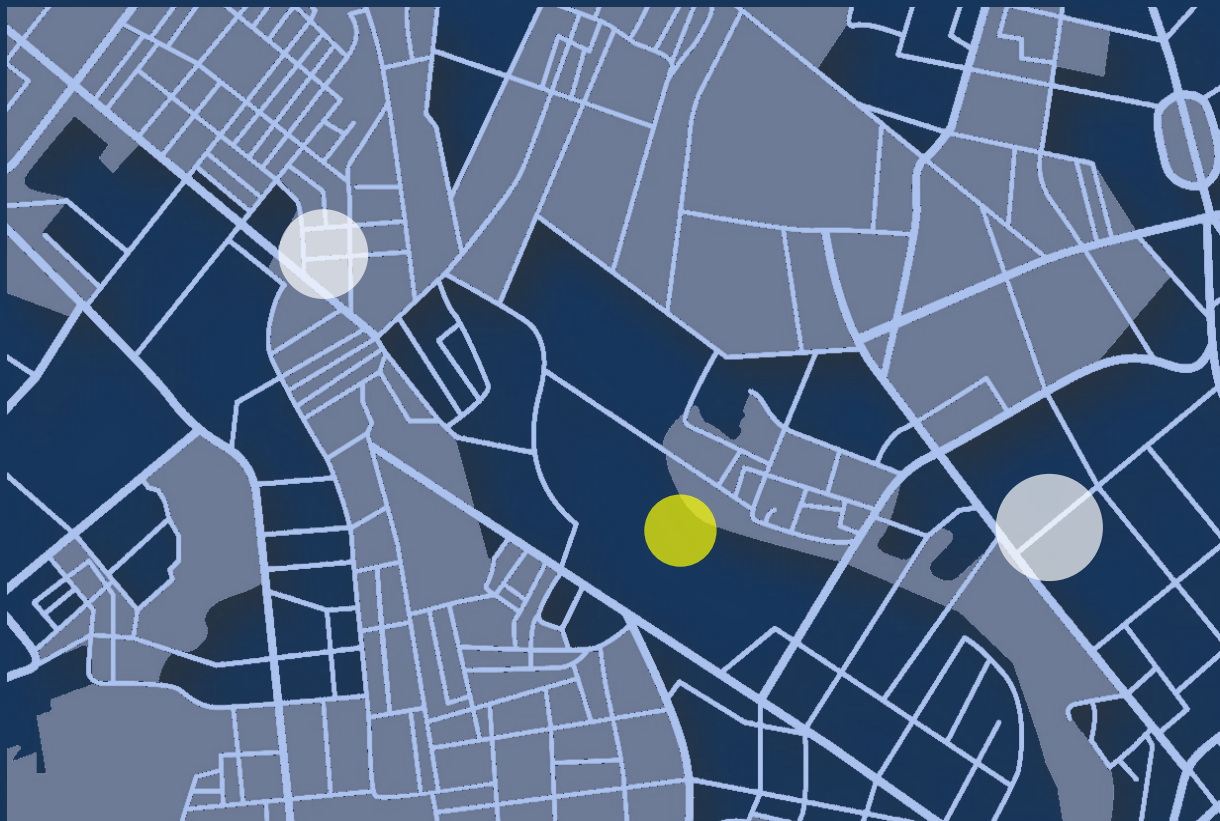




Development Assessment Report

DA6/2020 - Community Facility (Cultural Precinct,
Library and Archive)





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This Report has been prepared by Active Planning Consultants (APC) at the request of Broken Hill City Council to undertake an assessment of Development Application No. DA6/2020 for a Community Facility (Cultural Precinct, Library and Archive) on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, 252-256 Argent Street and 243-249 Blende Street, Broken Hill.

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Document Status

Rev No.	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
A	AC	M Carter	M Carter*	M Carter	M Carter	11/03/2020

Application Details Summary:

Development Application No: DA6/2020
Description of Development: Community Facility (Cultural Precinct, Library and Archive)
Applicant: Broken Hill City Council
Landowner(s): Broken Hill City Council and NSW Police Force

Property Description Summary:

Legal Description: Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, 252-256 Argent Street and 243-249 Blende Street, Broken Hill
Existing Improvements: Police Station, Police Residence, Town Hall Façade, Charles Rasp Memorial Library and various outbuildings, structures and hardstand areas

Executive Summary:

DA6/2020 proposes a new Community Facility (Cultural Precinct, Library and Archive) at the site of the existing Broken Hill Library, Broken Hill Town Hall Façade and associated car park as well as the adjacent Broken Hill Police Station and Police Residence.

The proposed cultural precinct, library and archive is consistent with Council's urban renewal strategy - the Broken Hill Living Museum + Perfect Light Plan 2015, the Broken Hill Cultural Framework 2019 and a number of other strategic projects relating to the Broken Hill Central Business District.

The proposal will comprise a new two storey library and archive building that can host a range of educational, cultural and community orientated activities. The proposal will also activate the Town Hall Façade building and the rear space behind, by creating an accessible thoroughfare from Argent Street to the new Community Facility via a shaded cultural / events square. The Town Hall Façade building will undergo minor alterations and additions to achieve access for all users, including upgraded access ramps, toilets and a lift to the first floor spaces of the building. A new landscaped carpark will also be developed on part of the Broken Hill Police Station site, located directly south of the Community Facility.

To make way for the proposed Community Facility it is necessary to demolish the rear part of the Broken Hill Police Station, a demountable Police office building, the balustrade at the rear of the Town Hall Façade, the rear section of the Charles Rasp Memorial Library building and various other outbuildings, structures, fences, driveways and parking areas.

The Community Facility will be owned and controlled by Broken Hill City Council. As a Council related development with an estimated capital investment value exceeding \$5 million, the Development Application No. DA6/2020 for the proposed Community Facility is to be tabled with the Western Regional Planning Panel for determination in accordance with State Environmental Planning Policy (State and Regional Development) 2011, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

APC Consultants Pty Ltd has been engaged by Broken Hill City Council to undertake an independent assessment of Development Application No. DA6/2020 for consideration by the Western Regional Planning Panel. Having considered the submitted plans, the Statement of Environmental Effects and other supporting studies, the proposed development is assessed to be consistent with the Broken Hill Local Environmental Plan 2013, the Broken Hill Development Control Plan 2016 and all relevant State Environmental Planning Policies. The development fits in the locality and there are no significant impacts on the site or on adjacent lands.

No negative impacts are assessed on the Police Station, Police Residence, Town Hall Façade or the Charles Rasp Memorial Library, which are all listed Heritage Items under Schedule 5 of the Broken Hill Local Environmental Plan 2013. No negative impacts are assessed on any nearby Heritage Items or the heritage values of the surrounding Argent Street Heritage Conservation Area.

All construction and operational aspects can be adequately managed / controlled so as to cause minimal impacts on the receiving environment as per the submitted DA information, or under recommended conditions of consent.

The proposed development was publically exhibited from 5 February 2020 to 4 March 2020, with no public submissions being received.

The proposed Community Facility is recommended for approval, subject to conditions designed to ensure public safety, adequate parking availability and minimal impact on heritage items and local businesses during demolition and construction phases.

Submitted DA Plans of the proposed Community Facility, the Statement of Environmental Effects and other supporting specialist studies are referenced in Section 4 of this report.

1. Site and Locality Description:

The site of the Community Facility (Cultural Precinct and Library and Archive) proposed under DA6/2020 is formally described as Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, 252-256 Argent Street and 243-249 Blende Street, Broken Hill.

The site is relatively flat with a slight slope to the north. Ground cover has been highly modified and the site currently comprises several trees, small grassed spaces, buildings and asphalt. Geotechnical consultants Civiltest Pty Ltd describes site geology as Proterozoic sediment, with a gravelly sand and clay soil profile. The site has been classified as Class M-D as per Australian Standard 2870 - 2011 Residential Slabs and Footing.

The site is located in the Central Business District (CBD) of Broken Hill. The site is located in a prominent block in the CBD that is bordered by Argent, Chloride, Blende and Sulphide Streets. The Broken Hill Library and Cultural Hub Traffic and Transport Assessment, prepared by ARUP dated 5 December 2019 advises:

Roads in the CBD are set out in a regular grid pattern, with spacing of approximately 230 metres east to west and 135 metres north to south. Roads are wide (20 metres between kerbs), which enables angled car parking on both sides of the street and a single travel lane in each direction. In Argent Street a narrow central median has been installed to control traffic and facilitate pedestrian crossing either side of the Main-street.

Key intersections are controlled by traffic signals or roundabouts and central pedestrian refuge islands are used on priority controlled intersections to assist pedestrians to cross the wide streets. ARUP Traffic and Transport Assessment states 'traffic flows freely aided by the grid pattern providing a choice of routes for drivers'. The key routes in the vicinity of the Broken Hill Central Business District (CBD) are Silver City Highway (B79) along Crystal Street and Iodide Street connecting into Barrier Highway (A32) at Argent Street.

A 40km/ hour local traffic area has been designated within the 12 city blocks bounded by Crystal, Iodide, Beryl and Bromide Streets, with Argent functioning as the City's Main-street. Pedestrians move freely within the CBD and the site of the proposed Community Facility is within easy walking distance of shops, cafes, hotels, clubs, civic buildings and other commercial services.

The site has a total area of 6,846.2m² and comprises the existing Broken Hill Library and car park, the Town Hall Façade building and the Broken Hill Police Station and Residence. A description of the current activities carried out on the site is provided below:

- **252 Argent Street** (Lot 3 DP 759092) - The current Broken Hill Police Station is located on this site, comprising two main office buildings and a car park.
- **243 Blende Street** (Lot 7 DP 759092) - The Police Residence is located on this site, with other outbuildings and structures located towards the rear of the block.
- **256 Argent Street** (Lot 51 DP 1014146) - The Town Hall Façade is located on this block.
- **245-259 Blende Street** (Lot 52 DP 1014146) - The Charles Rasp Memorial Library and carpark is located on this site.

Prior to the completion of the Community Facility (Cultural Precinct, Library and Archive), the four lots will be consolidated into one allotment for the Community Facility. Alternatively the four lots may be subdivided into two lots should Council wish to excise the Police Residence from the Community Facility allotment.

The site is surrounded by a number of heritage listed buildings, including the Broken Hill Post Office and the Broken Hill TAFE building. A Telstra exchange and public toilets are also located north of the site. The commercial area surrounding the site has been mapped as a Heritage Conservation Area. The City of Broken Hill is on the National Heritage List.

Maps showing the site in relation to adjoining properties, buildings and surrounding roads and properties are shown in Figure 1.



Figure 1: Maps of development site

A survey of the site has been undertaken by Graham F Howe, which shows the location of property boundaries, existing buildings, infrastructure and easements within the site.

Council is in the process of acquiring the Police Station site. The NSW Police Force at Broken Hill intends to move its headquarters to another site in the near future. Owners consent has been granted by the NSW Police Force for the lodgement of DA6/2020.

