking. The ARUP *Traffic and Parking Report* also states that the designed area will also be utilised for library deliveries which occur using predominately a van and occasionally a truck. Conditions have been imposed to ensure that the loading area is line marked and sign posted to indicate its proposed dual function use.

A swept path for waste vehicles has been provided as part of the *Traffic and Parking Report* prepared by ARUP to demonstrate that Council’s Waste Vehicles can enter and exit the carpark in a forward direction as well as service the waste collection area.

### **Access and car park configuration**

Access into and out of the proposed car park will be via Blende Street using the existing vehicular crossing.

The layout and configuration of the car park must comply with AS2890.1 Part 1: Off-Street Parking and AS2890.6 2009 Off Street Parking for People with Disabilities and as such, a condition of consent has been imposed to this effect.

### **Traffic impact assessment**

The *Traffic and Parking Report* prepared by ARUP predicts that as the number of public car parking spaces available between the existing and proposed development are similar, the traffic activity within the precinct is unlikely to change with the new library additions.

As there is likely to be some disruption to the Civic Precinct and community during the construction phase of the library (ie. Especially between the time between closure of the existing car park and

opening of the new car park), a condition has been imposed requiring Council to prepare a detailed Construction Management Plan (which includes a Communication Strategy) on how they intend to communicate with the community about changes to local traffic conditions and parking availability during the demolition and construction period.

### 6.3.3 Chapter 5 – Outdoor Advertising

This section of the DCP references that signage and advertising must comply with the SEPP (Industry and Employment) 2021. The proposed signage achieves the objectives and controls for signage on heritage items and within Heritage Conservation Areas. The extent of compliance with the provisions of the SEPP have been discussed earlier in this report.

### 6.3.4 Chapter 6 – Land Contamination

This section of the DCP references the provisions in Chapter 4 of the SEPP (Resilience and Hazards). As discussed earlier in this report, no preliminary contamination report was considered necessary as part of the development application. Conditions are recommended for identification and handling of materials to be confirmed prior to the issue of a Construction Certificate and for an Unexpected Finds Protocol during all works.

### 6.3.5 Chapter 7 – Tree Preservation

No significant trees are proposed to be removed or altered. Council's Tree Office raised no objection to the removal of the nominated trees.

### 6.3.6 Chapter 8 – Heritage Conservation

Compliance with the heritage conservation objectives and controls is detailed and discussed in the table below:

DCP Provision	Proposal	Complies
<b>Section 8.1 Objectives</b>		
To conserve items of environmental heritage and maintain appropriate settings and views	<p>Demolition involves only:</p> <ul style="list-style-type: none"> <li>• Later rear additions to the Charles Rasp Memorial Library to accommodate the new library additions.</li> <li>• Later temporary demountable police buildings to accommodate the car park.</li> </ul> <p>The proposal retains the elements of the heritage items which contribute to the heritage significance.</p>	Yes
To retain evidence of historic themes of development evident in Broken Hill through the proper care and maintenance of individual items of environmental heritage and Heritage Conservation Areas	<p>The elevation of the Charles Rasp Memorial Library to Blende Street is being retained and revitalized as part of the redevelopment of the library.</p> <p>Interpretative and place making signage are proposed throughout the site as part of the development to create a sense of place and identity within the precinct.</p>	Yes
To provide guidelines for alterations and additions which complement and do not detract	The proposal has been designed to ensure that there are no adverse impacts to the streetscapes of Argent and Blende Streets	Yes

