

<b>JRPP No:</b>	2013NTH010
<b>DA Number:</b>	074-2013
<b>Local Government Area:</b>	Armidale Dumaresq Council
<b>Proposed Development:</b>	Redevelopment of site for a new Armidale Dumaresq War Memorial Public Library and related commercial / community tenancies, car parking facilities, landscaping and ancillary works, including earthworks
<b>Address:</b>	129 – 131 Rusden Street, Armidale, NSW 2350, and adjoining lands within City Section 5, within:  Lot 12 Section 5, DP 758032; Lot 2 DP 908245; Lots 1 and 2 DP 114800; Lot 15 DP 758032; Lot 18 DP 837491; and  Section of closed laneway adjoining Cinders Lane and Lot 12 Section 5, DP 758032 and Lot 18 DP 837491
<b>Applicant:</b>	Armidale Dumaresq Council
<b>Owner:</b>	Armidale Dumaresq Council and the State of New South Wales
<b>Number of Submissions:</b>	Five (5)
<b>Recommendation:</b>	Consent subject to conditions
<b>Report by:</b>	Kate Agnew Planning Manager, Sixhills Group Pty Ltd

**Further Application Details:**

<b>DA Lodgement Date:</b>	26 June 2013
<b>Additional Information received? / date?</b>	Nil required
<b>Estimated Construction Value of Development:</b>	As provided by QS Turner & Townsend (with provision for 1% price escalation for 2013): <b>\$9,958,600</b>
<b>Capital Investment Value:</b>	As provided by QS Turner & Townsend (being above cost plus 10%): <b>\$10,954,460</b>

**Glossary of terms used in this report:**

**BCA** – Building Code of Australia

**DA** – Development Application

**DCP** - Armidale Dumaresq Development Control Plan 2007, as amended

**LEP** – Armidale Dumaresq Local Environmental Plan 2008, as amended

**SEE** – Statement of Environmental Effects

**SEPP** – State Environmental Planning Policy

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## Assessment Report and Recommendations

### DA-074-2013 / JRPP Ref 2013NTH010

## Executive Summary

### Consideration by Joint Regional Planning Panel

The Joint Northern Region Planning Panel is the determining authority for this DA pursuant to Schedule 4A of the *Environmental Planning and Assessment Act 1979*, as the proposed development is a “Council related development” with a capital investment value of more than \$5 Million.

The capital investment value of this project, as estimated by the Council’s quantity surveyors, is \$10,954,460.

As the Council is the applicant for this DA, the application has been submitted to Sixhills Group Pty Ltd as an independent planning consultant for assessment and reporting direct to the JRPP. Council’s only role in relation to the processing of the DA has been to assist with the administration and public notification of the application, as required under Council’s DCP; and to answer any technical enquiries of the consultant in relation to issues such as local infrastructure services, given that Council is the local water, sewer and roads authority. Armidale Dumaresq Council’s Development Engineer and Environmental Health Officer have also provided written referrals with standard conditions of development consent.

### Proposal

This DA proposes the following development on the subject site:

- demolition of the existing (1937) “Old Council Chambers” at 129-131 Rusden Street, with the exception of the brick façade to Rusden Street, which is to be incorporated into the new development;
- demolition of a raised brick terrace at the rear (north side) of the adjacent Civic Administration Building (CAB) and an existing Council storage building on Lot 2 DP 114800;
- clearing of proposed development area and site preparation and excavation works, including the removal of 14 existing camphor laurel, elm and golden ash trees and a reduction in the level of the existing Section 5 surface car park to the east and north of the CAB;
- construction of a new War Memorial Library Building, incorporating:
  - basement (Cinders Lane) level parking together with reconfiguration of public parking in City Section 5, to provide 80 off-street public car parking spaces and a loading bay;
  - a main Library space and coffee shop on the ground (Rusden Street) level; and
  - meeting rooms and commercial/community (including RSL) tenancy space and amenities on a partial first floor area, at the southern end of the proposed building;
- erection of a bridge link fire escape between the new building and the adjacent (1882) Town Hall, over a new courtyard space and minor alterations to the western wall of the Town Hall;
- associated infrastructure works, including new pedestrian access facilities from Cinders Lane to the new building and the CAB, and modification of utility services;
- planting of new trees on site and provision of new site landscaping west of the proposed building and north of the CAB;

- replacement of existing claret ash street trees in Cinders Lane with trident maples (*acer burgerianum*) and new footpath paving in Cinders Lane adjoining the site; and
- reconfiguration of parking spaces and access serving the CAB basement car park.

### Permissibility

The proposed development constitutes an “information and education facility” with associated “commercial premises” and “community facility” uses and is permissible with development consent pursuant to Part 2 of Armidale Dumaesq LEP 2012, under which the site is zoned B3 – Commercial Core.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**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.

### Key Issues

From the attached Assessment Report, key issues for this project can be summarised as follows:

- The site is entirely in public ownership, involving a mixture of Council and Crown land in the area bounded by Rusden and Faulkner Streets, Cinders Lane and O'Connor Place. All the land is currently occupied and managed by Council;
- The existing Armidale Dumaesq War Memorial Library premises at 122 Faulkner Street, nearby, no longer provide appropriate accommodation for a 21<sup>st</sup> century public library building, as envisaged in the NSW State Library's “People Places” design guidelines. The proposed development therefore provides for the relocation of the Library into a new purpose-built facility also in the city's ‘civic precinct’, with double the current gross floor area;
- The subject land is located within a heritage conservation area. Therefore, urban design and heritage considerations have informed the proposal for this major new building within the established civic precinct of Armidale, adjoining the (1882) Armidale Town Hall. In order to retain the existing streetscape, the development incorporates the blue brick façade of the former (1937) Council Chambers as part of the main Rusden Street elevation of the new building. Archaeological assessment is appropriate before and during the proposed excavation, especially in the area of the Town Hall's former (1899-1936) west wing;

- The project will involve the removal of existing trees from the development 'footprint' and their replacement with a new green space/pedestrian corridor linking Rusden Street with Cinders Lane and thence the Beardy Street Mall. New street tree plantings are proposed in Cinders Lane, while a landscaped courtyard space will link the new Library and the Town Hall;
- This DA also proposes the reconfiguration and provision of additional car parking within Section 5, with largely under cover facilities off Cinders Lane and lift access from this area to the two upper floors of the new building. In the absence of numeric 'standards' for library parking, an independent study has found the proposed arrangements to be adequate from various perspectives, including:
  - consideration of public parking provision on the site and in the locality, having regard to the target population for the project and a survey of our current Library patrons' travel and parking behaviours; and
  - assessment of the project against the Council's normal 'commercial' parking standards.
- In terms of infrastructure, the surrounding road network is also considered adequate for the proposed development. The site also has access to all relevant utility services, including the National Broadband Network, which has a distribution point adjoining the site;
- The project will realise significant social and public interest benefits, consistent with relevant local, regional and State plans, as well as the NSW Library Act.

The proposed development is considered compliant with applicable statutory planning controls and with the relevant provisions of Council's DCP.

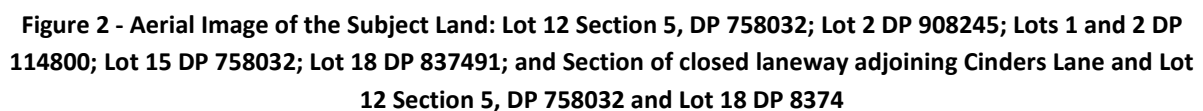
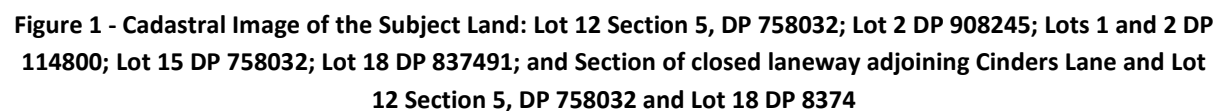
Five (5) submissions were received from members of the public as a result of notification and advertising of the Application. One (1) submission supported the proposed development, one (1) submission provided suggestions on how to improve energy efficiency of the proposed building, and the remaining three (3) submissions raised some concerns. These submissions have been considered as part of the assessment of this application and the matters raised have been addressed in the body of this report.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 3** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

## **Recommendation**

- (a) That having regard to the assessment of the Application, Development Application 074-2013 (JRPP ref 2013NTH010) be granted conditional consent in the terms set out in Appendix 3 to this report.**
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.**
- (c) That those persons that made submissions in relation to the Application be notified of the determination in writing.**

The site is known as 129-131 Rusden Street, Armidale, NSW 2350. The site to be developed also includes adjoining lands within City Section 5, bounded by Rusden Street, Faulkner Street, Cinders Lane and O'Connor Place, Armidale. Cadastral and aerial images of the subject land are included as Figures 1 and 2, below.



The subject land is currently occupied and managed by Council and is contained within the land titles listed below:

Title / Description	Owner on title	Comments
Lot 12 Section 5, DP 758032, known as 129-131 Rusden Street	The Municipal Council of Armidale (Armidale Dumaresq Council)	This Lot is listed on Council's public land register as operational land. However, Lot 12 was dedicated as a Town Hall site and is a reserve for that purpose within the meaning of Part 5, Crown Lands Act 1989. Council has sought to amend the terms of the reserve, which dates from 1874, to provide for more general local government use.  This lot is also subject to a right of carriageway benefiting adjoining Lot 17 DP 837491, also owned by Council. However the right of carriageway will not be impeded by the proposed development.
Lot 1 DP 114800, being part of land known as 4-12 Cinders Lane	Council of the City of Armidale (Armidale Dumaresq Council)	This Lot is listed on Council's public land register as operational land.
Lot 2 DP 114800 known as 3 O'Connor Place	The State of New South Wales	Pursuant to a Government Gazette notice of 24 December 2010 (p.6128), this land forms part of the Armidale Civic Administration Building Reserve Trust, for which Council is the Trust Manager.
Lot 2 DP 908245, known as 133-135 Rusden Street		
Lot 15 Section 5, DP 758032, known as 133-135 Rusden Street	Council of the City of Armidale (Armidale Dumaresq Council)	This Lot is listed on Council's public land register as operational land.
Lot 18 DP 837491, being part of land known as 4-12 Cinders Lane	Armidale City Council (Armidale Dumaresq Council)	This Lot is listed on Council's public land register as operational land.
Section of closed laneway adjoining Cinders Lane and Lot 12 Section 5, DP 758032 and Lot 18 DP 837491	Armidale Dumaresq Council (by dedication in Gov't. Gazette 26 April 2013, p 1064)	Application for closure and conversion to operational land lodged with Crown Lands Division, NSW Trade & Investment on 26 April 2013.