An aerial photograph of the site of the proposed Community Facility showing existing buildings is shown in Figure 2.

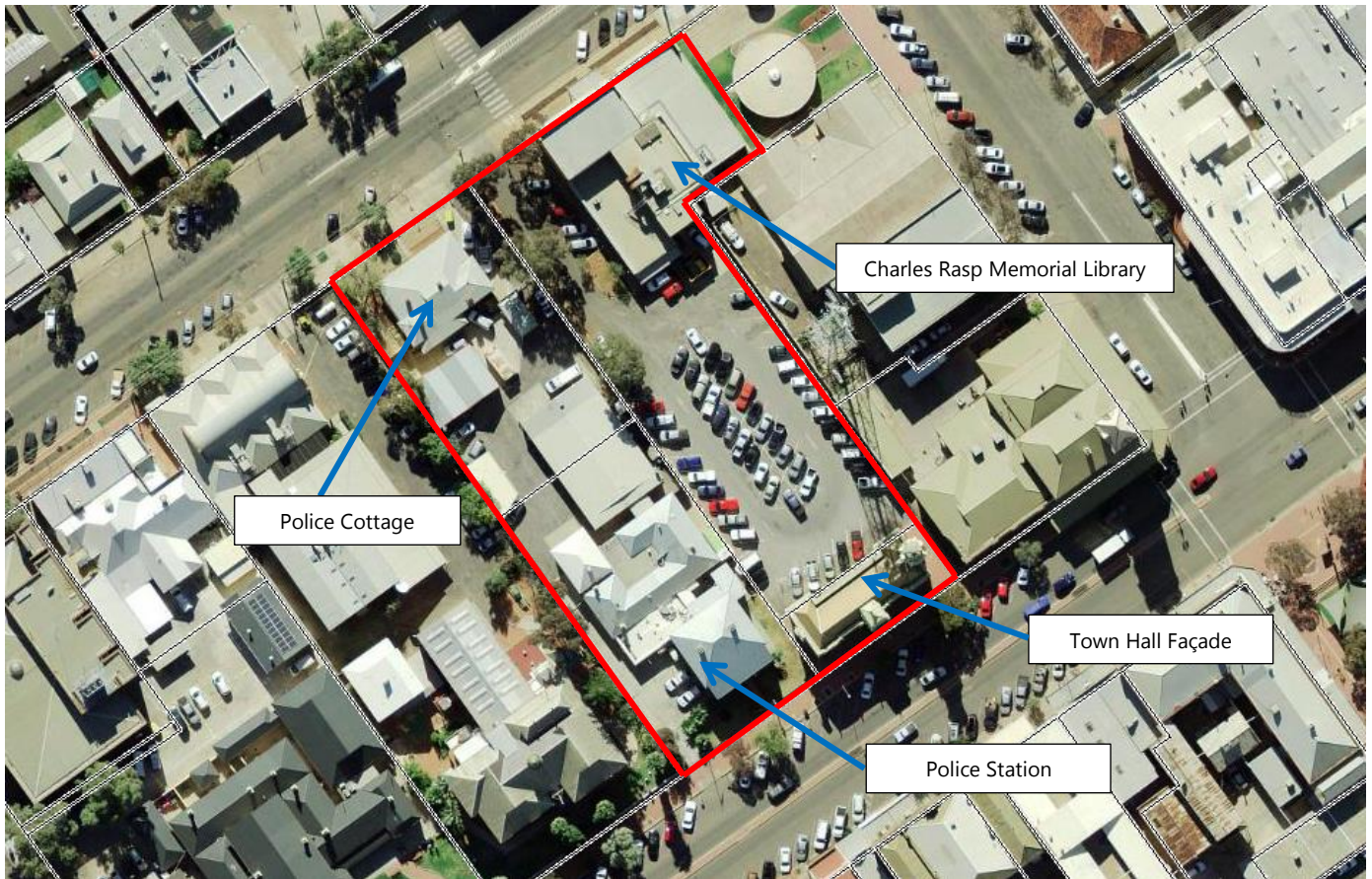


Figure 2: Existing buildings located on development site

Photographs of the buildings located on the development site are shown below:



Town Hall façade building facing Argent Street (built 1890-91). This building will feature as the 'front of house' to the proposed Community Facility. It is proposed to remove the balcony balustrade at rear of the building and construct a small rear addition to make the building more accessible for all users.



Town Hall façade building rear elevation (view to the east). A rear addition will be constructed in the middle of the building at this elevation to accommodate new access and a lift.



Charles Rasp Memorial Library facing Blende Street (built 1964). Most of this building will be incorporated into the proposed new two storey Community Facility building. Future uses include archive and staff workspaces and facilities.



Charles Rasp Memorial Library rear elevation. Some sections of the building towards the rear are proposed to be demolished to accommodate the proposed new Community Facility.



Asphalt carpark between the Town Hall Façade and the Charles Rasp Memorial Library (view to the west). Existing trees along southern boundary will be retained.



Asphalt carpark between the Town Hall Façade and the Charles Rasp Memorial Library (view to the east). All driveway surfaces and fences along the northern boundary will be removed to make way for new Community Facility.



Asphalt carpark between the Town Hall Façade and the Charles Rasp Memorial Library (elevated view from Town Hall Façade). This space will be the primary site of the proposed new two storey Community Facility building.



Asphalt carpark between the Town Hall Façade and the Charles Rasp Memorial Library (elevated view from Library).



View of the 1889 Broken Hill Police Station facing Argent Street. This building will largely remain. A rear section of the building will be demolished, where the original painted brickwork meets face brickwork. A demountable office building located towards the middle of the site will also be demolished, along with a Colourbond shed, carports, shipping container, fencing, lightpole and driveway surfaces.



View of the 1897 Police Residence facing Blende Street. This building will remain.

2. Proposal Description:

Development Application No. DA6/2020 proposes a new Community Facility (Cultural Precinct, Library and Archive) on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, Argent and Blende Streets, Broken Hill. The main aspects of the proposal are described below:

- **Demolition** - The proposal involves demolition of buildings and structures on the site.

A rear section of the Broken Hill Police Station (where the original painted brickwork meets face brickwork) is proposed for demolition. Also on the Police Station site, it is proposed to demolish a demountable office building, Colourbond steel shed, 2 x steel carports, shipping container, fencing, light pole and driveway surfaces to make way for a new public car park. Demolition works on the Police Station site are to make way for a proposed new carpark.

Part of the Charles Rasp Memorial Library and the rear carpark are proposed to be demolished to accommodate the proposed Community Facility.

It is also proposed to remove the balcony balustrade at rear of the Town Hall Façade building to permit construction of a small rear addition to make the building more accessible for all users.

- **Construction** - A new two storey Community Facility building will be constructed within the cleared space between the remnants of the Charles Rasp Memorial Library and the Town Hall Façade.

The Community Facility building will be connected to Argent Street through the Town Hall Façade and a new cultural / events square space. Stairways and lifts are proposed to link ground floor and first floor spaces. The Community Facility building will accommodate a main library reading room, children's area and shaded cultural / events square, youth facilities, archives, exhibition spaces, public toilets and staff workspaces, storage rooms and plant rooms and facilities. The external façade of the new Community Facility building will be constructed primarily from masonry, metal and glazed finishes. The floor area of the proposed Community Facility building is 2,171.32m², which includes the remaining floor spaces in the existing library building.

A small addition at the rear of the Town Hall Façade is proposed to achieve the correct fall for pedestrian access into the cultural / events square space as well as upgrade first floor access and amenities. A lift is proposed to link ground floor and first floor spaces. The external façade of the Town Hall rear extension will be constructed primarily from masonry, metal and glazed finishes to complement the existing building. The floor area of the proposed Town Hall Façade building is 455.45m², which includes the rear additions.

The cultural / events square space between the Community Facility building and the Town Hall Façade building comprises seating areas, shade sails, stage and children's water play.

The front façade of the Charles Rasp Memorial Library building facing Blende Street will be modified to suit the rest of the Community Facility building and present a new billboard / artwork to pedestrians and motorists in Blende Street. Several north facing windows will also be enclosed in order to achieve fire rating compliance under the Building Code of Australia (BCA).

- **Carpark** - A new public carpark at the rear of the Broken Hill Police Station building and the Police Residence is proposed for 31 cars, including 2 disabled spaces and 1 space for the Outback Letterbox Library and archive facility. An existing driveway to Blende Street will be upgraded to access the carpark from Blende Street via a two-way driveway. The existing 4 space carpark servicing the Police Station from Argent Street will also maintained / upgraded. A total of 36 car parking spaces and loading area facilities will be provided on the development site.

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- **Landscaping** - The Community Facility will feature a 'dry creek bed' landscape design between the western edge of the Library and the Police Station site. A colourful shade canopy will provide permanent shade between the Town Hall Façade building and Library / Archive building. New trees, shrub plantings and a raised lawn on the opposite side of the cultural / events square are proposed. Landscape areas are designed as outdoor community living rooms. Retention of existing mature trees and use of native plants and materials is proposed. Transplanted mature trees are proposed to provide immediate shade to the new carpark.
 - **Signage** - A new billboard / artwork will be installed along the front façade of the Charles Rasp Memorial Library building facing Blende Street. A large 'Library' sign will be displayed on the southern elevation of the Community Facility building. A number of smaller signs will be installed throughout the site to provide information about the library and other services. All signage will display disability friendly information.
 - **Subdivision** - The allotments comprising the development site (Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092) are proposed to be consolidated into one allotment for the Community Facility. Alternatively the four lots may be subdivided into two lots should Council wish to excise the Police Residence from the Community Facility allotment.
 - **Operation** - The main functions of the Community Facility will include a library, outback archive and a community meeting place. The library will provide for a large 'traditional' library reading area, as well as new interactive spaces for children, youth and adult interests. A large central space towards the main entrance will be available for events / functions. A Council customer service desk is also proposed to be located within the Library near the main entrance.

All of the current activities within the Charles Rasp Memorial Library building functions will be retained and integrated into the proposed new Community Facility. The current library and archives functions of Council currently employ six full time staff, two casual staff members and one part time staff member. Between the Library, Archives, and Outback Letterbox service, there are over 35 registered volunteers, with up to 15 volunteers on site at any one time. It is intended to maintain current staff levels. The proposed opening hours of the library are likely to remain the same as existing, which are:

- Monday to Thursday: 10am – 6pm
- Friday: 10am – 5pm
- Saturday: 10am – 1pm
- The Outback Archives will be open Monday to Friday 1pm – 5pm

The rear of the Town Hall Facade building will be used as the primary pedestrian access to the new Community Facility from Argent Street. The building will also be used for exhibitions, events, meetings, video screenings, talks and the like. The community meeting place (Town Hall Façade and cultural / events square) will be available to be used after the library hours.