DCP Provision	Proposal	Complies
<b>Section 8.1 Objectives</b>		
from the heritage significance of individually listed heritage items and the Heritage Conservation Areas	and to integrate the heritage items on site into the proposal. The active spaces within the proposal (e.g. new library additions and Library Square) are positioned behind the heritage streetscapes.	
To protect those items and areas of value to the local community	The proposal retains the contributory heritage items and integrates the new addition of the library behind the existing heritage façade which presents to Blende Street. The creation of the new library Square between the library and Town Hall building is a positive adaptive reuse of that space.	Yes
To encourage new development which complements existing heritage items and Conservation Areas in a current day context	The new addition to the library respects the heritage values of the Charles Rasp Memorial Library with the ridge level of the new roof sitting below the parapet of the heritage face as it presents to Blende Street.	Yes
<b>Section 8.1 Design Guidance</b>		
Items of environmental heritage should be conserved, and new development should not diminish the significance of the item	The new library addition seeks to continue the use of the building for library and education services to the local community.	Yes
An experienced heritage architect or conservation specialist should be engaged for works to a significant heritage item.	A heritage architect has been involved in the assessment of heritage significance and to assess the impact of the proposed development on the heritage significance of the items. The recommendations made by the heritage architect have been incorporated into the design of the proposed library addition.	Yes
Significant internal and external features of heritage items must be retained in their original form	As discussed, the front elevation of the library was deemed most significant and has been retained as part of the development.	Yes
Before any changes to a heritage item are considered, the item should be fully understood. A statement of heritage significant and heritage impact statement must accompany a DA.	A heritage impact statement was lodged and considered as part of the development application.	Yes
New development need not seek to replicate period details of original buildings but rather demonstrate respect for the form and scale of the immediate area	The proposed development is a modern contemporary addition which is distinguished from the historical building form of the original Charles Rasp Memorial Building. The addition sits below the roof level of the heritage façade so as to not detract from the contributory elements of the building.	Yes
<b>Clause 8.1.1 Alterations and Addition Controls</b>		
Alterations and additions must not adversely impact the significant features of the	The demolition of the unsympathetic additions to the rear of the library building and the demountable police buildings will not	Yes

DCP Provision	Proposal	Complies
<b>Section 8.1 Objectives</b>		
heritage item.	diminish the heritage significance of the items. It is an improvement to the overall site conditions	
Changes must maintain the significant form, proportion, scale, details and materials of the item,	The significant forms of the heritage items are retained and protected.	Yes
Extensions must not compete with the integrity, scale or character of the item.	As discussed, the additions do not detrimentally impact on the integrity, scale or built form of the heritage items	Yes
Alterations and additions must be located so as to reduce their visibility and prominence from any point in the street or adjoining streets and the height must not be seen above the main ridgeline of the building	As discussed, the extension to the library sits below the main ridgeline of the library building as viewed from Blende Street. Additionally, the height of the Town Hall remains the dominant structure as viewed from Argent Street	Yes
Solar water heater storage tanks and solar panels etc. must not be located on the principal roof elevations of heritage items	The rainwater tanks are positioned against the external walls of the eastern side of the new library building so that they are not visible from the windows which provide a view into the rock garden	Yes
<b>Section 8.3.1 New development in the Central Business District</b>		
Buildings facing Argent Street shall not exceed three (3) storeys in height. Buildings facing all other streets in the CBD shall not exceed two (2) storeys in height.	The proposal has the appearance of a two storey building, however does not have a frontage to Argent Street.	N/A
Summary of design principles for new development in the CBD.	As the elevation to Blende Street remains predominately unaltered externally, these controls are not considered relevant to the proposed development.	N/A

**(v) The Regulations (to the extent that they prescribe matters for the purpose of this paragraph)**

The only relevant prescribed matter under Clause 61 of the *Environmental Planning and Assessment Regulation 2021* (and the repealed EP& Regulation 2000) is the consideration of *Australian Standard AS2601-2001: The Demolition of Structures*.

Standard conditions of consent require compliance with the Australian Standard in terms of the management of potential asbestos during demolition and no changes are proposed to this condition as part of the modification.

In addition, standard conditions of consent require compliance with the Building Code of Australia and the National Construction Code.

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

## **Crime Prevention through Environmental Design**

A *Crime Risk Assessment* (9 August 2023) has been prepared by the NSW Police and submitted as part of the proposed development. As a result of the risk assessment, the project returned a risk of "LOW".

The following CPTED treatment options suggested for consideration by Council have been conditioned as part of this report:

1. Appropriate signage must be installed within the car park to highlight the recommended speed restrictions for the car park.
2. For security reasons, the public car park should be locked and secured after hours.
3. For safety and security reasons, lighting for the public carpark must comply with *AS/NAZ 1158.1 – Lighting for Roads and public spaces* and *AS4282 -1997 Control of the obtrusive effects of outdoor lighting*.
4. An internal and external lighting plan for the public library and the public car park should be developed in consultation with appropriately qualified persons for safety and security reasons.

Lighting will be installed and details will be provided with the Construction Certificate. It is considered unnecessary to lock the car park after hours. This can be implemented without the need for separate consent any time in the future if ongoing operation indicates it is necessary.

## **Temporary disruption during construction**

Whilst there may be some temporary disruption during construction, the benefits at the completion of this development outweigh any temporary inconveniences including the temporary shortfall of public off-street parking.

As mentioned earlier, the applicant proposes to stage the construction into three phases to minimise the impact on the community and enable the continued use and operation of the buildings for as long as practical.

