

ANNEXURE B

Conditions of Consent



Approved Plans and Documentation

1. The development shall be carried out in accordance with:
 - I. The stamped 'approved' Statement of Environmental Effects for Broken Hill Cultural Precinct and Library & Archive prepared by Mersonn, dated August 2022.
 - II. The stamped 'approved' Architectural Plans prepared by Neeson Murcutt and Neille Architects, dated 8 August 2022.
 - III. The stamped 'approved' Architectural Plan detailing the proposed disabled access ramp in Plan view and Elevation by prepared by Neeson Murcutt and Neille Architects, dated 26 October 2022.
 - IV. The stamped 'approved' Traffic and Transport Assessment prepared by ARUP dated August 2022.
 - V. The stamped 'approved' Broken Hill Library Access Review prepared by Funktion, August 2022.
 - VI. The stamped 'approved' Broken Hill Library, Archive and Community Hub Heritage Impact Statement prepared by Paul Davies Pty Ltd, dated August 2022.
 - VII. The stamped 'approved' ESD report prepared by ARUP.
 - VIII. The stamped 'approved' Landscape Plans prepared by Sue Barnsley Design, dated October 2019.
 - IX. The stamped 'approved' Landscape Plans prepared by Sue Barnsley Design, dated August 2022 (Only as the Landscaping applies to Lot 51 & 52 DP1014146).
 - X. The stamped 'approved' Signage Location Plan and Signage Designs prepared by MAAT.
 - XI. The stamped 'approved' Stormwater Concept Plan prepared by JHA Consulting Engineers, dated September 2019.
 - XII. The stamped 'approved' BCA Report prepared by Steve Watson & Partners, dated 26 November 2019.
 - XIII. The stamped 'approved' Safe Design Report prepared by Safe Design Australia.
 - XIV. The stamped 'approved' Noise Impact Assessment prepared by JHA Consulting Engineers, dated 6 December 2019.
 - XV. The stamped 'approved' Asbestos Register Report prepared by Carter Corporation Pty Ltd, dated 23 May 2017.
 - XVI. The stamped 'approved' Geotechnical Site Investigation Report prepared by Civiltest Pty Ltd, dated 26 September 2019.
 - XVII. The Detailed Survey Plan prepared by Graham F. Howe, dated 26 August 2019.

except as varied by the conditions listed herein or as marked in red on the plans. A current and approved copy of the approved stamped by Broken Hill City Council is to be maintained on site for constructional and reference purposes.

Prior to the issue of the Construction Certificate

2. The layout and configuration of the car park must comply with AS2890.1 Part 1: Off-Street Parking and AS2890.6 2009 Off Street Parking for People with Disabilities. Details of compliance to be detailed on plans lodged with the application for the Construction Certificate.
3. A second car parking space for persons with disabilities must be provided within the carparking area and nominated on the Architectural Plans lodged with the Application for the Construction Certificate. The car space nominated for this purpose must comply with AS2890.6 2009 Off Street Parking for People with Disabilities.
4. Car space no.1 is to be nominated as a dual functioning public car space and designated Loading Bay for the Outback Service. Details are to be included on plans lodged with the application for the Construction Certificate. The car space is to be adequately sign marked to indicate the days of the week and hours it is intended to function as a Loading Bay, with all other times being available for public parking.

5. Prior to the issue of the Construction Certificate, advice and/or construction detail plans are to be obtained from a qualified and practicing Heritage Architect detailing how to treat and/or construct the disabled access ramp against the town hall rear façade to prevent rising damp from occurring. Details to be provided with the application for the Construction Certificate.
6. Prior to the issue of the Construction Certificate, a colour palette including a 'Shade of Grey' instead of Orange for the proposed concrete of the disabled access ramp is to be provided to the satisfaction of Council's Heritage Advisor. The selected and approved colour is to be provided to the appointed Principal Certifying Authority.
7. Prior to the issue of the Construction Certificate, the approved stamped plans titled '*Signage Location Plans and Signage Design Plans, prepared by MAAT*' be updated to reflect the architectural building changes and car parking layout changes approved as part of DA Mod 6/2020.
8. Landscaping:

Prior to the issue of the Construction Certificate:
 - (a) The landscaping detail proposed to the open space behind the Town Hall must be provided to the satisfaction of Council's Heritage Advisor. Written evidence of the Heritage Advisor's satisfaction with the end design for this space must be submitted with the application for the Construction Certificate (i.e., Lot 51 & 52 DP 1014146).
 - (b) The car park behind the Town Hall must include additional landscaping treatment in the form of appropriate trees and shrubs to enhance the visual amenity of the area and provide shading for users. The Landscape Plan must be updated to reflect the treatment proposed prior to the issue of the Construction Certificate.
 - (c) The Landscaping for the remaining 3 allotments must remain as per the *Landscape Plan* prepared by Sue Barnsley Design dated October 2019. The building footprint for the Charles Rasp Library Building, Town Hall and carpark may be updated to reflect the architectural modifications approved as part of this consent (DA MOD 6/2020).
9. The approved Stormwater Concept Plan prepared by JHA Consulting Engineers, dated September 2019 must be updated to reflect the architectural building changes and carpark layout configuration changes approved as part of this Modification (DA MOD 6/2020).
10. A waste storage area must be provided internally within the library building. Details to be illustrated on the architectural plans lodged with the application for the Construction Certificate.
11. Prior to the issue of a Construction Certificate or Subdivision Certificate, the monetary contribution set out in the following table is to be paid to Broken Hill City Council pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 **unless the payment of the Contributions is waived by Council Resolution**.