The cultural / events square space (between the Town Hall Façade and Community Facility) will also function as an orientation space that introduces users to the Community Facility. The shaded seating areas and stage can also be used for events and performances, meetings, talks and the like. A Public Wi Fi system is proposed to operate from the Community Facility and will be accessible in the cultural / events square during opening hours. All exhibition and community meeting spaces are generally intended to be available for use outside the library opening hours.

3. Background and Strategic Site Context:

The proposed development of a new Community Facility (Cultural Precinct, Library and Archive) on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, Argent and Blende Streets, Broken Hill under Development Application No. DA6/2020 is a major investment for the Broken Hill City Council and the wider community. It is important to consider the main drivers for the proposal, including a brief examination of the project background and site context, as described below:

- **Far West Region NSW** - The Far West Region covers the very western and northern sections of NSW and is bordered by the states of Queensland and South Australia. The region comprises the Local Government Areas (LGA's) of Broken Hill City and Central Darling Shire, along with the Unincorporated section of NSW. The region was first explored in the 1820s and settled in the 1840s. Broken Hill, located 1,160km west of Sydney, is the regional centre accounting for around 86% of the population and the majority of administrative, commercial and community services.
- **Broken Hill Local Government Area** - The Broken Hill LGA comprises 170 km² and contains the mining city, Broken Hill. Broken Hill was founded in 1883 when silver and lead deposits were discovered. The region was quickly identified as having one of the largest and richest deposits in the world. Broken Hill Proprietary Company (BHP) was formed in the area to mine the deposits, though ceased work in the region in 1940.

Since the 1970s, Broken Hill has experienced a downturn following mine closures, resulting in the population declining to 17,700 persons. After periods of large population decreases, the rate of population decline has reduced over the past 10 years.

While Broken Hill continues to have a sharp focus on new mining opportunities, Broken Hill City Council is also pursuing an economic transition beyond mining, by investing in opportunities that promote Australia's First Heritage Listed City as a liveable city that offers an immersive cultural visitor experience and enviable lifestyle. The development of tourism-based infrastructure has been widely researched by Broken Hill City Council and is being supported by Council to increase visitations and expenditure, both of which will contribute to the local economy and jobs.

The Broken Hill CBD comprises a large area of historic civil and commercial buildings, and the City is listed on the National Heritage List. New investments in the CBD are being investigated and encouraged to ensure Broken Hill City continues to provide the appropriate services in the centre to support mining, agriculture, renewable energy industry, health, education, government services, trade supplies and services, commercial and retail businesses at Broken Hill and throughout the Far West of NSW.

The proposed Community Facility (Cultural Precinct, Library and Archive) is aimed at enhancing the Broken Hill CBD by establishing a community hub within the core of the City Centre.

- **Destination Country & Outback** - Destination Country and Outback NSW Ltd (DNCO) is a network created by the NSW Government to grow the visitor economy of Country and Outback NSW and create meaningful connection between places, communities and businesses and visitors. DNCO supports the proposed Community Facility (Cultural Precinct, Library and Archive).
- **BH Strategic Led Framework** - Broken Hill City Council has been developing a CBD renewal strategy to lead investment in the City. The Broken Hill Living Museum + Perfect Light Plan 2015 and the Broken Hill Cultural Framework 2019 have provided important insight into the possibilities and opportunities for Broken Hill CBD.

The proposed Community Facility (Cultural Precinct, Library and Archive) has been developed by Council, with assistance from Neeson Murcutt and Neille Architects and other urban design specialists in consultation with the local community. It is one of several projects proposed to enrich the lives of locals as well as to create a new destination for visitors.

- **Broken Hill Lighting Project** - Silver Bullet Projects Pty Ltd have been engaged by Broken Hill City Council to design and install lighting to highlight several Council owned buildings within the CBD as well as lighting at Sturt Park and the Town Square. The objective of the lighting projects is to highlight and make more prominent key buildings, public spaces and feature trees in the central areas of Broken Hill.

The lighting installations are to provide an attraction for locals and tourists and display the city's rich mining, social and cultural history. The Town Hall façade, which is proposed to function as the front entrance to proposed Community Facility is proposed for lighting in accordance with Development Consent No. 169/2019.

- **Broken Hill Library and Archive** - The role of libraries are changing by progressively moving away from their conventional 'book borrowing services' to an all-encompassing 'community support' approach. Many libraries now offer a myriad of community resources in a flexible, diverse, and welcoming environment. A similar approach is proposed under the new Community Facility on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, Argent and Blende Streets, Broken Hill. The Design Statement prepared by Neeson Murcutt and Neille Architects proposes a mix of indoor and outdoor designed spaces to form a central community hub for Broken Hill.
- **ESD** - The Design Statement prepared by Neeson Murcutt and Neille Architects advises a key objective for the proposed Community Facility (Cultural Precinct, Library and Archive) is that it is smart (well connected to the world with the latest telecommunications) and sustainable. Arup has provided an ESD Report for the proposed new Community Facility, which outlines the sustainability strategies that will be incorporated into the project. The design concept has focused on creating a building which is comfortable and efficient, yet innovatively designed for the unique climatic conditions of Broken Hill.

4. Professional Input / Review:

Neeson Murcutt and Neville Architects have been engaged by Broken Hill City Council to design a new Community Facility (Cultural Precinct, Library and Archive) on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, Argent and Blende Streets, Broken Hill. Other specialists have been engaged to assist with the design process and lodgement of a Development Application with Council.

The following studies, reports and plans have been submitted with the Development Application:

- **Cultural Framework and Synopsis Report** - prepared by Neeson Murcutt and Neille Architects, dated 15 May 2019. Presents the findings of investigations into Broken Hill culture, the future of Argent Street and the vision for the Community Facility (Cultural Precinct, Library and Archive).
- **Design Statement** - prepared by Neeson Murcutt and Neille Architects. Provides important background on the design process to arrive at the proposed Community Facility (Cultural Precinct, Library and Archive).
- **Architectural Plans** - prepared by Neeson Murcutt and Neille Architects, dated 29 November 2019. Includes a an existing site plan, demolition site plan, proposed site plan, proposed ground floor and level 1 floor plans, proposed elevations and sections plans as well as solar diagrams.
- **Statement of Environmental Effects for Broken Hill Cultural Precinct and Library & Archive** - prepared by Broken Hill City Council, dated 9 December 2019. Accompanies the submitted Development Application and provides certain details of the proposal, as per the requirements of the Environmental Planning and Regulation 2000.
- **Landscape Plans** - prepared by Sue Barnsley Design, dated October 2019. Proposes a 'dry river bed' as the main landscape design theme for the Community Facility, with native vegetation and materials used to create a number of shaded outdoor areas that compliments the various functions of the Community Facility.
- **Signage Location Plan and Signage Designs** - prepared by MAAT. Proposes signage throughout the development.
- **BCA Report** - prepared by Steve Watson & Partners, dated 26 November 2019. Preliminary assessment of the proposed design, concluding that the plans comply with the Building Code of Australia (BCA) for the purposes of DA submission.
- **Stormwater Concept Plan** - prepared by JHA Consulting Engineers, dated September 2019. The Stormwater Concept Plan demonstrates how the development will manage any stormwater and flooding, plans for on-site detention tanks, and includes flood mapping based on worst case major storm scenarios.
- **Traffic and Transport Assessment** - prepared by ARUP. Assesses the traffic / transport, access and car parking requirements for the development. Advises the level of traffic activity from the proposal is unlikely to change parking and access conditions. Recommends the introduction of time limited car parking in the proposed new carpark to ensure turnover for library visitors.
- **Broken Hill Library Access Review** - prepared by Funktion, October 2019. Confirms the development can comply with the Disability (Access to Premises - Buildings) Standards 2010, Parts D3, E3.6 and F2.4 of the Building Code of Australia 2019 (BCA) and Australian Standards on Access and Mobility.

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- **Broken Hill Library, Archive and Community Hub Heritage Impact Statement** - prepared by Paul Davies Pty Ltd, dated December 2019. Assesses the proposal against the heritage controls under the Broken Hill Local Environmental Plan 2013 as well as the Broken Hill Development Control Plan 2016. Recommends the proposal for approval on heritage grounds.
 - **Safe Design Report** - prepared by Safe Design Australia. Provides details of any risk relating to construction and operation of the facility, with recommendations for security lighting, duress alarms and CCTV at certain locations.
 - **Noise Impact Assessment** - prepared by JHA Consulting Engineers, dated 6 December 2019. Establishes relevant noise level criteria, details the acoustic assessment and advises the proposed development can comply with the NSW EPA Noise Policy for Industry 2017 and the NSW DECCW Road Noise Policy 2011. Recommends testing of mechanical plant and event spaces to ensure compliance with the NSW Protection of the Environment Operations Act 1997.
 - **ESD Report** - prepared by ARUP. Presents a number of ecologically sustainable development (ESD) initiatives.
 - **Asbestos Register Report** - prepared by Carter Corporation Pty Ltd, dated 23 May 2017. Presents findings of non-destructive survey, with recommendations for additional testing prior to demolition and construction phases of the development.
 - **Geotechnical Site Investigation Report** - prepared by Civiltest Pty Ltd, dated 26 September 2019. Classifies site as Class M-D as per Australian Standard 2870 – 2011 Residential Slabs and Footing.
 - **Detailed Survey Plan** - prepared by Graham F. Howe, dated 26 August 2019. Details the levels, boundaries, buildings and other features on the site.