## **Access for persons with a disability**

An Access Review Report was prepared by Funktion, dated August 2023 and submitted with the development application. The purpose of the review was to assess compliance with the accessible paths of travel to and through the buildings (including parking areas) as well as vertical links and sanitary facilities. No major concerns were raised in this assessment; however conditions were recommended to ensure compliance with:

- Disability Discrimination Act 1992
- Disability (Access to Premises -Buildings) Standards (Premises Standard) 2010
- Building Code of Australia (BCA)
- AS1428.1 (2009) & AS1428.4.1 (2009) – Standards for Access

The recommendations of the Access Report have been included as conditions of consent.

## **Noise Impact**

A Noise Impact Assessment (Reference: 230345, 27 July 2023) was undertaken by PWNA to assess noise impacts from the completed project as well as noise impacts arising from the noise sources within the vicinity of the site on the operation of the library itself. The report recommended that building

materials and finishes can be selected to achieve compliance with Australian Standard *AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors*. This would ensure that noise levels within the library achieve an appropriate level to ensure a healthy, comfortable and productive environment for the occupants and users.

The report also recommended that mechanical equipment like air conditioning units, rainwater tank pumps and the like be acoustically treated to ensure compliance with the recommended noise levels outlined in the *EPA's Noise Policy for Industry* (2017) publication.

These recommendations have been included in consent conditions.

### **Waste Storage Area**

A waste enclosure for operational waste is proposed at the rear of the existing Police Station building adjacent to the new carpark. The Waste Management Plan prepared by WPS (18 August 2023) states that the waste enclosure will have the following features:

- (a) Approximately 8.7m<sup>2</sup> in size and will be screened and enclosed by sliding doors or equivalent to enabled easy access into and out of the storage area for waste servicing.
- (b) It will accommodate rubbish and recyclables in either 660L bins or 1100L bins based on the waste generation rates discussed in the *Waste Management Plan*.
- (c) It will have a smooth, easily cleanable floor, access to a water tap for cleaning and the floor bunded and/or drained to sewer in accordance with Sydney Water's requirements.

There are no adverse impacts anticipated as a result of the proposed development as the enclosure is located at the rear of the Police Station building. Conditions will be imposed for the abovementioned design details to be confirmed with the application for the Construction Certificate.

### **Solar access**

The Shadow Diagrams submitted as part of the DA indicate that the proposed Library Square will receive a balanced exposure to sunlight in the winter and spring-summer months. Shading is proposed by the two-storey fixed canopy which adjoins the southern rear elevation of the new library as well as shading which will be provided by the canopy trees proposed to be planted.

There is access to direct sunlight within the Library Square for those members of the community that seek sunlight, however the Library Square is considered to achieve a good balance of both sun and shade throughout the seasons of the year.

### ***(c) Suitability of the site for the development***

The site accommodates the existing library and community meeting spaces. The site has capacity to support the proposed Community Facility without creating adverse impacts on the site or adjoining land.

The upgrades will ensure the longevity of the heritage significance of the buildings and context in which they are located and create a new way for the community to interact and enjoy this precinct.

### ***(d) Submissions made in accordance with this Act or the regulations***

No submissions were received during the neighbour notification / advertisement period.

### **(e) Public Interest**

The proposal involves the provision of new public facilities and amenities for the benefit of the Broken Hill Community. The proposal is in the public interest.

## **7. REFERRALS**

### **7.1 Council's Heritage Advisor**

The application was internally referred to Council's Heritage Advisor in December 2023 and whilst the Heritage Advisor was in support of the proposed development, some minor detailing comments/issues were raised:

- 1. Final material choice selection be subject to council and heritage advisor approval*
- 2. Southern canopy detailing and screen be carefully designed, with revised design detailing submitted council, incorporating local artistic elements to improve basic design*
- 3. Landscape plan be further detailed to ensure Library square is softened with appropriate landscaping and seats installed.*

The applicant's architects Neeson Murcutt Neille provided further information to respond to the issues, both parties met online on 13 February 2024 a number of emails exchanged on the topics above.

#### **7.1.1 Final material choice selected be subject to Council and Heritage Advisor Approval**

Several discussions have been held between Council's Architect and Council's Heritage Advisor on the topic of materials and finishes of the proposed "metal cladding" associated with the library building. A Materials Board was submitted as part of the subject development and provided to the Heritage Advisor for consideration.