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

Contribution Type	Proposed Cost of Development	Levy %	Total Contribution	Contribution Rate remains current until

Section 7.12 Contribution	\$20,300.000.00	1%	\$203,000	Next CPI Quarterly Adjustment"
---------------------------	-----------------	----	-----------	--------------------------------

Prior to Commencement

12. Prior to the commencement of any work, a Dilapidation Report shall be prepared by a practicing Structural Engineer on all properties, which in the opinion of the engineer, could be potentially affected by the construction of the Community Facility. The report shall record current structural conditions and cover structural and geotechnical factors likely to arise from the development. A copy of the report shall be submitted to the owners of all properties inspected and Broken Hill City Council as a record of the condition of identified properties / buildings at the time the required report was prepared.
13. Prior to the commencement of demolition work, further investigations of asbestos shall be undertaken, using limited destructive surveying and sampling techniques of the areas approved for demolition, as per the recommendation in the Asbestos Register Report prepared by Carters Asbestos Management dated 23 May 2017. Any demolition work involving asbestos shall comply with the provisions of Australian Standard AS 2601- 2001 - The Demolition of Structures, the Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace, and the Work Health and Safety Act 2011.
14. Prior to the commencement of any works, a Demolition and Construction Environmental Management Plan (DCEMP) shall be prepared by a suitably qualified person and submitted to Broken Hill City Council for approval. The DCEMP must include the environmental controls and measures to be used at demolition and construction phase to address the following:
 - a) Earthworks - volumes, depths of excavation, stockpile storages.
 - b) Site Establishment - approved location of site compounds and laydown locations.
 - c) Traffic and access - approved vehicle access points, traffic control (if required), fencing and signage to prevent unauthorised access and ensure safety.
 - d) Air quality emission controls - including dust control methods.
 - e) Erosion and sediment controls - in accordance with Landcom's latest publication of Managing Urban Stormwater - Soils and Construction.
 - f) Demolition and construction waste generation and management - including asbestos waste.
 - g) Heritage asset protection and management – with reference to the Heritage Impact Statement prepared by Paul Davies Pty Ltd and any requirements of Broken Hill City Council as manager of building assets.
 - h) Site rehabilitation, repaving, landscaping and testing.
15. Prior to the commencement of any works, erosion and sedimentation controls must be in place in accordance with the DCEMP and maintained throughout construction activities until the site is landscaped, repaved and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers.
16. Prior to the commencement of any works, a Waste Management Plan (WMP) must be prepared in accordance with the DCEMP and submitted to Broken Hill City Council for approval. The WMP must identify the types of waste that will be generated from the development, and outline the final management methods, strategies and commitments in relation to the re-use, recycling and disposal of waste.
17. Prior to the commencement of any works, a Dust Management Plan (DMP) is to be prepared in accordance with the DCEMP and submitted to Broken Hill City Council for approval. The DMP must identify all dust generating activities associated with the construction of the development and outline the techniques to minimise dust, such as the watering of internal roads, speed limit signage, covering of loads when leaving the site, cessation of operations during high wind periods, landscaping and rehabilitation of ground cover.

18. Prior to commencement of any works, the site shall be inspected by Council's representative to identify and appropriately mark out any trees to be retained and protected in accordance with AS 4970-2009 Protection of Trees on Development Sites.
19. Prior to the commencement of any work on the site, all utility services and connections shall be properly disconnected in accordance with the requirements of the relevant service authority.
20. Prior to the commencement of any building or subdivision works, the Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Development and Engineering Standards prior to any works commencing.

Note. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained.

Note. It is the responsibility of the Applicant to ensure that the development complies with the BuildingCode of Australia and applicable Development and engineering standards in the case of building workand the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

21. Prior to the commencement of any building or subdivision works, the Applicant is to submit to Broken Hill City Council, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
22. Prior to the issue of a Construction Certificate, the Applicant shall submit evidence to Broken Hill City Council that suitable arrangements have been made with Essential Energy to service the development with electricity supply on new / consolidated lots.