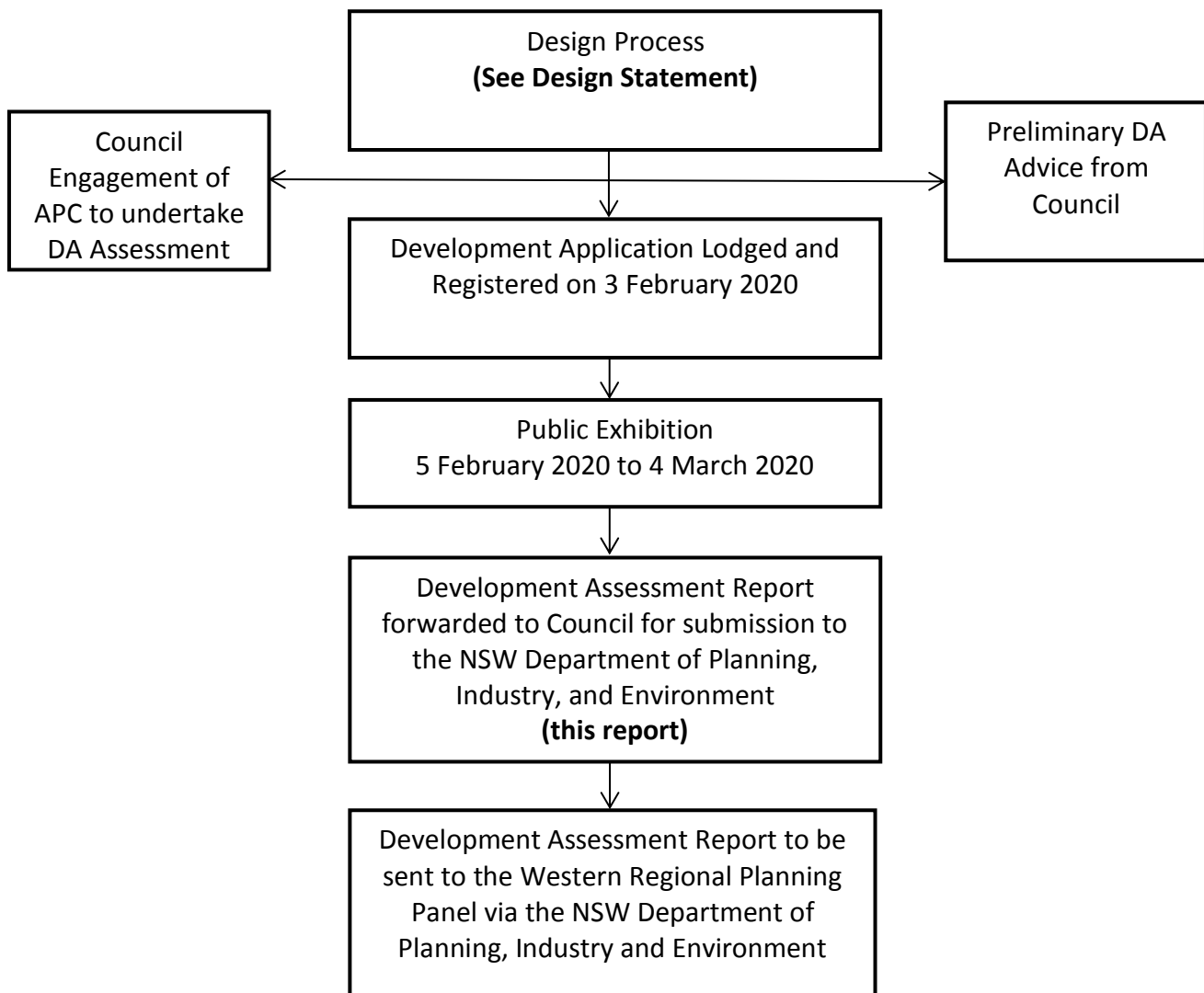
A number of letters of support were also submitted with the DA documentation, including letters from the Federal Assistant Minister for Trade, Tourism and Investment, the Hon Mark Coulton MP, NSW State Archives and Records, NSW Public Libraries Association, State Library NSW and Destination Country & Outback NSW Ltd.

5. Development Assessment Process:

As a Council related development with an estimated capital investment value exceeding \$5 million, the Development Application No. DA6/2020 for a proposed Community Facility on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, Argent and Blende Streets, Broken Hill is to be tabled with the Western Regional Planning Panel for determination in accordance with State Environmental Planning Policy (State and Regional Development) 2011, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

In preparation for the proposal to be considered by the Western Regional Planning Panel, Development Application No. DA6/2020 has been processed in accordance with the relevant Legislative and Policy standards. A chart showing the DA Process is provided in Figure 3 below:

Figure 3 Development Assessment Process



6. Statutory Assessment Framework:

This section of the report provides an assessment of the proposed development in accordance with the relevant statutory matters for consideration.

Environment Protection and Biodiversity Conservation Act 1999

Broken Hill LGA was listed on the National Heritage List in 2015, as per the Environment Protection and Biodiversity Conservation (EPBC) Act 1999. The proposed Community Facility (Cultural Precinct, Library and Archive) is subject to the provisions of the EPBC Act.

Where a proposed action has, will have or is likely to have a significant impact on any national and / or cultural heritage values of a National Heritage Listed place, then the action must be referred to the Federal Minister for the Environment for approval via the Commonwealth Department for the Environment.

A Heritage Impact Statement prepared by Paul Davies Pty Ltd and dated December 2019 was submitted with Development Application No. DA6/2020. The Heritage Impact Statement concluded that the proposed development will not have a significant impact on the heritage values of Broken Hill. Referral of the project to the Commonwealth Government is not required.

Environmental Planning and Assessment Act 1979

In NSW, the relevant planning legislation is the Environmental Planning and Assessment Act 1979 (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the NSW Department of Planning and Environment. The objects of the EP&A Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment*

The proposed development is not antipathetic to the above objects and promotes the orderly, sustainable development of community facilities and events in Broken Hill's CBD in an appropriate zone. All relevant services will be made available to the proposal.

Significance Assessment

A Consent Authority is required under Section 1.7 of the EP&A Act to take into consideration Part 7 of the Biodiversity Conservation Act 2016 (BC Act) to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances (see Table 1 below).

Table 1 - Significance Assessment

Test	Assessment
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The Community Facility is located in Argent and Blende Streets, Broken Hill, which is the centre of the urban area. Very few exotic and / or native vegetation species are located on the site. The site is predominantly covered by buildings, carparks and footpaths. The vegetation on the site does not meet the definition of BC Act native vegetation, as it lacks a native over-storey, mid-storey, and shrub-storey and the ground layer is highly disturbed. The proposal will not result in any significant impacts to local species, communities or habitats.
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	The proposal does not trigger the application of the Biodiversity Offsets Scheme (BOS) and the resulting requirement to prepare a Biodiversity Development Assessment Report (BDAR) is not required.
(c) it is carried out in a declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.

Section 4.15 Assessment

Section 4.15 of the EP&A Act 1979 requires an evaluation of the relevant matters for consideration listed in this section. The provisions of Section 4.15 have been repeated in full below:

4.15 Evaluation

(1) Matters for consideration—general

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 the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) 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, and*

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- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) *the suitability of the site for the development,*
 - (d) *any submissions made in accordance with this Act or the regulations,*
 - (e) *the public interest.*

The following sections address the matters for consideration listed under Section 4.15.

S4.15(1)(a)(i) The provisions of any environmental planning instrument

Local Environmental Plans

The Broken Hill Local Environmental Plan 2013 applies to all land within the Broken Hill City LGA. The site of the proposed development is zoned B2 Local Centre under the Broken Hill Environmental Plan 2013. The proposal is considered to meet the definition of a Community Facility as defined under the Broken Hill Environmental Plan 2013. The definition of a Community Facility is repeated in full as follows:

Community Facility means a building or place:

- a) *owned or controlled by a public authority or non-profit community organisation, and*
- b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The Land Use Table for the B2 zone permits community facilities with consent. In accordance with the requirements of the Land Use Table, a Development Application No DA6/2020 for the proposed Community Facility has been lodged with Council.

A number of special provisions under the Broken Hill Environmental Plan 2013 apply to the proposed Community Facility. An assessment of the proposal against the relevant provisions of the Broken Hill Environmental Plan 2013 is provided below:

- **Clause 2.3(2) Zone objectives and Land Use Table** - Provides that the Consent Authority shall have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone. The objectives of the B2 Local Centre zone are:
 - To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
 - To encourage employment opportunities in accessible locations.
 - To maximise public transport patronage and encourage walking and cycling.

The proposal involves the construction of a new Community Facility (Cultural Precinct, Library and Archive) on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, Argent and Blende Streets, Broken Hill. The proposal supports the community use objectives of the zone. The proposed development is assessed to be compatible with other businesses, entertainment and community activities in the Broken Hill CBD. An expanded library, archives and community hub will serve the needs of people who live, work and visit the centre, with other spin-off benefits for a range of businesses, community services and employment opportunities in Broken Hill. The Community Facility will be located within the central core of the CBD and has ready access to all available transport options, including use of private motor vehicles and parking, public transport and walking and cycling into the City Centre. The development is consistent with the zone objectives.

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- **Clause 2.6 Subdivision consent requirements** - Requires Development Consent for the proposed Community Facility (Cultural Precinct, Library and Archive) to be obtained, as the allotments comprising the development site (Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092) are proposed to be consolidated into one allotment for the Community Facility. Alternatively the four lots may be subdivided into two lots should Council wish to excise the Police Residence from the Community Facility allotment.

In accordance with the requirements of Clause 2.6, a Development Application (DA6/2020) has been lodged with Council and correctly details the subdivision aspects of the proposal. As a Council related development within an estimated capital investment value exceeding \$5 million, the Western Regional Planning Panel is the Determining Authority and this assessment report will be tabled with the Panel for their determination of DA6/2020.

- **Clause 2.7 Demolition requires development consent** - Requires Development Consent for the proposed Community Facility (Cultural Precinct, Library and Archive) to be obtained, as the development proposes demolition of the rear part of the Broken Hill Police Station, a demountable Police office building, the balustrade at the rear of the Town Hall Façade, the rear section of the Charles Rasp Memorial Library building and various other outbuildings and structures.

In accordance with the requirements of Clause 2.7, a Development Application (DA6/2020) has been lodged with Council and correctly details the demolition aspects of the proposal. As a Council related development within an estimated capital investment value exceeding \$5 million, the Western Regional Planning Panel is the Determining Authority and this assessment report will be tabled with the Panel for their determination of DA6/2020.

As some of the works involve part demolition of Heritage Items listed under the Broken Hill Environmental Plan 2013, special consideration of the heritage impacts of the proposal have been documented in the DA documentation and in this report (see Clause 5.10 assessment and other sections of report).

Conditions are included in the recommendation requiring submission of a Demolition and Construction Environmental Management Plan (DCEMP) with Council for approval prior to any demolition works commencing on the site, so as to achieve full compliance with the recommendations of the Heritage Impact Statement prepared by prepared by Paul Davies Pty Ltd, dated December 2019 and to ensure community safety and minimal disruption to nearby businesses, roads and footpaths.

- **Clause 4.1 Minimum subdivision lot size** - Sets the minimum lot sizes for subdivisions. The allotments comprising the development site (Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092) are proposed to be subdivided to create one consolidated allotment for the Community Facility and one allotment for the Police Residence. The relevant Lot Size Map under Broken Hill Local Environmental Plan 2013 specifies a minimum lot size of 230m². All proposed lots will exceed the minimum lot size under the Broken Hill Local Environmental Plan 2013.
- **Clause 5.10 Heritage conservation** - Requires Development Consent for building alterations to a Heritage Item. The Town Hall façade, Police Station, Police Residence and the Charles Rasp Memorial Library are listed Heritage Items under the Broken Hill Local Environmental Plan 2013 and form part of the development site.

It is proposed to demolish parts of the Town Hall façade, Police Station and the Charles Rasp Memorial Library to accommodate the new Community Facility.