Council's Heritage Advisor requested further information about the "type of metal cladding" proposed to be used and the Architects indicated that they would use *Spandex Zincalume* as the profile finish for the metal cladding.

Council's Heritage Advisor was concerned that the profile of *Spandex* was too modern in design when compared to the traditional custom orb finish traditionally used in heritage conservation areas of Broken Hill (which is more akin to the look and feel of "corrugated iron"). Some concerns were also raised about whether the *Spandex* was too reflective and whether the material would "dull" over time.

As both parties need to undertake further investigation and research into the suitability of the metal cladding options available, a condition has been imposed to require this matter to be resolved prior to the issue of the Construction Certificate.

#### **7.1.2 Southern canopy detailing and screen be carefully designed, with revised design detailing submitted council, incorporating local artistic elements to improve basic design**

The applicant advised that after several setbacks due to cost escalations, an "artistic design solution" for the southern canopy is outside the scope of this development application due to limited funding.

Whilst an artistic underside to the canopy is outside the scope of this DA, Council could explore this opportunity as a separate matter without requiring separate consent.

### **7.1.2 Landscape plan be further detailed to ensure Library square is softened with appropriate landscaping and seats installed.**

The detailed Landscape Plans were provided to the Heritage Advisor by the Applicant's Architect and the Advisor was satisfied with the number of trees, location of trees and plants and the species proposed to be planted.

As a side note, the Heritage Advisor pointed out that there is opportunity for future public art to be incorporated into the new library, for example using blank walls for murals completed by indigenous artists to connect to the traditional owners of the land. Again, this is something that can be explored by Council through their implementation of a Public Art Strategy or the like outside the scope of this DA.

## **7.2 Development Engineer**

The Development Application was referred to Council's Development Engineer to assess the design and configuration of the car park and vehicular access. No objections were raised in relation to the proposed development.

## **4.3 Building Surveyor**

The comments raised by the Building Surveyor are detailed below:

*"The existing building and its complicated position adjacent the adjacent Telstra site with a return in the NE boundary will need special review under the EP & A - BD&C Regulation. The BCA Report addresses new work and makes no mention of the existing building and needs for upgrade to current BCA provisions due to a more than 50% addition".*

**Comment:** This is a BCA and construction matter which can be resolved prior to the issue of the construction certificate. A condition has been imposed to this effect.

*"Electrical infrastructure – it is noted that new work is proposed inside 5 – 10m from a pad mounted sub station. Referral to the Energy Authority is a must as this may require some changes to design or offset measures".*

**Comment:** The DA was referred to *Essential Energy* and the comments and conditions pertaining to this issue have been discussed earlier in this report.

*Come CC stage it may be important to design a detention based rainwater surge tank to rear of site with a reduced orifice plate in order to hold and slow release stormwaters generated off this site.*

**Comment:** Conditions have been imposed requiring detailed stormwater design to be submitted with the application for the Construction Certificate.

*Come CC stage it will be important to review certain measures in design such as access, facilities, circulation spaces and clearances of openings. Some offsets at doorways internally could be close.*

*Fire fighting measures will be critical at a floor space of 1100 sq.m. Ensuring street hydrants can service the building, are Fire Hose Reels correctly placed and adequate, can egresses and paths of travel adequately service, for the 9b sections are panic bolts installed and similar related questions. Also stairways, access means and other related matters need review.*

*Presently the standard "compliance with NCC – BCA Vol 1 – 2022" condition will be critical. No obvious performance solutions are apparent so DtS will be required at the final design stage for CC. A request for a Fire Services Design at this time from a Registered Fire Safety Practitioner or a Fire Engineer/Designer, at CC would assist.*

**Comment:** These are standard construction certificate issues to be resolved and are outside the scope of a Section 4.15 assessment. Standard conditions as recommended by the Building surveyor have been imposed and evidence of compliance produced prior to the issue of the Construction Certificate.

### **7.3 Tree Officer**

Council's Tree Officer raised no objection to the removal of nominated trees.

### **7.4 External Referral - Essential Energy**

The application was referred externally to Essential Energy due to the proximity of the development to the existing electronic substation on the adjoining allotment. The comments and conditions which were recommended have been included as conditions of consent.

## **8. CONCLUSION**

The development application for the Community Facility has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

No objections or other submissions were received during the public exhibition period and the development is assessed as being in the public interest of the Broken Hill community.

It is recommended that **CONSENT** be granted, subject to the conditions for Development Application **DA2023/103**, in **Annexure 'C'**.