

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	15 December 2022
DATE OF PANEL DECISION	15 December 2022
DATE OF PANEL MEETING	14 December 2022
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	Tom Kennedy and Alan Chandler

Papers circulated electronically on 7 December 2022.

MATTER DETERMINED

PPSWES-160 – Broken Hill – DA2020/6/2 - 256 Argent Street, Broken Hill - Broken Hill Library (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the meeting and briefing listed at item 8 in Schedule 1.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend condition 8 to include the following:
 - (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.
- New condition to be inserted as follows:




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.
- Retain condition 18 and amend to read as follows:

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.

<i>Contribution Type</i>	<i>Proposed Cost of Development</i>	<i>Levy %</i>	<i>Total Contribution</i>	<i>Contribution Rate remains current until</i>
Section 7.12 Contribution	\$20,300.000.00	1%	\$203,000	Next CPI Quarterly Adjustment"

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-160 – Broken Hill – DA2020/6/2
2	PROPOSED DEVELOPMENT	Broken Hill Library
3	STREET ADDRESS	256 Argent Street, Broken Hill
4	APPLICANT/OWNER	Azad Nizamani / Council of the City of Broken Hill
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 State Environmental Planning Policy (Employment & Industry) 2021 Broken Hill Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Broken Hill Development Control Plan 2016 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 30 November 2022 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 14 December 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown <u>Council assessment staff</u>: Angelina Aversa-Morassut (Consultant) <u>Applicant representatives</u>: Codie Howard, Michael Mason <u>DPE</u>: Sung Pak
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report