As the land is partly in Council's ownership and partly within reserves for the purposes of the *Crown Lands Act 1989*, Council has given notice of this DA under cl.49(2)(a) of the *Environmental Planning & Assessment Regulation 2000* to the Crown Lands Division, NSW Trade & Investment in lieu of the normal arrangements for owner's consent under cl.49(1). This approach has been confirmed via email on 15 May 2013 from the Manager, Property and Lands Legal Branch, NSW Trade and Investment. Council anticipates that the entire site will be available for development and continuing use by the Council without any land acquisition costs.

The SEE states that Council has been considering the rationalisation of its land titles within the area south of Cinders Lane for some time. However, re-alignment of current title boundaries in this part of Section 5 is not part of the current DA. As detailed further within this report, the numerous allotment boundaries have implications in terms of fire source features pursuant to the Building Code of Australia.

The proposed new Library, including related parking and access works has a development footprint of approximately 3,000 square metres. The site has road frontages to both Rusden Street and Cinders Lane, which are fully sealed, kerbed and guttered public roads. Cinders Lane is currently one way (east to west).

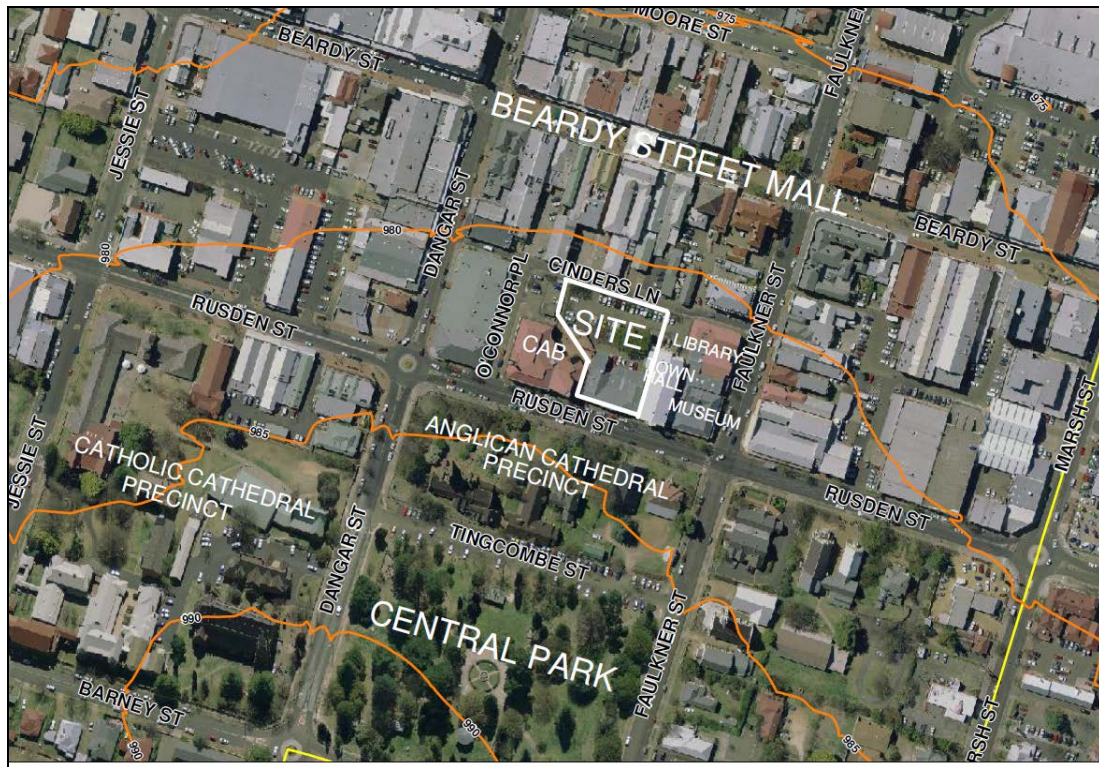
The site is currently occupied, in part, by the 1937 'Old Council Chambers' and offices located between the adjacent Town Hall and CAB buildings. This building is currently used for a variety of agency and community purposes, as well as some office space for Council's business systems and IT sections. Current third party uses include the New England Weeds Authority offices, RSL meeting rooms, the Armidale Neighbourhood and Writers' Centres and a local youth service.

The balance of the development site is predominantly used as (outdoor) public car parking and pedestrian access, with 14 mature camphor laurel, elm and golden ash trees within the site and a series of claret ash trees adjoining the site in the Cinders Lane road reserve.

The site has a gradual slope to the north. From Rusden Street (approximate level 983.5m AHD), the site falls to around 981m AHD at Cinders Lane, a grade change in the order of 4% over the development footprint.

The site has access to fully reticulated (subterranean) services for water, sewer, stormwater, electricity and telecommunications. Underground (SNG) gas services are available in both Cinders Lane and on the southern side of Rusden Street. Importantly for this project, the precinct is also connected to the National Broadband Network (NBN), which has fibre optic cable and a distribution pit directly adjoining the site, in Rusden Street.

Figure 3, below demonstrates the approximate building footprint of the proposed development over the subject land.

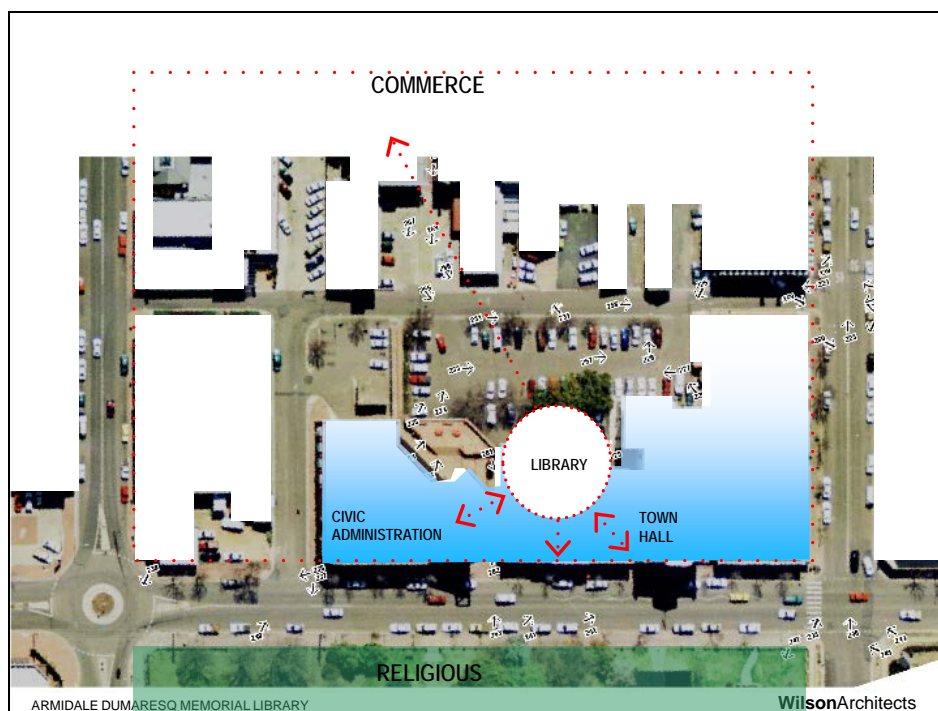


**Figure 3 - Annotated air photo (not to scale) showing main building footprint of development site. Some additional parking is also proposed north of the CAB as part of this DA.**

As can be seen, the site for the new Library project is surrounded by established civic buildings in central Armidale. These include the Council's current CAB (1985); Town Hall (1882); Folk Museum (Former Mechanics Institute/School of Arts - 1863, which housed Armidale's original Library and Council meeting rooms); as well as the current Library, which occupies buildings at the north-east of the city block, at 122 Faulkner Street, on part Lots 12 and 13 DP 758013 and Lot 17 DP 837491. These buildings date from 1927 (former Dumaresq Shire offices), 1955 and 1970.

As indicated above, the actual area to be developed as part of this DA will replace a further civic building, the 1937 former Council Chambers and offices, located between the Town Hall and the CAB. In every sense, therefore, the proposed development will take its place in a central location of the city long established for public and community use, which has come to be known as the 'civic precinct'.

As shown in Figure 4 below, this precinct is located between the equally historic cathedral / park precinct to the south; and the central business district of Armidale, including the central pedestrian Mall in Beady Street, to the north. As would be expected, this area is characterised by a variety of retail and commercial uses, historic hotels, as well as some other significant government buildings including the Court House, Post Office and Lands Office in the adjoining area between Beady Street and Cinders Lane.



**Figure 4 - Urban context diagram – Wilson Architects**

## Proposed Development

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  - basement (Cinders Lane) level parking together with reconfiguration of public parking in City Section 5, to provide 80 off-street public car parking spaces and a loading bay;
  - a main Library space and coffee shop on the ground (Rusden Street) level; and
  - meeting rooms and commercial/community (including RSL) tenancy space and amenities on a partial first floor area, at the southern end of the proposed building;
- erection of a bridge link fire escape between the new building and the adjacent (1882) Town Hall, over a new courtyard space and minor alterations to the western wall of the Town Hall;
- associated infrastructure works, including new pedestrian access facilities from Cinders Lane to the new building and the CAB, and modification of utility services;
- planting of new trees on site and provision of new site landscaping west of the proposed building and north of the CAB;

- replacement of existing claret ash street trees in Cinders Lane with trident maples (*acer burgerianum*) and new footpath paving in Cinders Lane adjoining the site; and
- reconfiguration of parking spaces and access serving the CAB basement car park.