A Heritage Impact Statement has been prepared by Paul Davies Pty Ltd dated December 2019, which provides a comprehensive significance assessment of Broken Hill City as well as detailed assessments of the significance of individual heritage items on the subject site and heritage items on adjoining sites (Broken Hill Post Office and the Broken Hill Technical College). In relation to Clause 5.10 of the Broken Hill Local Environmental Plan 2013, the HIS states:

The proposal complies with the objectives of Clause 5.10 of the Broken Hill LEP 2013 as all listed heritage items on the site are conserved, with demolition of only non-significant later additions and structures on the site proposed. As the new development is located in the centre of the subject site, impact on the significant streetscapes of Argent and Blende Streets and views to the heritage buildings is minimised. The proposal will reactivate the use of the Town Hall façade, one of the heritage items on the site, sensitively integrating this heritage item into the new Library and Community Hub building and involves sensitive adaptive reuse of the Charles Rasp Memorial Library building to new archives and home library uses. The submission of a Development Application with this heritage impact statement satisfies the requirements of Clauses 5.10 (2) and (5).

Conditions are included in the recommendation requiring submission of a Demolition and Construction Environmental Management Plan (DCEMP) with Council for approval prior to any demolition works commencing on the site, so as to achieve full compliance with the recommendations of the Heritage Impact Statement prepared by Paul Davies Pty Ltd and to ensure community safety and minimal disruption to nearby businesses, roads and footpaths.

- **Clause 6.1 Earthworks** - Requires earthworks for which development consent is required to not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Geotechnical site investigations have been carried out by Civiltest Pty Ltd, who classifies the site as Class M-D as per Australian Standard 2870 - 2011 Residential Slabs and Footing. SDA are the structural engineers engaged to certify structural footings and other structural components of the development as part of the Construction Certificate phase, and have been involved in the submission of DA documentation and plans.

Conditions are included in the recommendation requiring submission of a Demolition and Construction Environmental Management Plan (DCEMP) with Council for approval prior to any demolition works commencing on the site. A Dilapidation Report is also proposed to be required, so as to obtain a record of the condition of all buildings and structures on the site and adjoining sites, which in the opinion of a structural engineer could be potentially affected by the construction of the Community Facility.

- **Clause 6.2 Essential services** - Requires the consent authority to be satisfied that essential services (water supply, electricity, sewerage, stormwater and vehicular access) that are essential for the development are available or that adequate arrangements have been made to make them available when required. All stipulated services are already connected to the site. Suitable arrangements can be made for temporary disconnection / relocation of services during demolition phase. Plumbing changes to water and sewerage services and relocation of electrical wires and transformer locations will be undertaken during the construction phases of the development. Existing accesses will be maintained / upgraded to provide access for cars, service vehicles and delivery of goods. No impacts on essential services are assessed.

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- **6.3 Airspace operations** - Requires the consent authority to be satisfied that the proposed development will not penetrate the Obstacle Limitation Surface (OLS) or the Procedures for Air Navigation Services Operations Surface of the Broken Hill Airport. The proposal involves construction of a two storey Community Facility building, the height of which is below the Broken Hill Airport OLS.

There are no other special provisions of the Broken Hill Local Environmental Plan 2013 that are particularly relevant to the application.

State Environmental Planning Policies

The following State Environmental Planning Instruments (SEPPs) apply to the Broken Hill Local Government Area:

- SEPP 21 - Caravan Parks
- SEPP 33 - Hazardous and Offensive Development
- SEPP 36 - Manufactured Home Estates
- SEPP 50 - Canal Estate Development
- SEPP 55 - Remediation of Land
- SEPP 64 - Advertising and Signage
- SEPP 65 - Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Concurrences and Consents) 2018
- SEPP (Primary Production and Rural Development) 2019

The following SEPPs are particularly relevant to the assessment of the proposed development:

- **SEPP (State and Regional Development) 2011** - The proposed Community Facility meets the criterion for regionally significant development under part 4 of State Environmental Planning Policy (State and Regional Development) 2011, given it is a Council development with a capital investment value exceeding \$5 million. As such, this assessment report is to be tabled with the Western Regional Planning Panel in accordance with State Environmental Planning Policy (State and Regional Development) 2011, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
- **SEPP 55 (Remediation of Land)** - Clause 7 of SEPP 55 requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The Statement of Environmental Effects for Broken Hill Cultural Precinct and Library & Archive, prepared by Broken Hill City Council, dated 9 December 2019 includes Section 6.1 Contamination other than lead and Section 6.2 Lead Contamination.

The Statement of Environmental Effects advises:

The site is not identified as contaminated land according to the NSW EPA contaminated land records the site is not known to be contaminated by lead. Previous uses of the site include a library, town hall, police station, and car park the site is not known to have any previous industrial uses that may have resulted in lead contamination.

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

APC visual inspection of the property does not reveal any evidence of contamination, given the majority of land is covered by buildings, sealed driveways and parking areas. Discussion with Council staff has also not revealed any evidence of past uses that may have caused potential contamination. Given the lack of historical evidence suggesting the site may be contaminated, a Preliminary Site Investigation is not considered necessary.

Conditions are proposed to be included in the recommendation, requiring testing of any subsoil material found on the site that is suspected of contamination from chemicals, asbestos, lead or the like during demolition and / or construction phase. Such testing would be required to be undertaken in accordance with the EPA Contaminated Sites Sampling Design Guidelines 1995. Any remediation action required as a result of contaminants being found on the site will be required to be detailed in a Remedial Action Plan.

Testing of the completed landscaped areas (e.g. courtyard and grassed spaces) of the proposed Community Facility for contamination is also proposed to ensure user safety.

- **SEPP (Infrastructure) 2007** - Clause 45 of SEPP Infrastructure requires a consent authority to consider any development application (or an application for modification of consent) for any development carried out:
 - Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
 - Immediately adjacent to an electricity substation.
 - Within 5m of an overhead power line.
 - Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.
 - Placement of power lines underground.

There are no aspects of the development proposal that impacts on electricity supply services, as per Clause 45 requirements.

The proposed Community Facility is not traffic generating development as defined under Schedule 3 of SEPP (Infrastructure) 2007 and is not development that has implications for main roads and rail infrastructure. Consultation with RMS or ARTC is not a requirement under SEPP (Infrastructure) 2007.

- **SEPP 64 (Advertising and Signage)** - The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

Clauses 8 and 13 of SEPP 64 require the Consent Authority to determine consistency with the objectives stipulated under Clause 3(1)(a) of SEPP 64 and to assess the proposal against the assessment criteria of Schedule 1. An assessment of the proposal against Schedule 1 criteria is provided in Table 2.

Table 2: SEPP 64 Assessment of Outdoor Advertising

Matters for Consideration	Comment
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Signage plans were prepared by MAAT and incorporated into the submitted DA Plans. Proposed signage includes a new billboard / artwork to be installed along the front façade of the Charles Rasp Memorial Library building facing Blende Street. A large 'Library' sign will be displayed on the southern elevation of the Community Facility building. A number of smaller signs will be installed throughout the site to provide information about the library and other services. All signage will be located within the confines of the development site, which is centrally located in the Broken Hill CBD. There is a wide variety of outdoor advertising signs displayed in the CBD. The proposal is compatible with other signage in the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The new sign will be informative and have high aesthetic quality. The proposed signage is assessed to be consistent with the B2 Local Centre objectives as well as the Broken Hill Cultural Framework 2019 and other strategic frameworks being progressed in the CBD.
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from the visual quality of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas. The proposed signage is assessed to be consistent with the B2 Local Centre objectives as well as the Broken Hill Cultural Framework 2019 and other strategic frameworks being progressed in the CBD.
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage does not obscure important views from neighbouring land uses.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	No viewing rights of other advertisers will be affected by the proposed signage.
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is appropriate for the commercial setting.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The new signage will contribute to the visual interest in the CBD.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The new signage is simple and of high quality and will not contribute to visual clutter in the area.
Does the proposal screen unsightliness?	There is no unsightliness to be screened.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed new signage will not protrude above building rooflines, structures or tree canopies.
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the	The proposed signage is of suitable scale for the site and the surrounding land-uses. It is not considered to be out of proportion with the surrounding locality.

site or building, or both, on which the proposed signage is to be located?	
Does the proposal respect important features of the site or building, or both?	The proposed signage has been considered in the overall design of the Community Facility.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed new signage includes a new billboard / artwork to be installed along the front façade of the Charles Rasp Memorial Library building facing Blende Street. All signage will display disability friendly information.
6. Associated devices and logos with advertisement and advertisement structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage has been considered in the overall design of the Community Facility.
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed billboard sign may be illuminated. A number of smaller signs may be illuminated to provide information about the library and other services. The proposed signage is appropriate for the commercial setting and will not impact any residence, hotel or other form of accommodation.
Can the intensity of the illumination be adjusted, if necessary?	Some signage may be illuminated. The sign illumination can be controlled.
Is the illumination subject to a curfew?	There are no specific controls relating the curfews on illumination in Broken Hill CBD.
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Some signage may be illuminated. Sign illumination can be controlled and it is not expected to reduce safety for vehicles, pedestrians and cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage will not obscure sight lines.

There are no other State Environmental Planning Policies that are particularly relevant to the application.

S4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

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

S4.15(1)(a)(iii) The provisions of any development control plan

Broken Hill Development Control Plan 2016 (DCP) applies to the land. The relevant provisions of the development control plan are assessed below:

- **Chapter 1 - Introduction:** Provides information about the application of the DCP, how to use the plan, and matters of governance relating to assessment procedures and the notification of development applications. The development application was lodged with Broken Hill City Council in compliance with this chapter. The proposal was advertised in accordance with Chapter 1.4. No submissions were received.
- **Chapter 3 - Building:** Section 3.3 provides controls for development in the B2 Local Centre zone. The DCP requires consideration of a surveyors report, stormwater management principles and details of the materials proposed to be used to be shown on plans submitted with the development application with a statement of their expected performance under likely environmental conditions.

The submitted plans include a survey report, stormwater concept plan and details of building materials and finishes. The Design Statement prepared by Neeson Murcutt and Neille Architects, confirms the design and siting of proposed buildings and structures, stormwater design and use of materials chosen and are all appropriate for the local environmental conditions. The Architectural Plans prepared by Neeson Murcutt and Neille Architects, include an existing site plan, demolition site plan, proposed site plan, proposed ground floor and level 1 floor plans, proposed elevations and sections plans as well as solar diagrams.

A BCA Report has been prepared by Steve Watson & Partners and dated 26 November 2019, which documents a preliminary assessment of the proposed design. In particular, the report provides advice on the key aspects of building design that requires further consideration in order for a Construction Certificate to be able to be issued for the Community Facility in compliance with the BCA. In relation to their preliminary assessment of the Architectural Plans, Steve Watson & Partners advise:

The development adequately satisfies the intent of being able to comply with the requirements of the BCA for the purpose of DA submission. We confirm the design as shown on the drawings referenced in Appendix A is capable of achieving compliance with the BCA subject to further detail at the design development stage. The design will be subject to a Construction Certificate to ensure all aspects of the design will comply with BCA requirements including any performance-based determinations.

- **Chapter 4 - Car Parking:** This section of the DCP specifies the controls on the design and safety of car parks, the number of parking spaces required for various types of development (including parking for disabled persons) and the landscaping requirements for car parks.