23. Prior to the issue of a Construction Certificate, the Applicant shall submit evidence to Broken Hill City Council that suitable arrangements have been made with the relevant telecommunications authority to service the development with telecommunications on new / consolidated lots.
24. Prior to the issue of a Construction Certificate, the Applicant shall submit evidence to Broken Hill City Council that suitable arrangements have been made with Essential Water to service the development with water supply on new / consolidated lots.
25. Prior to the issue of a Construction Certificate, the Applicant shall submit evidence to Broken Hill City Council that suitable arrangements have been made with Essential Water to service the development with sewerage on new / consolidated lots.
26. Prior to the issue of a Construction Certificate, all relevant approvals to carry out stormwater drainage work or water supply work under Section 68 of the Local Government Act 1993 shall be obtained from Broken Hill City Council.
27. Prior to the issue of a Construction Certificate, the Applicant shall submit to Broken Hill City Council a detailed Stormwater Management Plan for the proposed development for approval. The Stormwater Management Plan shall include a report, detailed calculations and drawings to enable construction of the stormwater drainage network. The underground stormwater drainage network shall cater for a 1 in 5 year ARI 'minor' storm event, with storms up to the 1 in 100 year ARI 'major' storm event being managed via overland flows. Inter-allotment drainage must be provided to all lots that cannot drain all or part of their overland flows directly to a street frontage or drainage easement.
28. Prior to any works on a public road, a Road Opening Permit shall be obtained from Broken Hill City Council in accordance with Section 138 of the Roads Act 1993. The application for the Road Opening Permit shall be accompanied by all necessary road layout designs, cross sections, long sections and traffic control plans to complete the works. Finished road pavement levels and drainage works shall be approved by Broken Hill City Council to ensure consistency with the wider road network.

During Works

29. During demolition, all work must be carried out in accordance with AS 2601 - The Demolition of Structures.
30. During demolition and construction, all work must be wholly contained within Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, with the exception of works required to connect the site to road and utility infrastructure.

31. During demolition and construction, no nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
32. During demolition and construction, a minimum 1.8 metre high chain wire fence or similar security fencing is to be provided for the perimeter of the site to prevent unauthorised access.
33. During demolition and construction, any subsoil material uncovered that is suspected of contamination from chemicals, asbestos, lead or the like shall be tested generally in accordance with the EPA Contaminated Sites Sampling Design Guidelines and the OEH Guidelines for Consultants Reporting on Contaminated Sites. The results of testing shall be submitted to Broken Hill City Council for determination of any further investigation and/or remediation action. Any remediation action must be carried out prior to the issue of an Occupation Certificate and supported by a Validation Report.
34. During demolition and construction, any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.
35. During demolition and construction, all work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
36. During demolition and construction, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site.
37. During demolition and construction, any activities carried out on or near electricity infrastructure must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure, September 2012. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
38. During construction, all loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the nature strip, footpath or public roadway system.
39. During construction, building work shall be carried out in accordance with the provisions of the Building Code of Australia.
40. During construction, all roads adjoining the site must be kept clean and free of all materials.

Prior to Occupation

41. Prior to the issue of an Occupation Certificate, evidence of the sign posting of 30 minute time limited parking of at least 10 spaces within the new onsite carpark shall be provided to Broken Hill City Council. The 30 minute parking limitations shall apply between 9.00am to 5.00pm weekdays.
42. Prior to the issue of an Occupation Certificate, evidence of the provision of a bicycle locker for at least 2 bikes within the area dedicated to bicycle racks shall be provided to Broken Hill City Council.
43. Prior to the issue of an Occupation Certificate, all completed landscaped areas (e.g. courtyard and grassed spaces) of the proposed Community Facility shall be tested for contamination and certified safe for their intended use.

44. Prior to the issuance of an Occupation Certificate, a Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures. A copy of the Fire Safety Certificate must be submitted to Broken Hill City Council by the PCA with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.
45. Prior to the issuance of an Occupation Certificate, all mechanical plant and outside audio equipment shall be tested to ensure compliance with the Protection of the Environment Operations Act 1998.
46. Security measures to prevent unauthorised access from the plant area (open to the sky) into the doorway which leads into the Archive Storage Room must be explored to ensure the protection of staff and visitors to the library. Appropriate security measures are to be implemented prior to the issue of any Occupation Certificate for the Library Building.
47. The recommendations of the Access Review Report for *Accessible Paths of Travel & Facilities* prepared by Funktion, dated August 2022 must be complied with prior to the issue of any Final Occupation Certificate for the Library building.

Operational Conditions

48. An Annual Fire Safety Statement shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval within twelve (12) months after the Fire Safety Certificate was issued. A copy of the Annual Fire Safety Statement must be submitted to Broken Hill City Council. An electronic copy of the Annual Fire Safety Statement shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.
49. Any external lights shall be operated / maintained generally in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding private land or to motorists on nearby roads.

Prescribed conditions

50. The work must be carried out in accordance with the requirements of the Building Code of Australia.
51. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

52. Development that involves a temporary structure that is to be used as an entertainment venue, must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
53. The requirements set out in Schedule 3A (attached) are prescribed as conditions of development consent for the use of a building as an entertainment venue.

54. The requirement set out in subclause (2) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:
- (a) entertainment venue,
 - (b) function centre,
 - (c) pub,
 - (d) registered club,
 - (e) restaurant.
55. A sign must be displayed in a prominent position within the premises that specifies the maximum number of persons that are permitted to occupy the premises as specified in this development consent.
56. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
-