The buildings currently housing the Armidale War Memorial Library are now between 43 and 86 years old and do not meet contemporary standards for public library operations as discussed in “People Places: A Guide for Public Library Buildings in New South Wales” (NSW State Library, 3rd edition, 2012). The existing Library provides around only 55% of the dedicated library space<sup>1</sup> proposed in this DA to meet the needs of Armidale Dumaresq's target population for project planning purposes of 30,000 people. That population figure represents an increase of approximately 18% in relation to the current LGA estimated resident population, being 25,379 at June 2012<sup>2</sup>.

Moreover, the current Library only provides 40% of public internet screens that current standards require; there are no designated group study rooms; there are no dedicated exhibition, local history, young adult or children's activities areas; the sinks in the public toilets have only cold water taps; air-conditioning is inefficient at best in the main body of the Library (icing-up overnight at any time of year), and is non-existent in the toilet areas and in the upper rooms and storage areas, where stock is kept in less-than-optimum conditions.

The new Library proposal will overcome all of these deficiencies.

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<sup>1</sup> Excluding RSL areas in both buildings and coffee shop/lobby in the new scheme, approx 770/1383m<sup>2</sup>.

<sup>2</sup> ABS ref. 3218.0 - Population Estimates by Local Government Area, 2011 to 2012.

The new building will have a gross floor area, as defined in Council's LEP 2012, of 1,851m<sup>2</sup>, as follows:

Level	Proposed Accommodation / Facilities	Gross Floor Area m <sup>2</sup> *
Basement / Cinders Lane	<ul style="list-style-type: none"> <li>• Reconfigured public car parking for 80 vehicles, including 2 bays for use by people with disabilities, parents with prams and cycle parking, plus a loading bay. Most of these bays would be under cover;</li> <li>• Fire stairs and stairs to ground floor courtyard/Library entrance;</li> <li>• Storage rooms, including waste storage and plant;</li> <li>• Lift to upper floors.</li> </ul>	Nil
Ground / Rusden Street	<ul style="list-style-type: none"> <li>• Public Library, including six group/training rooms and a dedicated area for children/junior/young adult use, plus staff/resources accommodation;</li> <li>• Lobby with War Memorial</li> <li>• Coffee shop;</li> <li>• Bicycle parking;</li> <li>• Courtyard connection with adjacent Town Hall;</li> <li>• Lift and stairs to other floors;</li> <li>• Storage and amenities.</li> </ul>	1,546 m <sup>2</sup>
First	<ul style="list-style-type: none"> <li>• RSL Meeting rooms (capacity approx. 64 persons);</li> <li>• Fire escape bridge connection with adjacent Town Hall;</li> <li>• Office /tenancy space;</li> <li>• Lift and stairs to lower floors;</li> <li>• Plant, Storage and amenities.</li> </ul>	305 m <sup>2</sup>
<b>Total</b>		<b>1,851 m<sup>2</sup></b>

(\*as defined in the Dictionary to Council's LEP – floor areas as shown on measured plans SD.A – 900-902, in **Appendix 2**)

The project will provide for the relocation of the Armidale Dumaresq War Memorial Library from its current site nearby at 122 Faulkner Street. Once vacated, it is assumed the vacated buildings would become available initially as floor space to support other Council operations or uses displaced from the subject site. However, the future use of the current Library buildings is not part of this DA.

The proposed Library building is expected to have similar opening hours to the current facility, namely from 10am-6pm on Mondays to Fridays and 10am-1pm on Saturdays, public holidays excepted. However, given the multi-purpose nature of the Library and the additional tenancy (including RSL) spaces included in the new project, it may potentially be used for other purposes and special events outside these hours, although not expected in any circumstances to extend outside the period between 7am and midnight.

Future Library staff numbers in the new building are expected to remain at around current levels, (approximately 10 EFT personnel), although in financial planning a potential increase to 12 EFT has been considered.

The proposal will retain the existing blue brick façade of the Old Council Chambers on Rusden Street. However, the new Library will be visually separated from the brick façade, connected only by a glass box and a roof seemingly floating above the façade. The retention of the Rusden Street brickwork will maintain the ambience of the existing streetscape and familiar local building material. The existing brickwork will be supported by a new steel framework on the interior side, which will double to support the new roof, with the roofing continuing westwards to provide shelter over the entrances to both the new building and to the adjacent CAB.

Adjoining the new building to the east, the existing (but not original) metal fire escape from the Town Hall balcony is proposed to be replaced a new fire rated bridge link, connecting to the fire stair of the new Library. This will be a lightweight link, set back from the main façade and visually minimised by the use of glazing.

Part of the ground floor staff area and upper floor plant room of the new Library will adjoin the western wall of the Town Hall's back stage area. This will result in some window openings in this projecting section of the Hall's western elevation being effectively blocked by the new wall. From old photographic evidence, the two upper windows (which may be able to be retained) do not appear original and both rooms are used for storage only. Highground Consulting (Heritage Consultants) have advised that this situation is acceptable.

The new building will be structurally separate to the Town Hall in order to provide a new courtyard between the two buildings and improve natural lighting to the main Town Hall / performance space. The courtyard will be landscaped with seating and provide a new amenity and break out space for both the new Library and the Town Hall.

The proposed development extends to Cinders Lane and includes additional car parking under the new building. Landscaping along Cinders Lane will soften the carpark edge and will continue into a new park-like area to the west, which will provide a landscaped link with the Mall and an improved pedestrian link with the CAB. The proposal will significantly improve the setting of Cinders Lane as an important route within the Heritage Conservation Area, with a number of listed buildings nearby, such as the Tattersalls Hotel, former Commonwealth Bank Building and the Lands Department.

## Submitted Documents and Plans

DA documentation has been prepared by Council in conjunction with Wilson Architects. Supporting documents and plans relied upon for this assessment are as follows:

- A. *Survey Plan and current site photographs*
- B. *Land Title documents*
- C. *Architectural drawings and landscape plans – see list below*
- D. *Concept engineering plans– see list below*
- E. *Statement of Heritage Impact and Archaeological Assessment*
- F. *Car Parking Study.*

<b>Drawing Numbers</b>	<b>Revision/Date</b>	<b>Content</b>
<b>Site Survey, Hawkins Hook &amp; Co</b>		
20070405, A/5	B 11/5/13	Survey of existing site, surrounds, services

<b>Architectural Plans ref WA Job 4230 (except as noted) – Wilson Architects:</b>		
SD.A – 100	P3, 24/5/13	Site Plan
SD.A – 101	P3, 24/5/13	Proposed Site Car Parking
SD.A – 102	P2, 24/5/13	Existing Site Car Parking
SD.A - 103	P2, 24/5/13	Context
SD.A - 104	P1, 24/5/13	Sun Studies
SD.A - 110	P2, 24/5/13	Demolition Plan
SD.A – 132	P2, 24/5/13	Roof Plan
SD.A – 150	P3, 24/5/13	Ground Level Furniture Plan
SD.A – 151	P3, 24/5/13	Upper Level Furniture Plan
SD.A – 200	P2, 12/6/13	Elevations
SD.A – 201	P2, 24/5/13	Elevations
SD.A – 300	P3, 24/5/13	Sections
SD.A – 901	P2, 24/5/13	Ground Level Floor Area
SD.A – 902	P2, 24/5/13	Level 1 Floor Area
4372 / SD.L01	P3, 24/5/13	Landscape Site Plan

4372 /SD.L02	P3, 24/5/13	Landscape Detail
4372 / SD.L03	P3, 24/5/13	Landscape Sections
Unnumbered	-	Colour perspective – day (Cinders Lane)
Unnumbered	-	Colour Perspective – evening (Rusden Street)
Unnumbered	-	Computer Animated Walkthrough – sep. CD.

<b>Concept engineering plans</b>		
13s0152/SK01	R0 May 2013	Sewerage Plan, Opus Engineers
13s0152/SK02	R0 May 2013	Stormwater Plan, Opus Engineers



## Referrals undertaken and other approvals required

The following agencies were notified of the subject DA:

Referral Agency:	Response Date:	Summary of Advice / Issues:
Essential Energy	2 July 2013	<p>To ensure that the building has an adequate electricity supply, the applicant is to lodge a Design Information Request with the energy provider. Assessment of the substation upgrade and alterations / augmentation will be undertaken by Essential Energy at that stage.</p> <p>In this regard, written advice from the electricity provider, confirming that satisfactory arrangements have been made for the provision of electricity services to the development, are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.</p>
NSW Police (Crime Prevention Through Environmental Design)	17 July 2013	<p>The NSW Police have made some observations and have some suggestions to offer the applicant that may assist in the prevention of crime in and around the library, as follows:</p> <ul style="list-style-type: none"> <li>• Lighting – ensure there is appropriate lighting around the building and in the car park area at night, particularly in the small space located between the proposed library building and the Town Hall. This will ensure maximum natural surveillance and assist in the prevention of graffiti, property and street related crime.</li> <li>• CCTV – ensure the installation of additional cameras, as required, in Cinders Lane, Rusden Street, entry and exit points and the car parking areas.</li> <li>• Gates – ensure appropriate lockable gates are installed at all access points to the car park, particularly the stairwell from the car park up to the area between the Town Hall and the proposed library. It is suggested that the car park be locked at night after the library / Town Hall closes.</li> <li>• The Police are happy to assist the applicant with the development of a Security Management Plan.</li> </ul> <p>Appropriate advice has been included as part of the recommended conditions of development consent attached as <b>Appendix 3</b>.</p>

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Heritage Council	25 July 2013	<p>It is noted that the proposed development involves the construction of a new library over the site of the former west wing of Armidale Town Hall. This wing was constructed in 1899 and demolished in 1936. The Archaeological Assessment [prepared by Pamela Watson of UNE] has determined that remains of the footings of the former West Wing may survive on this site and would be of significance (although it is noted that no level of significance is provided). The works would remove any traces of this archaeology.</p> <p>Accordingly, the Heritage Council have recommended that any DA determination for this site include a condition requiring the Applicant to obtain an appropriate approval under the NSW <i>Heritage Act</i> 1977 for the removal of this archaeology. Any such application should be accompanied by an appropriately detailed significance assessment.</p> <p>A suitable condition has been included as part of the recommended conditions of development consent attached as <b>Appendix 3</b> requiring this consultation prior to issue of a Construction Certificate.</p>

## Political Donations

At the time of lodging the Development Application the applicant indicated, pursuant to Section 147(4) of the *Environmental Planning and Assessment Act* 1979, that no reportable political donation or gift had been made by the applicant or any person with a financial interest in this application to a local Councillor or employee of Armidale Dumaresq Council.

## Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

**Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:**

**(i) the provisions of any environmental planning instrument**

**State Environmental Planning Policies (SEPPs):**

The following SEPPs have been considered in connection with this development:

SEPP No.55 – Remediation of Land

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities, as follows:

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications	<p>The site is not identified in Council's information system for potentially contaminated land. Previous known uses of the site include, most recently, office accommodation/civic administration and associated car parking which is not expected to have led to any soil contamination. The SEE states that following the construction of the Town Hall in the 19<sup>th</sup> century, the area adjacent to Cinders Lane remained largely vacant and was used for assorted activities such as gardens for the Tattersalls Hotel / itinerant shows. A 1943 air photo of the area shows open space at the rear of the Old Council Chambers including a tennis court next to the gardens fronting Cinders Lane.</p> <p>The former substation building at the rear (north) of the CAB, which is to be demolished, has most recently been used by Council for garaging a street sweeper and for building materials storage. Prior to that, local electricity authorities used the building and this is understood to have involved oil filled transformers and switch gear. In an email to the author of the SEE dated 29 April 2013 the Network Planning Engineering Officer for Essential Energy advised that: <i>"To the best of my knowledge there was no reason for fuel storage at this site to cause possible contamination."</i> The building has a concrete floor and there is no known exposure from this to the soil beneath the building.</p> <p>Furthermore, the site is not listed on the NSW Environment Protection Authority's on line register of Records under Section 58 of the Contaminated Land Management Act 1997. There were no visual indicators of contamination noted during the site inspection for this DA.</p>

## SEPP 64 – Advertising and Signage

This Policy is concerned with outdoor advertising and signage. In this case, final details of the future signage on the proposed building have not yet been settled (although indicative sign locations are shown on submitted elevation drawing SD.A – 200). As this application does not seek consent for any ‘building identification signs’ for the purposes of cl.4 of the Policy, further consent shall be sought separately under applicable State or local planning instruments at the appropriate time (if required). Suitable advice has been included as part of the recommended conditions of development consent attached as **Appendix 3**.

## SEPP (Infrastructure) 2007

The Application has also been considered having regard to the relevant provisions of this SEPP, as follows:

Clause	Subject	Comments
Part 3 Div. 5, cl.45	Development likely to affect an electricity transmission or distribution network	Essential Energy was consulted in writing regarding this DA as part of the assessment process, as detailed above. Written advice from the electricity provider, confirming that satisfactory arrangements have been made for the provision of electricity services to the development, are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Part 3 of the SEPP also allows various water, sewerage and stormwater works, including reticulation works, if undertaken by a public authority, to be carried out without consent. As Council is the intending developer for this project, these provisions are relevant; however, the expected implications of the project in relation to this Council infrastructure have been assessed by Council’s Development Engineer and suitable conditions have been included as part of **Appendix 3**.

*Note: the project subject of this DA is not considered to be “traffic generating development” for the purposes of cl.104 / Schedule 3 of SEPP (Infrastructure).*

## State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Part 4 of the SEPP, in particular cl. 20, the *Environmental Planning and Assessment Act 1979* Schedule 4A threshold for JRPP consideration of Council-related development applies where projects have a capital investment value (CIV) of more than \$5Million. In this case the project CIV is \$10,954,460. Therefore, the DA is to be determined by the Northern JRPP.

As the Council is the applicant for this DA, the application has been submitted to Sixhills Group Pty Ltd as an independent planning consultant for assessment and reporting direct to the JRPP in accordance with Chapter 1.1 of Council's DCP 2012. Council's only role in relation to the processing of the DA has been to assist with the administration and public notification of the application, as required under Council's DCP; and to answer any technical enquiries of the consultant in relation to issues such as local infrastructure services, given that Council is the local water, sewer and roads authority. Armidale Dumaresq Council's Development Engineer and Environmental Health Officer have also provided written referrals with standard conditions of development consent.

### **Local Environmental Plans (LEPs):**

The ***Armidale Dumaresq Local Environmental Plan 2012*** has been considered in connection with this development:

Clause	Subject	Comments
1.2 (2)	Aims	<p>Relevant aims of the LEP considered in this assessment include:</p> <p><i>“(a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving:</i></p> <p><i>(v) places and buildings of heritage significance,</i></p> <p><i>(c) to facilitate development for a range of business enterprises and employment opportunities,</i></p> <p><i>(d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,</i></p> <p><i>(e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints.”</i></p> <p>The proposed development is considered consistent with these aims. Relevant issues have been considered and are addressed where appropriate in this assessment.</p>
2.1	Land use zones	The subject site is zoned B3 – Commercial Core.

Clause	Subject	Comments
2.3	Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
2.7	Demolition	Demolition (proposed as part of this DA) requires consent unless otherwise exempt – consent has been sought in this case.
-	Land use table	<p>In the LEP's Land Use Table, the objectives for the B3 zone are:</p> <ul style="list-style-type: none"> <li><i>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</i></li> <li><i>To encourage appropriate employment opportunities in accessible locations.</i></li> <li><i>To maximise public transport patronage and encourage walking and cycling.</i></li> <li><i>To provide for residential uses, but only as part of a mixed use development.</i></li> <li><i>To encourage residential accommodation over commercial uses to bring a higher level of vibrancy to the centre of Armidale Dumaresq.</i></li> </ul> <p>The development, which does not include residential activities, is nonetheless entirely consistent with the first three objectives.</p> <p>The proposed Library is also specified as a use permissible with consent in the zone under Part 3 of the relevant zone table, being an "education and information facility" as defined earlier within this report.</p>
4.3	Height of Buildings	The development will have a maximum height of approximately 992 metres RL/AHD, which readily complies with the limit shown on the LEP Height of Buildings Map, being 999.126RL/AHD (the ridge height of the main roof to the nearby St. Peter's Cathedral).
5.9	Preservation of trees or vegetation	<p>This clause provides for tree preservation measures, as set out in a related DCP.</p> <p>As indicated previously, this DA proposes to remove the 14 existing trees from the site and replace these with new trees, together with the replacement of the existing street trees in Cinders Lane adjoining the site. For the purposes of cl.5.9(7), it is also relevant that these trees are located in a Heritage Conservation Area under in the LEP (see cl.5.10, following).</p>

Clause	Subject	Comments
5.9	Preservation of trees or vegetation (continued)	<p>Consent is therefore sought for all these aspects of the project, as required by the LEP. These issues are discussed in more detail under s.79C(1)(a)(iii) below, per Council's DCP 2012, Chapter 2.2.</p> <p>Street trees adjoining the site in Rusden Street, which it is understood were planted in 1963 as a memorial for the centenary of local government in Armidale, are to be retained.</p> <p>No objection has been raised by Council's responsible officer to this aspect of the proposal.</p>
5.10	Heritage Conservation	<p>This clause seeks to conserve the environmental heritage of Armidale Dumaresq. Specifically, consent is required under clause 5.10(2)(a)(i) and (iii) for the demolition/external alteration of any building, work, relic or tree which is a Heritage Item or in a Heritage Conservation Area; and, pursuant to clause 5.10(2)(e), for erecting a new building on land occupied by a Heritage Item or in a Heritage Conservation Area.</p> <p>The subject site lies within the central Heritage Conservation Area of Armidale shown on the LEP Heritage Map; and will also involve work on and adjacent to the western side of the adjacent Town Hall building, which is listed in Schedule 5 of the LEP as local Heritage Item (ref. I172, subject of a Conservation Management Plan completed in 2012-2013). This area was also the site of a former western wing to the Town Hall demolished in 1936.</p> <p>Consent is therefore sought in accordance with this clause for the proposed development.</p> <p>Pursuant to sub-clauses 5.10(4), (5) and (7) of the LEP, the applicant has submitted supporting heritage and archaeological reports for the project in order to assist in the assessment of the DA. The supporting documentation was referred to the NSW Heritage Council as well as Highground Consulting (Heritage Consultants) for assessment. Comments from the Heritage Council have been detailed previously, with a suitable condition included as part of the recommended conditions of development consent; while Highground Consulting's comments are detailed below:</p>

Clause	Subject	Comments
5.10	Heritage Conservation (continued)	<p><u>Demolition of 1937 Council Chambers</u></p> <p>This building represents an important chapter in the history of local government in the Armidale Dumaresq local government area as it was the seat of municipal government during the Second World War and decades that followed. It is also part of a story stretching back to 1864. The original Council Chambers (currently the RSL Sub-Branch) retain much of their original finishes, as does the former Town Clerk's office (currently the district weeds office). In this regard, a number of recommendations are made in order to mitigate the demolition of this building, as follows:</p> <ul style="list-style-type: none"> <li>• Prior to demolition, a full archival record of the 1936 Council Chambers should be made in accordance with the NSW Heritage Council publications "How to Prepare Archival Records of Heritage Items" and "Photographic Recording of Heritage Items Using Film or Digital Capture".</li> <li>• The story of local government in the Armidale Dumaresq district and the role of the 1937 Shire Chambers within this story should be interpreted within the Armidale War Memorial Library.</li> </ul> <p><u>Management of Archaeological Significance</u></p> <p>This report was assessed to be satisfactory, with the recommendations to be included as conditions of development consent, as follows:</p> <ul style="list-style-type: none"> <li>• Initial subsurface excavation in the area of moderate archaeological potential indicated in the Archaeological Assessment of the New Library Precinct 2013 must be monitored by a suitably qualified archaeologist in accordance with NSW Heritage Council guidelines.</li> <li>• If archaeological remains are encountered, development work in this area should cease until the remains are fully recorded and any artefacts collected. Findings should be reported in accordance with the guidelines for report archaeological monitoring.</li> </ul> <p>Further comments on heritage issues are provided under Chapters 2.2 – Tree Preservation, 2.3 - European Heritage and 2.4 - Aboriginal Heritage – in connection with Council's DCP 2012, below.</p>