Table 5.1 of the DCP specifies the number of parking spaces required for various types of development. However, Table 5.1 does not detail the number of car parking spaces required for Community Facilities, and as such a suitable car parking provision must be based on a traffic impact assessment of the proposal.

A Traffic and Transport Assessment has been prepared by ARUP, dated 5 December 2019 to assess the access and car parking requirements for the Community Facility (Cultural Precinct, Library and Archive).

In relation to the existing parking situation, the ARUP report advises the Broken Hill Library, Police Station and Town Hall Façade are served by on-street car parking and the Town Hall Façade car park, which contains 61 car spaces with access from Blende Street. The adjacent Police Station site contains hard stand areas capable of parking some 10-15 cars. Of all of the on-site parking spaces, there are 30 existing public car parking spaces.

In relation to their traffic impact assessment assumptions, ARUP states:

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

When a program is in operation there could be 50 people in attendance for a session. School holiday activities for 2 hours can have up to 40 people attending. Using the same assumptions would result in an additional car parking demand of 16 cars.

In relation to general traffic activity in and around the proposed Community Facility, ARUP states:

Given that the proposed parking spaces are likely to have a short-term turnover use for visitors similar to the current available spaces, the level of traffic activity is unlikely to change. The same pattern for vehicle access will be retained with the main car park having access to Blende Street only utilising the existing Police Station driveway.

In relation to the proposed provision of parking for the Community Facility, ARUP states:

Following amalgamation of the two sites to contain the Broken Hill Library and Cultural Hub development, there will be 36 car parking spaces on the site of which 30 will be available for public use to match the existing provision. The new car park will therefore match the number of existing public parking spaces and meet most of the anticipated normal daily demand.

When a program is in operation, on-street car parking will need to be utilised. Users of the facility afterhours for functions or meetings will be able to use the car park.

In relation to on-site parking restrictions, ARUP states:

It is recommended that time limited car parking be introduced in this car park to ensure turnover for library visitors.

In relation to the availability of on-street parking, Arup states:

Street parking in Blende and Argent Street is also available, and it is expected that the relocation of the Police Station will free up a further five parking spaces in Argent Street Argent Street, Chloride Street and Blende Street all have 2 hour time limited car parking within an easy walk of the site and there is adequate capacity in other nearby unrestricted car parking areas for all day staff car parking.

In relation to on-street parking restrictions, ARUP states:

The on-street car parks in front of the Library are currently unrestricted resulting in all day parking that displaces Library visitors. Changes to these on-street parking spaces to 30 minute time restriction would better reflect the Library demand.

In relation to public transport, ARUP states:

Regular bus routes run on north and south loops with a number of variations at different times of the day providing access to the site.

In relation to loading and unloading requirements, ARUP states:

Delivery requirements are expected to be minimal for the operation of the library, outback archive and community facilities. The majority of deliveries will occur by van utilising the car park. An occasional truck will use Blende Street to access the library for larger deliveries. The internal driveway is also capable of accommodating a medium rigid truck for occasional deliveries.

In relation to motorised scooters, ARUP states:

An area under an eave or overhang will be allocated for parking of 4 scooters.

In relation to walking and cycling conditions, ARUP states:

Pedestrian and bicycle access is available from Blend Street and Argent Street. The site is well connected to the city center grid road system allowing people to easily walk between venues and car parking areas. Bicycle racks are proposed at each side of the car park Bicycle racks are proposed at each side of the car park

APC review of the submitted plans confirms the proposed Community Facility includes a new carpark with provision for 31 parking spaces. The existing 4 space carpark servicing the existing Police Station from Argent Street will also be maintained / upgraded. The main car park proposed to service the Community Facility will be located behind the existing Police Station building. Access to the carpark will be via an upgraded existing access on Blende Street. The proposed new carpark will include two spaces for disability parking, which are located close to the main entrance of the proposed Library building. A separate parking bay and loading space for the Outback Letterbox Library and archive facility is also proposed near the staff entrance / exit, which is ideal for afterhours use. A total of 36 car parking spaces will be provided at the development site. All parking spaces and driveways will be sealed and provided with line-marking, signage and other facilities in accordance with Australian Standard 2890.1 Parking Facilities. Part 1: Off-street Car Parking and AS 2890.6-2009 Off-street Parking for People with Disabilities.

APC interpretation of the ARUP Traffic and Transport Assessment is that they believe there will be adequate on-site parking available to service the proposed Community Facility (Cultural Precinct, Library and Archive) during normal business hours, except when there is a program during normal business hours, which would result in larger numbers of people gathering at the proposed Community Facility. In such situations ARUP advises a number of motorists would need to find parking elsewhere on the street.

APC inspection of the development site and the on-street parking available along Blende and Argent Street (2.00pm 8 January 2020 and 10.15am 21 February 2020) showed, on average, there was approximately 15% free capacity within the existing library car park, 30% free capacity in Blende Street directly adjoining the library and 10% free capacity in Argent Street at the time of inspections. After normal business hours, the availability of on-site and street parking was observed to extend over 50%. Use of available on-street parking as suggested by ARUP would therefore be viable and provide further capacity for the proposed Community Facility, especially for programs and events held outside normal business hours. Possible changes to time limited parking, including the proposed on-site carpark and along Blende Street, as suggested by ARUP would likely allow for a higher turnover of parking for visitors to the proposed Community Facility during normal business hours.

APC assessment of the proposal concludes there will be adequate car parking available in and around the proposed Community Facility to meet the demands of the development in accordance with Chapter 4 of the Broken Hill Development Control Plan 2016.

A condition has been included in the recommendation requiring at least 10 parking spaces in the proposed new carpark to be time limited to 30 minutes. A condition has also been included requiring provision for a bicycle locker within the area dedicated to bicycle racks.

It is also recommended the matter of time limited nose-to-kerb parking on the eastern side of Blende Street, between Chloride and Sulphide Streets, be tabled with the Local Traffic Committee for their consideration of a 30 minute limit on these parks during normal business hours.

- **Chapter 5 - Outdoor Advertising:** Applies to advertising and signage as defined in State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) in all zones in Broken Hill that are subject to Broken Hill Local Environmental Plan 2013. It requires all Development Applications for advertising and signage to be assessed in accordance with Schedule 1 Assessment Criteria of SEPP 64.

A detailed assessment of State Environmental Planning Policy No 64 – Advertising and Signage is provided in previous sections of this report. The assessment demonstrates compliance with SEPP 64.

- **Chapter 6 - Land Contamination:** Requires Development Applications that involve contaminated land to be assessed in accordance with State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) and the Managing Contaminated Land Planning Guidelines.

A detailed assessment of SEPP 55 is provided in previous sections of this report. The assessment indicates the development site is not contaminated, based on past use investigations and site inspections. As a precaution, conditions are included in the recommendation requiring testing of any subsoil material found on the site that is suspected of contamination from chemicals, asbestos, lead or the like during demolition and / or construction phase. Testing of the completed landscaped areas (e.g. courtyard and grassed spaces) of the proposed Community Facility for contamination is also proposed to ensure user safety.

- **Chapter 7 - Tree Preservation:** No significant trees are proposed to be removed or altered.
- **Chapter 8 - Heritage Conservation:** Applies to properties that are listed as items of environmental heritage or located within a heritage conservation area listed in Schedule 5 of Broken Hill Local Environmental Plan 2013. The Town Hall façade building, Charles Rasp Memorial Library, Police Station and Police Residence are all listed as a Heritage Items. There are also a number of heritage items in the vicinity of the subject site and the site is located with the Argent Street Heritage Conservation Area, as mapped in the Broken Hill Local Environmental Plan 2013. Any changes in the Heritage Conservation Area or to listed heritage items require consent as per the DCP.

The objectives of Chapter 8 are:

- To conserve items of environmental heritage and maintain appropriate settings and views.
- To retain evidence of historic themes of development evident in Broken Hill through the proper care and maintenance of individual items of environmental heritage and Heritage Conservation Areas.
- To provide guidelines for alterations and additions which complement and do not detract from the heritage significance of individually listed heritage items and Heritage Conservation Areas.
- To protect those items and areas of value to the local community.
- To encourage new development, which complements existing heritage items and conservation areas in a current day context.

The following controls apply:

- Alterations and additions must not adversely impact the significant features of the heritage item.
- Changes must maintain the significant form, proportion, scale, details and materials of the item.
- Extensions must not compete with the integrity, scale or character of the item. Extensions can best meet this requirement if separation from the original building is maximised and they are designed in a simple, unobtrusive style and size.
- Alterations and additions must be located so as to reduce their visibility and prominence from any point in the street or adjoining streets, and the height must not be seen above the main ridgeline of the building.
- New side additions may be permitted where:
 - They are sympathetic to the character and design of the existing building, having regard to the form, bulk, materials and details of the existing building without attempting to reproduce exactly those elements and decorative details in particular;
 - They are not in front of or obscuring the street elevation of the existing building;
 - They are set back a greater distance from the street than the existing building;
 - They are lower or equal to the height of the majority of the existing building; and
 - They are compatible with the existing building in terms of wall height proportions and roof form.
- Ancillary buildings on the same site as an individual heritage item must be located in a place that does not obscure the significant elements.
- Alterations to alleviate aircraft, rail or road noise must not detract from the streetscape values of individual buildings by removing or covering significant building fabric or details.
- Solar water heater storage tanks, solar panels, ventilators, air-conditioning units, satellite dishes and antennae and the like must not be located on the principal roof elevations of heritage items.

A Heritage Impact Statement (HIS) has been prepared by Paul Davies Pty Ltd, dated December 2019. The HIS reviews the relevant statutory heritage controls, assesses the impact of the proposal, makes recommendations as to the level of heritage impact and provides recommendations to mitigate any heritage impacts.

The HIS advises the site includes four listed heritage items on four separate allotments, being:

- The 1964 Charles Rasp Memorial Library at 245 Blende Street, which includes remnant fabric from the 1892 Fire Station on the site.
- The Broken Hill Town Hall façade in Argent Street, which is the remaining portion of the Town Hall designed by South Australian architectural firm Withall and Wells in 1891.
- The Police Station at 252 Argent Street, designed by NSW Colonial Architect James Barnet and completed in 1889, with later W.L. Vernon additions.
- The Police Residence at 243 Blende Street, designed by NSW Colonial Architect W.L. Vernon and completed in 1897.

In regards to the site context, the HIS states:

The Argent Street streetscape on its northern side, in particular, with the Post Office, the Town Hall façade, the 1889 Police Station and the Technical College (now TAFE), and courthouse comprise a streetscape of high heritage significance which reflect the National heritage values of Broken Hill.

The HIS provides a comprehensive significance assessment of Broken Hill City as well as detailed assessments of the significance of individual heritage items on the subject site. The HIS also provides detailed assessments of the significance of adjacent heritage items; being the Broken Hill Post Office and the Broken Hill Technical College.