Clause	Subject	Comments
5.12 (1)	Infrastructure development	<p>This clause provides:</p> <p><i>"This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.</i></p> <p>The permissibility of the development under this SEPP has been noted previously in this report and is consistent with Council's LEP.</p>
6.1	Earthworks	<p>Clause 6.1 requires consideration of the environmental impacts of any earthworks to be carried out in conjunction with development. In this case excavations and other earthworks will be required in connection with the proposed development and consent for this aspect of the proposal is therefore sought in this DA.</p> <p>The required earthworks will include clearing of proposed development area and site preparation and excavation works, including the removal of existing trees and a reduction in the level of the existing Section 5 surface car park to the east and north of the CAB, by excavation of the development site to a depth of between 1 and 2 metres. The new carpark will require retaining walls towards Rusden Street as part of the new building.</p> <p>Subject to archaeological investigations, the upper, constructed surface layers would otherwise be taken as general or construction waste to Council's waste management facility, after removal of Council's existing subterranean parking sensors and diversion/capping of subsurface services (to be located with Council and other providers beforehand). The remaining material would undergo in situ testing to ascertain whether it meets the EPA's current excavated natural material exemption. If so, it can be re-used as clean fill for the new green space area in this project.</p> <p>Relevant matters such as erosion, sedimentation, potential archaeological relics, and nuisance impacts have been addressed via the inclusion of appropriate conditions as part of <b>Appendix 3</b> to this report.</p>
6.2 – 6.5	Various Development Constraints	<p><i>Flood constraints and other environmental matters dealt with in these clauses relating to airspace operations at the Armidale Regional Airport, as well as certain environmental buffers, have been checked as part of this assessment and do not apply to the proposed development.</i></p>

Clause	Subject	Comments
6.6	Essential services	<p>This clause requires the consent authority to be satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul> <p>The subject site has all these services available in suitable locations for the proposed development.</p> <p><u>Water</u></p> <p>Water supply is to be derived from an existing main adjoining the site, in Cinders Lane. Detailed design, including fire protection arrangements for the new building, will be developed at the construction certification stage. It is envisaged that the hydraulic design would include a hydrant booster assembly to assist the fire brigade, external dual pillar attack hydrants located external to the building. Fire Sprinkler services are expected to be provided from a separate incoming water supply to the site and a double check valve would be incorporated for site containment.</p> <p><u>Electricity</u></p> <p>The electrical services for the new building will be connected to the large pad mount transformer located north of the CAB adjoining Cinders Lane. The proposed development has an approximate maximum demand of 403 kVA. New consumer mains will be reticulated underground and through the basement to the new building's main switchboard.</p> <p>The existing underground electrical line and two pillar boxes located along Cinders Lane will also be reviewed as part of the development, to determine if applications will need to be made to relocate any of the services that may be affected by the new works.</p>

Clause	Subject	Comments
6.6	Essential services (continued)	<p><u>Sewerage</u></p> <p>There is an existing municipal sewer in the rear of the site towards Cinders Lane. This is expected to be taken up as part of a proposed sewer augmentation which will be carried out by Council independently of this project. Sanitary drainage connections will be made to this system as necessary. The proposed new line may need to be lowered to suit a potentially lower connection to the new sanitary drainage system, although some additional design of the proposed sanitary system may be necessary to confirm the new levels.</p> <p>The coordination of this asset replacement project with the proposed development will avoid any further development constraints where sewerage runs beneath adjoining properties.</p> <p>Trade waste facilities will be required for the coffee shop.</p> <p><u>Stormwater</u></p> <p>The DA proposal maintains gravity storm water drainage arrangements for the site, to connect with the Council's existing storm water system at the corner of Cinders Lane and Faulkner Street. This will be augmented by on-site detention/storage systems, while the impervious area of the site should be slightly reduced as a result of the introduction of the new landscaped 'green space'. An additional connection will be made to the existing system at Cinders Lane for the overflow from the roofwater tank. It is anticipated that the bulk of the roofwater will drain through this new outfall. There is also potential to collect roof water from the adjoining buildings on Rusden Street in addition to the proposed new building.</p> <p><u>Roads</u></p> <p>The site has frontages to sealed roads in Rusden Street and Cinders Lane, with direct vehicle access to the development to be derived from the latter, minor order road. Traffic and parking arrangements in connection with the development are discussed later in this report.</p> <p><i>[Note: Telecommunications</i></p> <p><i>Existing telecommunications lines located within the development site will be reviewed during construction design to determine if any service is required to be relocated. As noted previously, NBN services immediately adjoin the site.]</i></p>

**(ii) the provisions of any draft environmental planning instrument**

At the time of submission of this report, a planning proposal to amend Council's LEP 2012 (Amendment No. 1 Heritage) had completed public exhibition, for the period 29 May to 28 June 2013. However, the amendment has not yet been gazetted.

This planning proposal identifies an avenue of trees to be listed as heritage items on both the northern and southern side of Rusden Street between Dangar and Marsh Streets. These include the street trees on the northern side of Rusden Street between O'Connor Place and Faulkner Street, adjacent to the subject site.

These liquidamber and claret ash trees were part of a 1963 memorial planting to mark the centenary of local government in Armidale. These trees will all be retained and protected during construction works as part of this project and will continue to enhance the setting of the development in Rusden Street.

**(iii) the provisions of any development control plan**

The *Armidale Dumaresq Development Control Plan (DCP) 2012* applies to the land.

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment.

Chapter	Comment
Chapter 1.1 DCP Introduction and Public Notification	<p>The subject DA was been publicly exhibited from 3 July 2013 – 24 July 2013 in accordance with this Chapter through advertisement in the local print media, and the placement of notification signs on the Rusden Street and Cinders Lane road frontages. Written notification to 20 properties adjoining the civic precinct was completed, from the northern side of Cinders Lane, eastern side of Faulkner Street, southern side of Rusden Street and western side of O'Connor Place. During the notification and advertising period of the DA, five (5) submissions were received. The matters raised are detailed and addressed later in this report.</p> <p>As Council is the applicant for this major DA, the application has been assessed by an independent planning consultant in accordance with Part 7 of this Chapter. As detailed earlier within this report, the NSW Northern Region JRPP will determine the application in accordance with Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Chapter 2.1 Site Analysis	<p>The proposed development is considered compliant with the relevant objectives in Part 1.2 of this Chapter.</p> <p>A site analysis/context plan has been prepared by the project Architects and is included as Plan SD.A -103 in <b>Appendix 2</b>. The subject land is located in the established civic precinct in City Section 5, which is considered to be an appropriate, central location in Armidale for a major public facility of this type.</p> <p>The applicant has advised in the SEE that this continuity in location and the central siting of the Council's Library within the Armidale CBD were both seen as important factors in site selection process.</p>

Chapter	Comment
Chapter 2.1 Site Analysis (continued)	<p>This chapter identifies specific matters that require consideration as part of a DA, which are listed below and addressed in detail elsewhere within this report:</p> <ul style="list-style-type: none"> <li>• Heritage items and conservation areas;</li> <li>• Removal of trees to facilitate the development;</li> <li>• Essential services;</li> <li>• Erosion and sediment management;</li> <li>• The provisions of relevant SEPPs;</li> <li>• Potential land use conflicts. The site's location and design are considered appropriate for the use of the site and is in keeping with surrounding land uses and development. The proposed development is not expected to result in any unacceptable land use conflicts for surrounding properties or the environment.</li> </ul> <p>The site is not subject to any flood, bushfire, contamination or geotechnical risk recorded in any of Council's relevant information systems or policies.</p>
Chapter 2.2 Tree Preservation	<p>Council's LEP and this Chapter require consent to be obtained for the removal of any tree greater than 6 metres in height; and/or if the trunk of the tree is located 3 metres (or more) from an existing habitable building and/or any underground utility service, except for certain exemptions listed in cl.2.2 (e.g. if a tree is dead or poses a risk to life or property).</p> <p>As indicated previously, this DA proposes the removal of all mature trees on the site of the proposed development and their replacement with some (but not an equivalent number of) new plantings to the north/west of the site of the new building, as shown on the submitted Landscape Plans in <b>Appendix 2</b>. These plans also provide for replacement of existing street trees in Cinders Lane adjoining the site.</p> <p>The proposal to remove the abovementioned vegetation has been the subject of pre-DA discussions and site inspections by Council's Civic and Recreation Services Officer, who provides advice on tree preservation issues. Having reviewed the submitted material and surveyed the site, Mr Morsley advised:</p> <ul style="list-style-type: none"> <li>• <i>"There are 5 camphor laurels behind the Town Hall. They were planted in c 1925 as part of a refurbishment of the Town Hall and its surroundings, therefore they have some cultural significance [per historian Graham Wilson's advice, ADC record I/2013/09995]. These trees are not heritage listed, nor listed as significant trees. These trees are of moderate vigour with some canopy dieback and of poor to acceptable structure.</i></li> <li>• <i>[There are] 4 chinese elms in the same alignment as the Camphor laurels are more contemporary plantings c1980's. All show moderate vigour, poor to acceptable structure.</i></li> <li>• <i>[There are] 11 Claret ash street trees on Cinders Lane and O'Connor Place planted c 1980's. Trees vary from poor to moderate vigour and are of acceptable structure. As with all the claret ashes on the street, the large ash at the CAB ramp . . . has canopy dieback of some primary branches and has a poor useful life expectancy.</i></li> </ul>

Chapter	Comment
<p>Chapter 2.2</p> <p>Tree Preservation (continued)</p>	<ul style="list-style-type: none"> <li>• <i>5 golden ash also dating from 1980's line the CAB ramp and border the eastern car park. These trees are of moderate vigour with acceptable structure. The cost of establishing new advanced replacement trees may be cheaper than transplanting and with a greater chance of survival. These trees have no horticultural or historic significance and appear to be part of the landscaping of the CAB constructed in the 1980's.</i></li> <li>• <i>A lack of formative pruning of the camphor laurels and chinese elms has lead to structural issues such as co-dominant leaders and narrow crotch angles with consequent risk of decay and branch failure. The relatively impervious surfaces (concrete and bitumen) reduces water infiltration and maintains low oxygen levels that have resulted in poor growth rates of all trees in the Cinders Lane area. None of the existing trees on this site should remain with new landscaping being the preferred option. New landscaping must allow natural infiltration and plantings should be established in mulched beds would address this. In an attempt to access moisture, tree roots have extended under concrete and bitumen surfaces creating extensive trip hazards. All new plantings must be contained within root directors as per Council's Engineering code (040-06)."</i></li> </ul> <p>The existing trees are all exotics and no impacts on threatened species are anticipated as a result of their removal. No major risk issues are relevant with the existing trees. While the existing trees do contribute to local amenity (e.g. shading the car park in summer and providing visual interest and autumn colour) their future is clearly incompatible with the proposed development.</p> <p>The proposed development provides new opportunities for renewal of the plantings and streetscape works in Cinders Lane, and a new green space between the new Library and CAB, as well as the proposed courtyard next to the Town Hall.</p> <p>The applicant has advised that the intention is to replace the trees along Cinders Lane with Trident Maples (<i>acer buergeranum</i>), as recommended by Mr Morsley. Other landscaping on the site itself will be generally as shown on plans SD.L.01&amp; 02 /P2, in <b>Appendix 2</b>, and shall be installed prior to the issue of an Occupation Certificate. Details of new plantings will be determined with Council's responsible staff throughout the construction process.</p>
<p>Chapter 2.3</p> <p>European Heritage</p>	<p>This Chapter provides detailed guidance on Council's approach for the conservation of environmental heritage as specified by Clause 5.10 of the LEP. As outlined above, the subject site is within the central Conservation Area under Council's LEP and adjoins the (1882) Town Hall, which is listed as a local Heritage Item in Schedule 5 of the LEP and is subject of a Conservation Management Plan completed in 2012-2013.</p> <p>As noted under cl. 5.10 of LEP 2012, above, the NSW Heritage Council and Highground Consulting (Heritage Consultants) have undertaken an assessment of the supporting heritage and archaeological reports submitted as part of the DA. In this regard, suitable conditions of development consent have been recommended and included as part of <b>Appendix 3</b>.</p>

Chapter	Comment
Chapter 2.3 European Heritage (continued)	<p>The applicant advised in the SEE that a consultant archaeologist would be retained to keep a watching brief on the project during the work that involves excavation below current ground levels. In the event that any relics are identified on the site during development through earthworks or construction, the Council would notify the NSW Heritage Council of the find as required under s.146 of the <i>Heritage Act</i> 1977, and await further advice before proceeding with the development.</p> <p>The Statement of Heritage Impact states that in order to preserve the existing streetscape in Rusden Street, the brick façade of the 1937 Council Chambers will be retained without any painting or rendering, as per the DCP provisions. The colour selection of new materials will be determined with the client and having regard to the DCP's relevant provisions, before construction. A condition has been included as part of the recommended conditions of development consent included as part of <b>Appendix 3</b> requiring the submission of a colour scheme to the Principal Certifying Authority for approval, prior to issue of a Construction Certificate.</p>
Chapter 2.4 Aboriginal Heritage	<p>In the event that any Aboriginal artefacts are identified on the site during development through earthworks or construction, Council shall contact the National Parks and Wildlife Service (NPWS) and cease work in the relevant location pending investigation and assessment of their heritage value by NPWS and the relevant local Aboriginal groups.</p> <p>From the information available to Council, there is no listed place of Aboriginal heritage significance on the subject site. Moreover, the site is shown as having "Very Low" potential for Aboriginal heritage significance on the maps prepared in connection with the Armidale Dumaresq Aboriginal Potential Areas Report held by Council and prepared by the NSW Aboriginal Heritage Office (2008).</p>
<i>Chapters 2.5 / 2.6 Contaminated Land and Geotechnics</i>	<i>These chapters are not considered relevant to this proposal, as the site is not recorded by Council to have contamination or geotechnical constraints.</i>
Chapter 2.7 Flooding Protection and Stormwater Drainage	<p>The subject application proposes a gravity storm water drainage system for the site, as preferred under Part 4.1 of this Chapter, to connect with the Council's existing storm water system.</p> <p>The project will not result in any increase in impervious areas on the site, which is already virtually fully developed / sealed. The proposed green space will reduce the amount of impervious area in this locality. Moreover, consistent with Parts 6.3 and 7.6 of the Chapter, it is also proposed, as part of the project's contribution to more sustainable site operations, to include a number of in ground water tanks for collection of rainwater. A suitable condition has been included as part of the recommended conditions of development consent, requiring the submission of a detailed design to the Principal Certifying Authority prior to issue of a Construction Certificate.</p>

Chapter	Comment
Chapter 2.8 Noise	By virtue of the nature of the proposal as well as its city centre context, the development is not expected to generate unacceptable levels of noise (the development is approximately 50 metres from the nearest permanently-occupied residence, which is opposite the site within the St Peter's Cathedral grounds). In this regard, the proposed development has been assessed by Council's Environmental Health Officer and suitable conditions have been included as part of <b>Appendix 3</b> .
Chapter 2.9 Parking	<p>Part 2 of this Chapter (Parking Supply Guidelines) does not specify a standard for off street parking for libraries, nor does the latest (2002) edition of the RTA (now RMS) "Guide to Traffic Generating Developments, Issue 2.2". Moreover, in the current (3rd) edition of "People Places: A Guide for Public Library Buildings in New South Wales", no specific level of parking provision is recommended. The document only indicates that parking should be convenient and safe in design and that the amount should be context-driven, relative to site and community circumstances (pp. 62, 66).</p> <p>The subject application proposes the provision of 117 carparks, as follows:</p> <ul style="list-style-type: none"> <li>• 65 public carparks (including two (2) disabled spaces) and one (1) loading bay to be provided in the eastern section of the new car parking area, predominantly in the basement area beneath the proposed library;</li> <li>• 16 carparks to the west, north of the Civic Administration Building;</li> <li>• 36 secured carparks (including one (1) disabled space) and a loading area within the Civic Administration Building basement.</li> </ul> <p>Additionally, there is bicycle parking provided in the Civic Administration Building basement and eastern carparking area.</p> <p>Volume One of the "National Construction Code Series 2013 Building Code of Australia Class 2 to Class 9 Buildings" Section D Access and Egress specifies carparking spaces for people with a disability. For a Class 9b 'place of public assembly' building, 1 disabled space must be provided for every 50 carparking spaces or part thereof (up to 1,000 carparking spaces). The proposed development complies with these requirements.</p> <p>There are currently 104 carparks provided on the subject land, 61 (including 4 disabled spaces), 8 and 35 (including 1 disabled space) plus a loading area and a space for 2 motorcycles in the western, eastern and CAB basement car park respectively. Therefore, 13 additional carparks will be provided on the subject land upon completion of the proposed development.</p>



Chapter	Comment
Chapter 2.9 Parking (continued)	<p>In order to support the proposed carparking provision, the applicant has commissioned a parking assessment, undertaken by Lambert and Rehbein, using different methods. Council's Development Engineer has undertaken a review of the submitted assessment, and has concluded that the carparking to be provided in conjunction with the proposal, when combined with existing carparking provided in the vicinity of the subject land, should cater for the development as proposed. However, as there is no specific standard for off street parking for libraries, a condition has been included as part of the 'operational matters' of the development consent attached as <b>Appendix 3</b>, requiring the matter to be referred to Local Traffic Committee after six (6) months of operation in order to assess traffic and parking issues in the area. In this regard, the Traffic Committee may then explore the option of converting O'Connor Place to one way traffic in order to provide parallel parking on both sides of the road, thereby increasing the total number of parking spaces in the vicinity by 6 or 7.</p> <p>Council's Development Engineer has also undertaken an assessment of the layout of the proposed carpark in accordance with AS 2890, and suitable conditions of development consent have been included as part of <b>Appendix 3</b>.</p>
Chapter 2.10 Signage	As outlined above, this application does not seek consent for any 'building identification signs'. Further consent shall be sought separately under applicable State or local planning instruments at the appropriate time (if required).
Chapter 2.11 Engineering	The proposed development does not involve new public roads or other subdivision works addressed in this Chapter.
Chapter 5.1 Development in Business Zones	<p>This Chapter applies to land in the B3 zone under Council's LEP and is therefore applicable to the proposed development.</p> <p>Consistent with Parts 2 and 3 of the Chapter, the proposed development has been designed to take its place with little disturbance to the established/historic streetscape in Rusden Street via the retention of the existing façade of the 1937 Council Chambers.</p> <p>In accordance with Part 4 of Chapter 5.1, the applicant has considered Crime Prevention Through Environmental Design (CPTED). A condition has been included as part of the recommended conditions of development consent attached as <b>Appendix 3</b>, requiring the development to be undertaken having regard to the recommendations of the Applicant's Crime Prevention analysis. This includes the following recommendations:</p>