Section 6.3 of the HIS provides a comprehensive assessment of Chapter 8 of the DCP. The HIS advises the proposal has been carefully designed to minimise impacts on the streetscapes of Argent and Blende Streets, conserve all heritage items on the subject site, and adaptively reused as part of the proposal.

The HIS concludes the proposed Community Facility complies with all relevant heritage objectives and controls, retains the National and local heritage significance of the heritage items on the site, has no impact on the significant streetscapes of Argent and Blende Streets or on the heritage items on adjacent sites. The HIS recommends the proposal for approval on heritage grounds.

There are no other chapters in the DCP that are particularly relevant to the proposal.

S4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements relating to the site. There has been no request to enter into any form of planning agreement.

S4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

Clause	Comment
<i>Clause 92 - Government Coastal Policy</i>	Not applicable to the Broken Hill LGA.
<i>Clause 92 - Building Demolition</i>	Demolition works are proposed and the provisions of AS 2601 - The Demolition of Structures are required to be considered as per Clause 92. Conditions are included in the recommendation requiring compliance with AS 2601.
<i>Clauses 93 - Change of Use Fire Safety and Structural Capacity Considerations</i>	Change of use is not proposed and the building works involves an increase in floor area. Clause 93 is not considered to apply. Notwithstanding, all upgrades to fire safety features are proposed to comply with BCA.
<i>Clauses 94 - Fire Safety Upgrades</i>	Upgrades to fire safety features are proposed to comply with BCA.
<i>Clause 94A - Temporary Structures</i>	Not relevant to the proposal.
<i>Clause 95 - Deferred Commencement</i>	Not relevant to the proposal.
<i>Clause 96 - Ancillary aspects of development</i>	Not relevant to the proposal.
<i>Clause 97 - Modification or surrender of development consent or existing use</i>	Not relevant to the proposal.
<i>Clause 97A - Fulfilment of BASIX commitments</i>	The buildings are to be designed to achieve compliance with the relevant provisions of Part J1 to J8 respectively.

S4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

The following matters have been considered in APC's assessment of the proposed Community Facility:

- **Context and Setting** - The proposal will result in changes to the context and setting of the area, as a consequence of demolition works and the introduction of new buildings, carparks and landscaping.

The proposed Community Facility is located in the B2 Local Centre zone and surrounding land-uses are predominantly commercial enterprises and government administration buildings. The site sits within a context of heritage listed public buildings including the Broken Hill Post Office, Town Hall façade, Police Station, Charles Rasp Memorial Library, Broken Hill Technical College (now TAFE), Courthouse and the Police Residence. This central core of heritage buildings reflects the National heritage values of Broken Hill.

Broken Hill City Council has been developing a CBD renewal strategy to lead investment in the City. The Broken Hill Living Museum + Perfect Light Plan 2015, the Broken Hill Cultural Framework 2019 and a number of other strategic projects have been developed to achieve smart communities, heritage, strategic land-use and tourism development. The proposed Community Facility (Cultural Precinct, Library and Archive) is a major investment under this strategic led approach and has been canvassed widely with the local community.

The design of the Community Facility has been thorough, innovative and engaging with stakeholders, as evidenced in the Cultural Framework, and Synopsis Report, Design Statement and Architectural Plans prepared by Neeson Murcutt and Neille Architects. Other studies and reports (see Section 4 of this report) support various aspects of the proposal in its context and setting. In particular, the Heritage Impact Statement (HIS) prepared by Paul Davies Pty Ltd, dated December 2019 provides a comprehensive assessment of the proposal in regards to individually listed heritage items, as well as the Argent Street Heritage Conservation Area and wider City / streetscape issues. The HIS advises the proposed Community Facility is of an appropriate scale in relation to the heritage items on the site and has been sensitively designed to integrate the heritage listed buildings into the new design.

APC assessment concludes the proposed Community Facility is acceptable in its context and setting. The proposal will not have any significant impacts on nearby roads and properties regarding heritage impacts, light overspill, limiting views / sunlight, breaching privacy or creating traffic / access problems.

- **Land Use Conflict** - The proposed Community Facility is located in the B2 Local Centre zone and surrounding land-uses are predominantly commercial enterprises and government administration buildings. The site and surrounding land has been primarily used for commercial and civic purposes since the City's early settlement and urban development.

The applicant has provided a Statement of Environmental Effects and other studies assessing heritage, traffic, access, noise, signage, ESD, stormwater and soils impacts. These reports show the proposed Community Facility can be constructed and operated without causing significant impacts on nearby activities, which are predominantly commercial and administrative government operations and nearby roads.

In particular, the Noise Impact Assessment prepared by JHA dated 6 December 2019 has assessed the proposed Community Facility against all relevant criteria, including an assessment of after-hours events involving amplified music and public address systems on the nearest residential noise sensitive receivers (Royal Exchange Hotel). Based on the proposed layout and the nearest noise sensitive receiver location distance from the Community Facility, JHA advises that external noise emissions will not cause give rise to adverse noise impacts.

APC assessment concludes no land-use conflicts are likely to occur as a result of the proposed Community Facility.

- **Access and Traffic** - The proposed Community Facility is located in the B2 Local Centre zone and surrounding land-uses are predominantly commercial enterprises and government administrative buildings. The site and surrounding land has been primarily used for commercial and civic purposes since the City's early settlement and urban development.

A Traffic and Transport Assessment has been prepared by ARUP and submitted with the Development Application for the proposed Community Facility. The ARUP report advises Broken Hill roads are set out in a regular grid pattern with spacing of approximately 230m east to west and 135m north to south. Roads are wide with kerb to kerb width of some 20m. This enables angled car parking on both sides, a single travel lane in each direction and in Argent Street a narrow central median in the city center. Key intersections are controlled by traffic signals or roundabouts and central pedestrian refuge islands are used on priority controlled intersections to assist pedestrians to cross the wide streets. A 40km/ hour local traffic area has been designated within the 12 city blocks bounded by Crystal, Iodide, Beryl and Bromide Streets, with Argent the main east-west street. Generally motor vehicle and pedestrian traffic flows freely aided by the grid pattern providing a choice of routes.

Regular bus routes run on north and south loops with a number of variations at different times of the day. Far West Home and Community Care Services Inc also provides a community bus that assists eligible clients to gain access to services in the CBD, including the town library, medical appointments, social and community activities and shopping.

In relation to the existing parking situation, the ARUP report advises a new public carpark at the rear of the Broken Hill Police Station and Police Residence is proposed for 31 cars, including 2 disabled spaces. An existing driveway to Blende Street will be upgraded to access the carpark from Blende Street via a two-way driveway. The existing 4 space carpark servicing the Police Station from Argent Street will also be maintained / upgraded, thereby providing a total of 36 car parking spaces and loading area facilities on the development site.

APC assessment of the proposal concludes there will be no major changes to existing road and access conditions in and around the proposed Community Facility. Adequate car parking will be available in and around the proposed Community Facility to meet the demands of the development. All parking areas and driveways comply with Australian Standard 2890.1 Parking Facilities. Part 1: Off-street Car Parking, Australian Standard 2890.6-2009 Off-street Parking for People with Disabilities and the Broken Hill Development Control Plan 2016. There are no classified roads adjoining the site and the proposed Community Facility is not traffic generating development as defined under Schedule 3 of SEPP (Infrastructure) 2007 and is not development that has implications for road and rail infrastructure. The site is located within a 40km/h local traffic area and is within walking distance of shops and services in the CBD. Bus services are available in the area and access and parking is proposed to be made available for cyclists and mobility scooters. No significant traffic impacts are assessed. Conditions have been included in the recommendation to ensure new transport related facilities are properly constructed in accordance with relevant standards and the requirements of the Roads Act 1993.

- **Public Domain** - The Town Hall façade, Police Station and Residence and Charles Rasp Library buildings are important community facilities for Broken Hill and landmark historic buildings in the centre of the City. Neeson Murcutt and Neille Architects have been engaged by Broken Hill City Council to design a new Community Facility (Cultural Precinct, Library and Archive) on Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092, 252-256 Argent Street and 243-249 Blende Street, Broken Hill.

APC assessment concludes no detrimental impacts on the existing public domain. Conditions are included in the recommendation requiring submission of a Demolition and Construction Environmental Management that will identify all aspects of public building demolition, protection and / or upgrading.

- **Utilities** - The existing buildings located on the site are already connected to utilities. The proposed Community Facility (Cultural Precinct, Library and Archive) will require new plumbing, electrical, telecommunications and stormwater utilities throughout.

APC assessment concludes no detrimental impacts on utility services as a result of the proposed development. Conditions have been included in the recommendation to ensure standard utility installation protocols and procedures will be followed during the demolition and construction phases of the development, and to the satisfaction of Council as the asset owner in control of the new cultural precinct, library and archive.

- **Heritage** - A Heritage Impact Statement has been prepared by Paul Davies Pty Ltd and dated December 2019, which concludes the proposed development is acceptable on heritage grounds. The HIS provides a comprehensive significance assessment of Broken Hill City as well as detailed assessments of the significance of individual heritage items on the subject site. The HIS also provides detailed assessments of the significance of adjacent heritage items; being the Broken Hill Post Office and the Broken Hill Technical College. The HIS concludes the proposed Community Facility complies with all relevant heritage objectives and controls, retains the National and local heritage significance of the heritage items on the site, has no impact on the significant streetscapes of Argent and Blende Streets or on the heritage items on adjacent sites. The HIS recommends the proposal for approval on heritage grounds.

APC assessment concludes no significant impacts on heritage matters. Conditions are included in the recommendation requiring submission of a Demolition and Construction Environmental Management Plan with Council for approval prior to any demolition works commencing on the site, so as to achieve full compliance with the recommendations of the Heritage Impact Statement prepared by Paul Davies Pty Ltd, dated December 2019 and to ensure community safety and minimal disruption to nearby businesses, roads and footpaths.

- **Other land resources** - A Statement of Environmental Effects and various accompanying studies and reports all demonstrate the proposed facility can be constructed and operated on the site without causing significant long term impacts on the receiving environment. The proposed Community Facility will be at the centre of the Broken Hill CBD and should provide services and facilities that improve the attraction of the centre.

APC assessment concludes the proposal will not detrimentally impact on the functioning of roads and traffic, surrounding land-uses or the functioning of the Broken Hill CBD as a whole. The development is unlikely to have detrimental effects on conserving and using valuable land resources and water supply catchments and will not lead to significant impacts on the natural resource base and existing commercial business sector in the Broken Hill CBD.

- **Bushfire** - The site is not identified on the bushfire prone land map. No adverse impacts are assessed.
- **Surface Water and Groundwater** - The site is not identified as groundwater vulnerable on any mapping / reports. The Statement of Environmental Effects prepared by Broken Hill City Council, dated 9 December 2019 advises the project will utilise on-site detention and investigate grey water recycling to manage stormwater from the site and to water plants with sub soil irrigation, allowing a more varied planting pallet and altering microclimate through evapotranspiration. A Stormwater Concept Plan has been prepared by JHA Consulting Engineers and dated September 2019, which makes provision for on-site detention and shows how the development will manage stormwater ponding / flooding, based on worst case major storm scenarios.