Chapter	Comment
<p>Chapter 5.1 Development in Business Zones (continued)</p>	<ul style="list-style-type: none"> <li>• The undercroft carpark is to remain visible from the Cinders Lane edge and retain a reasonable level of visual surveillance from there. To aid visibility, security camera surveillance shall also be installed in the carpark. Lighting will be designed to meet relevant Australian Standards, including transitional lighting and ensuring that there are sufficient lighting levels for facial recognition. This should be combined with bright painting of the interior surfaces of the car park, to enhance users' feelings of security safety and visibility;</li> <li>• Public lighting and cameras are to be incorporated throughout the landscaped links between the Library, Town Hall and CAB;</li> <li>• Plantings, fencing and furniture items shall be selected in order to maintain visibility and eliminate of places of concealment in the building fit out;</li> <li>• Careful attention will need to be given to both visibility and lighting to ensure safe conditions for users of the fire stair adjoining Cinders Lane and the stair link between the proposed courtyard adjacent to the Town Hall and the basement car park. Balustrading adjacent to the sloped garden area in this area should be of an open style so visibility is maintained adjacent to the Town Hall fire stairs;</li> <li>• Installation of appropriate wayfinding signage;</li> <li>• Incorporation of high quality /robust materials in the public domain, to increase longevity, lessen the likelihood of damage and help manage future maintenance costs;</li> <li>• A Security Management Plan should be developed in conjunction with the Police, Council's security contractor and Property Management unit, to specifically address the closure of the undercroft and courtyard areas after normal operating or Town Hall performance hours; and the means by which that can best be achieved.</li> </ul> <p>The NSW Police Force have also assessed the proposed development in relation to CPTED and have provided the following comments:</p> <ul style="list-style-type: none"> <li>• Lighting – ensure there is appropriate lighting around the building and in the car park area at night, particularly in the small space located between the proposed library building and the Town Hall. This will ensure maximum natural surveillance and assist in the prevention of graffiti, property and street related crime.</li> <li>• CCTV – ensure the installation of additional cameras, as required, in Cinders Lane, Rusden Street, entry and exit points and the car parking areas.</li> <li>• Gates – ensure appropriate lockable gates are installed at all access points to the car park, particularly the stairwell from the car park up to the area between the Town Hall and the proposed library. It is suggested that the car park be locked at night after the library / Town Hall closes.</li> </ul>

Chapter	Comment
<p>Chapter 5.1 Development in Business Zones (continued)</p>	<ul style="list-style-type: none"> <li>The Police are happy to assist the applicant with the development of a Security Management Plan.</li> </ul> <p>The matters raised by the NSW Police have been listed as ‘advice’ as part of the recommended conditions of development consent attached as <b>Appendix 3</b>.</p> <p>Part 5 of this Chapter prescribes development standards for the Armidale CBD.</p> <p><u>5.1 Design</u></p> <p>In accordance with S.1, although the colour scheme for the proposed development is yet to be finalised, the existing Rusden Street façade shall be unaltered. A condition has been included as part of <b>Appendix 3</b> requiring the submission of details of materials and finishes, including colours, to be submitted prior to issue of the Construction Certificate.</p> <p>In accordance with S.2 and S.4, the development avoids monotonous facades and features innovative design while being compatible with the streetscape.</p> <p>In accordance with S.3, solar and rain protection is provided in a spacious public lobby and a new roof connection to the CAB entrance, as well as in the undercroft parking area.</p> <p>In accordance with S.5 and S.6, it is considered that the proposed development will complement / enhance the character and amenity of the established civic precinct of Armidale.</p> <p>In accordance with S.7, roof structures will be screened from public view.</p> <p>In accordance with S.8 and S.9, overshadowing to public places is limited while third party properties are not affected. Existing / critical view corridors not interrupted.</p> <p><u>5.2 Building Height, Bulk and Scale</u></p> <p>As noted under cl.4.3 of LEP 2012 above, the development will comply with the LEP’s height limit, and will also maintain established bulk and scale in Rusden Street while being appropriate to the urban scale of Cinders Lane. The introduction of new landscaping is an integral part of the development. Compliance is therefore achieved with provisions S.10 and S.11.</p> <p><u>5.3 Building Setbacks</u></p> <p>Consistent with objective O.1, retention of the 1937 Council Chambers brick façade will maintain current building alignments, with the exception of a small roof projection of about 0.5m approximately 7.5m above footpath level. On Cinders Lane, the proposed setback varies (as the height of the building exceeds 10 metres) but comes close to (while maintaining) the adjacent footpath alignment, which is consistent with other buildings on either side of the road.</p> <p>Side setbacks and the relationship of built form with the adjoining Town Hall in particular will be designed to meet all relevant BCA requirements. An appropriate condition has been included as part of <b>Appendix 3</b> in this regard.</p>

Chapter	Comment
	<p><u>Part 5.4 Traffic Flow and Parking</u></p> <p>Vehicle access to and from the off-street car parking areas on the subject site will continue to be derived from Cinders Lane and thus would not directly impact on the built environment or traffic flows in Rusden Street, complying with the provisions of this Part.</p> <p><u>Part 5.5 Pedestrian Access / Part 5.7 Works in Public Areas</u></p> <p>The development will improve pedestrian access, including access for people with disabilities, between Rusden Street and the central Mall in accordance with S.20 and S.21.</p> <p>The development will also replace and refurbish the Cinders Lane footpath in clay pavers to Council's specification; while replacing the poor quality street trees with new deciduous plantings. This proposal has been assessed by Council's Development Engineer and complies with Section S.23 of this Chapter.</p> <p>A Construction Management Plan will be required to be prepared for the development to address public safety and service continuity during its construction phase in accordance with S.30.</p> <p><u>Part 5.6 Landscaping</u></p> <p>Landscape design has been discussed under Chapter 2.2 of the DCP, above. Detailed execution will address all objectives O.1-O.7, and the proposed development complies with relevant provisions of this Part.</p>

**(iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

Not applicable.

Section 94 Contribution Plans are also not applicable to this development.

**(iv) the provisions of the regulations**

Pursuant to clause 92(1)(b) of the *Environmental Planning and Assessment Regulation 2000*, the demolition of existing structures on the site is required to comply with Australian Standard AS 2601: The Demolition of Structures. In this regard, a suitable condition of development consent has been included as part of **Appendix 3**.

**(v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

Not applicable.

**79C(b)      the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

This assessment has been undertaken having regard to various issues, as follows:

**Impacts on the Natural Environment**

The site, which has been in the centre of the urban area of Armidale since the mid-nineteenth century, has no known residual value as habitat for any threatened species, populations or ecological communities, or their habitats for the purposes of s.5A of the *Environmental Planning & Assessment Act 1979*. The site is not critical habitat declared under the *NSW Threatened Species Conservation Act 1995*.

Moreover, Council has no records or knowledge that the site hosts any habitat or species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

**Impacts on the Built Environment**

The impacts of the proposed development on the surrounding built environment have been considered in detail as part of this report. As previously discussed, the proposal is considered suitable for the development site and is considered to have an acceptable impact on the built environment, which forms part of the city's heritage conservation area.

**Utility / Infrastructure Impacts**

Services that are essential for the proposed development are available to the subject land, including:

- (a) water,
- (b) electricity,
- (c) sewerage infrastructure,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Existing infrastructure is capable of supporting the development as proposed, as detailed within this report.

**Construction Impacts**

As the project is expected to involve a lengthy construction phase and is located in a busy established civic precinct in the city centre, a condition has been included as part of **Appendix 3** requiring the submission of a detailed Construction Management Plan prior to issue of a Construction Certificate, in order to address issues such as:

- Hours of building work (to be consistent with NSW State Guidelines);
- Demolition management per AS 2601;
- Archaeological access and activity during the demolition phase;
- Asbestos and other hazardous materials management, where applicable;

- Construction related parking and interim parking/traffic management;
- Construction waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Site hoardings and public/worker safety;
- Continuity of public access to services;
- Construction and public advisory signage.

### **Traffic Impacts and Parking Impacts**

Traffic and parking impacts have been considered by Council's Development Engineer as detailed above.

### **Social Impacts**

Libraries have many social benefits to our community, particularly as they foster life-long learning, personal fulfilment, improved decision making, knowledge development, innovation, imagination, creativity, and cultural continuity. The design of the new building strongly embraces the new technological environment of information supply. The proposed development is considered to be an important community facility that is expected to have ongoing social impacts for the Armidale community.

### **Economic Impacts**

In the short term, a multi-million dollar construction project of this type can be expected to generate considerable direct and multiplier benefits to the local economy, such as the local construction industry, which may be involved as principal contractors following the required tender process. Regardless, many local trades and suppliers would be expected to be involved during the construction phase (usually 6-12 months).

### **Access for People with Disabilities**

As a new, predominantly Class 9b (BCA) building, the development is expected to be fully compliant with the BCA, which is directly aligned with the *Disability (Access to Premises – Buildings) Standards* 2010, made under the Commonwealth *Disability Discrimination Act* 1992.

Relevant facilities to be incorporated in the building include accessible car parking spaces; a passenger lift connecting the basement and first floors; as well as accessible entrances and passageways, appropriate signage and accessible toilet facilities on both floors, for both public and staff use. A new compliant pedestrian ramp is also proposed as part of the development, between Cinders Lane and the CAB.

## Noise

As discussed previously, the nature and functions of the proposed development are considered acceptable in this locality in relation to potential for noise transmission.

## Cumulative Impacts

The development will reinforce the function of its locality as the principal civic centre of Armidale. This is considered appropriate and relevant issues such as design of the proposed development (having regard to the subject land's presence within a heritage conservation area), tree removal and proposed landscaping as well as traffic generated by the proposal have been considered as part of the SEE and in this assessment.

## 79C (c) the suitability of the site for the development

The subject site is considered suitable for the proposed development for the following reasons:

- The allotment is appropriately zoned pursuant to the provisions of the LEP 2012;
- There are no known environmental hazards or constraints associated with the site as detailed within this report (flooding, bushfire, threatened species, contamination etc.);
- The development site is clear of relevant environmental exclusion zones considered in LEP 2012, including clearance zones for airspace operations associated with the Armidale Regional Airport;
- The locality has the necessary urban utility service infrastructure to support the proposed development. Detailed arrangements for water, sewer, stormwater drainage services and connections have been considered by Council's Development Engineer, with suitable conditions of consent included as part of **Appendix 3**;
- Electricity and telecommunication services are available to the site;
- The allotment is located within the Armidale CBD and is within 80 metres of the central Beardsley Street Mall. There is a direct pedestrian link between the Mall and the civic precinct which will be enhanced by the proposed development. The site is also prominent on the major artery of Rusden Street, between the Town Hall and the CAB;
- The site has visible frontage (albeit with complementary street trees) and building will have access at grade from Rusden Street;
- The location of the site will be readily accessible for all schools and their students in Armidale and district, being central within Armidale, and the main entrance in Rusden Street is located on local bus routes.

## 79C(d) any submissions made in accordance with the Act or the Regulations

### Agency submissions

Agency submissions have been addressed in previous sections of this report.

## Public submissions

The submitted DA was publicly exhibited in accordance with Council's DCP 2012 – Chapter 1.1. This included public advertisement in the local print media, notification signs placed on the site frontages as well as notification by mail to the owners of properties in the vicinity of the site.

The period for response was from 3 July 2013 to 24 July 2013.

Five public submissions were received, which were forwarded to the applicant for consideration. Copies of the correspondence have been forwarded to the Panel Secretariat.

An assessment of these public submissions is provided in the table below.

Issues Raised (and frequency of mentions)	Assessment comment
Displacement of current (including community) site tenants (two submissions).	<p>Existing tenants, including some local community services, will need to be relocated as a result of the proposed development. With the exception of the RSL, current non-Council tenants are all on short term leases, currently expiring at the end of each financial year. Council has not yet determined future arrangements with the relevant organisations, however options would range from relocation to the existing Library buildings at 122 Faulkner Street (after a temporary move to other premises during construction); to other Council properties such as the former Traffic Education Centre; or tenants seeking alternative premises.</p> <p>Consultation shall be undertaken by Council with these tenants prior to commencement of works, with 'advice' to that effect included as part of the recommended conditions of development consent included as <b>Appendix 3</b>.</p>
Provision of appropriate 'disabled parking' spaces, both during construction as well as during operation of the new library facilities. This should also consider easy access to the lift and entry to the new buildings, and to the walkway to the Mall, and length of occupancy for each parking space sufficient to allow meaningful use of facilities, i.e. 1 – 2 hours or more (one submission).	<p>As a new (predominantly Class 9b BCA) building, the development will be fully compliant with the relevant access requirements of the Building Code of Australia (BCA), which is directly aligned with the Disability (Access to Premises - Buildings) Standards made under the <i>Commonwealth Disability Discrimination Act 1992</i>.</p> <p>Relevant facilities to be incorporated in the building include two (2) accessible car parking spaces located in proximity to a passenger lift connecting the basement and first floors; as well as accessible entrances and passageways, appropriate signage and accessible toilet facilities on both floors, for both public and staff use. A new compliant pedestrian ramp is also proposed as part of the development, between Cinders Lane and the CAB.</p> <p>Accessible parking during the construction phase of the project will be required to be addressed as part of the Construction Management Plan, to be submitted to the Principal Certifying Authority prior to work commencing.</p>



Issues Raised (and frequency of mentions)	Assessment comment
<p>Building sustainability, including:</p> <ul style="list-style-type: none"> <li>• Solar installations;</li> <li>• Community investment;</li> <li>• Heating and cooling;</li> <li>• Insulation and windows;</li> <li>• Salvage of materials;</li> <li>• Shading.</li> </ul> <p>(One submission).</p>	<p>The National Construction Code Series (Building Code of Australia, BCA) prescribes the minimum building requirements for new development. In this regard, the proposed development will be required to comply with the current BCA at the time that the Construction Certificate is lodged. In this regard, the proposed development will be required to satisfy the requirements of Section J: Energy Efficiency, detailed in Volume 1 of the BCA, which considers:</p> <ul style="list-style-type: none"> <li>• Building fabric;</li> <li>• Glazing;</li> <li>• Building sealing;</li> <li>• Air-conditioning and ventilation systems;</li> <li>• Artificial lighting and power;</li> <li>• Hot water supply; and</li> <li>• Access for maintenance and facilities for monitoring.</li> </ul> <p>The project Architect has advised that building sustainability is an important component of new building design and that it has been considered as part of the design process. However, details in relation to sustainability, such as those raised in this submission, will be fully considered at the design stage for construction. The Architect has advised that there will be a holistic approach to energy issues, library function requirements, maintenance issues and importantly cost, both capital and ongoing, and that the matters noted in this submission will be considered at the appropriate time.</p>

## 79C(e) the public interest

### Library Act 1939

The SEE submitted in support of the proposed development states that Armidale Dumaresq Council operates its Library service pursuant to the above Act, and that as required under Part 3, Section 10 of the Act, Council will continue to provide the following public services from the proposed development:

- (a) *Residents and ratepayers entitled to free membership*
- (b) *Free access to certain materials on library premises*
- (c) *Free loans of certain library material to members*

(d) *Free delivery to sick or disabled members*

(e) *Free basic reference services to members*

Moreover, as required in Section 10, any subsidy paid to the Council under the Act is expended in providing the services required by this section to be provided free of charge.

### **Building Code Requirements**

The new Library will need to comply with relevant requirements of the Building Code for a Class 9b (public assembly) building and the relevant requirements for the Class 7a basement car park. The first floor area may be considered predominantly as a Class 5 commercial / office space.

Obtaining certification of compliance with the BCA for this project before and during construction will be the responsibility of Council, having regard to the State's building laws applicable at that time.

### **Food Safety, Environmental Health and Waste Management Issues**

The proposal may require local regulation by Council under the *Public Health Act* 2010 in relation to air handling systems and warm-water systems. In this regard, a suitable condition has been recommended by Council's Environmental Health Officer, requiring additional information prior to issue of the Construction Certificate. The fit out and operation of the café will also be subject to local regulation under the NSW *Food Act* 2003 and in accordance with the ANZ Food Standards Code.

The new Library building will incorporate dedicated wheelie bin storage in the basement adjacent to the lift which will allow bins to be transferred to Cinders Lane by staff for kerbside collection.

### **State Plan 2021**

The development and the range of programs offered by the Library service will contribute extensively to the achievement of various goals in the State Plan 2021 which includes, inter alia, Goal 3 (Drive economic growth in regional NSW); Goal 5 (Place downward pressure on the cost of living); Goal 6 (Strengthen the NSW skill base); and Goal 13 (Break the cycle of disadvantage).

### **New England North West Regional Action Plan (December 2012)**

The proposed development is considered consistent with the Government's Regional Action Plan, which seeks, inter alia, to support sustainable economic growth, invest in regional and local infrastructure, improve education pathways for young people and support strong, safe communities.

### **New England North West Strategic Regional Land Use Plan (2012)**

The importance of economic development and related infrastructure provision in New England is also reinforced in the SRLUP issued by the Department of Planning and Infrastructure last year. Armidale's role as "*the major regional centre for the Northern Tablelands*" is recognised on p.13 of this document, and the provision of a new, contemporary Library resource as part of Armidale's regional role will maintain a vital community service in that context.

### **Armidale Dumaresq Community Strategic Plan**

Council indicated in its Community Strategic Plan 2011-2026, at Strategic Goal 5P-4.3 (p.24), an intention to provide a new public library by 2018. Obtaining development consent is a necessary step in progress towards that goal, which will also assist Council in securing grant funding assistance towards the project. The 2018 target for project completion has been retained in the Council's Draft 2013-2028 Plan.

### **NSW State Library Design Standards for Public Libraries**

The design of the proposed development has been reviewed by Council's Library Manager in late 2012 against the provisions of the State Library's design manual for public libraries, "People Places: A Guide for Public Library Buildings in New South Wales". This review concluded that the current design was still realistic, if even a little conservative having regard to the "People Places" benchmarks.

### **Ecologically Sustainable Development**

Ecologically sustainable development is defined in NSW Legislation (for example the Dictionary to the *Local Government Act 1993*), and involves consideration of the precautionary principle, inter-generational equity, and conservation of biological diversity and ecological integrity. The proposed development represents a major investment in community infrastructure for Armidale and region and will contribute to the community's sustainability by supporting learning/educational and recreational outcomes for future generations.

The development will be required to meet the energy efficiency requirements of the BCA (Section J) and its location as part of the established civic precinct is also considered appropriate in land use terms. Passive solar principles have informed the design and photovoltaic panels and other solar absorbers can readily be incorporated into the new roof and are shown indicatively on the submitted roof plan in **Appendix 2**.

Other specific aspects such as water sensitive urban design and heritage considerations have also been considered, as detailed within this report.

The project will not lead to any loss of biological diversity and ecological integrity at the site and as a major new construction project by Council, is intended to be built and managed to meet best practice in terms of waste avoidance and waste management. Selection of building materials with the project architects will give consideration to sustainable production and embodied energy considerations (including façade retention and use of recycled materials where appropriate).

## Assessment Conclusion

The proposed development constitutes an “information and education facility” with associated “commercial premises” and “community facility” uses and is permissible with development consent pursuant to Part 2 of Armidale Dumaresq LEP 2012, under which the site is zoned B3 – Commercial Core.

Five submissions were received from members of the public raising various concerns to aspects of the development. These submissions have been considered as part of the assessment.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 3** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

## Recommendation

- (a) That having regard to the assessment of the Application, Development Application 074-2013 (JRPP ref 2013NTH010) be granted conditional consent in the terms set out in Appendix 3 to this report.
- (b) That agencies that made submissions in relation to the Application be notified of the determination in writing.
- (c) That those persons that made submissions in relation to the Application be notified of the determination in writing.

Kate Agnew  
Planning Manager, Sixhills Group Pty Ltd

September 2013