APC assessment concludes the Stormwater Concept Plan appears to provide a robust system of stormwater management, however, the JHA report does not list the storm event assumptions and design calculations which would assist in determining whether on-site stormwater detention, sumps and pipes have been correctly sized to manage design ARI events. In relation to stormwater management, the Broken Hill Development Control Plan 2016 states:

Where new development will result in an increase in impervious site coverage, onsite stormwater detention structures / techniques must be provided to limit the post development peak discharge rate of stormwater from the site (including roof and ground surface runoff) to the predevelopment peak flow rate during both the 5 year and 100 year ARI events.

Conditions are included in the recommendation requiring submission of a detailed stormwater management plan that includes the calculations confirming appropriate design of the stormwater management system to meet design ARI events.

- **Soils** – A Geotechnical Site Investigation Report was prepared by Civiltest Pty Ltd, dated 26 September 2019 and describes site geology as Proterozoic sediment, with a gravelly sand and clay soil profile. The report classifies the development site as Class M-D as per Australian Standard 2870 – 2011 Residential Slabs and Footing. The Stormwater Concept Plan prepared by JHA Consulting Engineers, dated September 2019 makes provision for soil erosion and sediment controls.

APC assessment concludes no significant impacts on soils. Conditions are included in the recommendation requiring submission of a Demolition and Construction Environmental Management Plan with Council for approval of soil erosion and sediment controls.

- **Air and Microclimate** - The Statement of Environmental Effects prepared by Broken Hill City Council, dated 9 December 2019 provides limited information on air and microclimate impacts, other than to suggest the use of earth tubes to temper the incoming ventilation air.

APC assessment of the air and microclimate impacts of the Community Facility concludes the proposal has potential to generate minor dust plumes, particularly at earthworks, demolition and construction phases. It is assessed that potential dust impacts will largely be restricted to the immediate area around the development site and could be mitigated by regular watering down of exposed earthen surfaces during demolition and early construction phases. The potential for significant airborne dust and / or offensive odours is assessed to be low provided dust suppression strategies are introduced when needed. Conditions have been included in the recommendation to safeguard against any potential air quality impacts.

- **Noise and Vibration** - A Noise Impact Assessment has been prepared by JHA Consulting Engineers, dated 6 December 2019. The report establishes relevant noise level criteria, details the acoustic assessment and advises the proposed development can comply with the NSW EPA Noise Policy for Industry 2017 and the NSW DECCW Road Noise Policy 2011. The report recommends testing of mechanical plant and event spaces to ensure compliance with the NSW Protection of the Environment Operations Act 1997.

APC assessment concludes the potential for noise impacts from the proposal are low. Appropriate conditions will be imposed on standard construction work hours, commitments to noise mitigation prior to issue of a construction certificate and ongoing monitoring to ensure onsite construction and operational phases comply with relevant criteria. A condition has also been included in the recommendation to require testing of mechanical plant and outside sound amplification equipment to ensure its operation complies with relevant noise criteria.

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- **Flora and Fauna** - The information in support of the application has not identified any threatened species of flora or fauna that may be impacted by the proposal. APC assessment concludes no adverse impacts on flora and fauna.
 - **Waste** - The proposal has potential to generate waste, particularly during demolition and construction phases. The Statement of Environmental Effects advises the proposal will not generate any hazardous emissions or waste. Any regular commercial waste generated from the Broken Hill Cultural Precinct & Library Archive will be disposed of through Council's regular commercial waste collection services, with provision being made on the site plan for bin storage adjacent to the Archive Reading Room on the Blende Street frontage.

APC assessment concludes waste impacts are manageable. Conditions have been included in the recommendation requiring a detailed Waste Management Plan (WMP) to be submitted to Council for approval.

- **Natural Hazards** - The site is not flood prone or identified on the bushfire prone land map. APC assessment concludes no adverse impacts.
- **Technological Hazards** - The Statement of Environmental Effects for Broken Hill Cultural Precinct and Library & Archive, prepared by Broken Hill City Council, dated 9 December 2019 includes Section 6.1 Contamination other than lead and Section 6.2 Lead Contamination. The report advises the site is not identified as contaminated land according to the NSW EPA contaminated land records and the site is not known to be contaminated by lead. An Asbestos Register Report, prepared by Carter Corporation Pty Ltd, dated 23 May 2017 presents the findings of a non-destructive survey of asbestos, with recommendations for additional testing prior to demolition and construction phases of the development.

APC assessment does not reveal any visible evidence of contamination on the development site. Discussion with Council staff has also not revealed any evidence of past uses that may have caused potential contamination. The subject land is zoned for commercial purposes and it is assessed that the land is suitable for the proposed use. Conditions have been included in the recommendation, requiring additional testing / remediation action should contaminants be found on the site during demolition or construction phase. Testing of the completed landscaped areas of the proposed Community Facility for contamination is also proposed to ensure user safety.

- **Safety Security and Crime Prevention** - A Safe Design Report has been prepared by Safe Design Australia. The report details the risk relating to construction and operation of the proposed Community Facility. Recommendations include adequate security lighting to the car park and entry area, sightlines to provide passive surveillance, and other duress alarms. The external public places (including the public library square, carpark, below the western awning of the library and the northern façade of the archive) will be lit at night for security. CCTV will be located at specific points around the outside of library such as the main entry, children's courtyard and children's garden, the carpark, and Town Hall rear addition.

APC assessment concludes the proposed Community Facility has been well designed to address Crime Prevention through Environmental Design (CPTED) principles. The proposal will likely assist with crime prevention by providing new and attractive public spaces in Broken Hill CBD, where more people are likely to view and / or visit the cultural precinct, library and archive, which should further increase public surveillance. No safety, security, anti-social or criminality issues have been raised as a result of the public exhibition of the proposal. No crime prevention actions are required to be addressed, other than implementation of the submitted plans and design reports.

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- **Social Impact in the Locality** - The Statement of Environmental Effects for the Broken Hill Cultural Precinct and Library & Archive, prepared by Broken Hill City Council, dated 9 December 2019 advises the library is proposed to act as a place of respite during times of community heat stress such as electrical grid failure on hot days. To facilitate this, the PV and battery system will be sized so that during the day the PV and battery system will be sufficient to run the essential building serves including air condition to the main collection space and at night time the battery system alone will be able to run these systems.

The Statement of Environmental Effects also advises the library is designed to enable access to educational and maker space opportunities for the local community use and skills development. In particular the Maker space will help provide education and technical skills to the community to help prepare people for employment or to reskill. Parents and carers will be able to provide quality education to children through the use of the children's space to ensure that they are prepared for primary school.

The Statement of Environmental Effects also suggests that providing infographics on the sustainability initiatives in the Community Facility, such as the grey water reuse system, will help strengthen the participation of the local community in improving water management.

APC assessment concludes the social impacts of the development will be significantly positive. The Community Facility will provide a range of educational, cultural and event spaces. The facility should assist in developing social capital in the Broken Hill CBD and attract new visitors to the area. The facility will also complement the City's rich mining, social and cultural history.

- **Economic Impact in the Locality** - The Statement of Environmental Effects for Broken Hill Cultural Precinct and Library & Archive, prepared by Broken Hill City Council, dated 9 December 2019 advises the proposed new Community Facility will have positive economic impacts for Broken Hill. The Library and Archive will continue to provide the same services currently provided by the Charles Rasp Memorial Library and include additional features as outlined in the Design Statement and Architectural Plans. The proposed development will have a positive impact on the built environment of Broken Hill. The development will be consistent with the size and scale of the surrounding CBD, retaining and utilising iconic heritage buildings.

APC assessment concludes the economic impacts of the development will be significantly positive. The proposed development will have a positive impact on the local economy throughout the construction phase. Current library and archive staff levels will be maintained in the ongoing operational phase. The facility will facilitate access to information and provide facilities for local skills development.

- **Site Design and Internal Design** - The design of the Community Facility has been thorough, innovative and engaging with stakeholders, as evidenced in the Cultural Framework, and Synopsis Report, Design Statement and Architectural Plans prepared by Neeson Murcutt and Neille Architects. Other studies and reports (see Section 4 of this report) provide specialist advice on key aspects of the design, including landscape, access, ESD / energy solutions, signage and lighting.

The preliminary assessment of the proposed design by Steve Watson and Partners, concludes the plans comply with the BCA for the purposes of DA submission. The Access Review prepared by funktion advises the design of the proposed Community Facility complies with the accessibility requirements of the BCA and the Disability (Access to Premises – Buildings) Standards 2010. A Heritage Impact Statement prepared by Paul Davies Pty Ltd, dated December 2019 also concludes no impacts on heritage grounds.

APC assessment concludes the proposal is consistent with the Broken Hill Local Environmental Plan 2013 and the Broken Hill Development Control Plan 2016. The design has taken into consideration the existing site features and context of the locality. The size and scale of the proposed Community Facility is appropriate for the town centre and the site is suitable for the proposed development. The development proposal has been designed to minimise impacts on the natural environment, roads and other nearby infrastructure, as well as nearby commercial and civil buildings. No changes / alterations to the proposed design plans are required.

- **Cumulative Impacts** - Broken Hill City Council has been developing a CBD renewal strategy to lead investment in the City. The Broken Hill Living Museum + Perfect Light Plan 2015, the Broken Hill Cultural Framework 2019 and a number of other strategic projects have been prepared to help visualise the projects required in the CBD to achieve smart communities, heritage, strategic land-use and tourism development.

APC assessment concludes there are no cumulative impacts that need to be considered in this proposal. The site is zoned B2 Local Centre and permits Community Facilities with consent. The proposed Community Facility (Cultural Precinct, Library and Archive) is consistent with the strategic led framework being developed / implemented by Broken Hill City Council. The proposed development will be in character with the central areas of Broken Hill City and will not lead to cumulative impacts on the environment, neighbouring land-uses, cultural or heritage items.

S4.15(1)(c) the suitability of the site for the development

The suitability of the proposed Community Facility on the subject site is documented in the Design Statement prepared by Neeson Murcutt and Neille Architects. The site accommodates the existing town library and community meeting spaces. The proposal is to expand these community services on the current site. The proposed Community Facility will be at the centre of the Broken Hill CBD and should provide services and facilities that improve the attraction of the centre. APC assessment concludes the site has the capacity to support the proposed Community Facility without creating adverse impacts on the site or adjoining land. The proposed use is suitable at the location given its central position within the Broken Hill CBD.

S4.15(1)(d) any submissions made in accordance with this Act or the regulations

Advertising of the proposal was carried out in accordance with Broken Hill Development Control Plan 2016. No submissions were received.

S4.15(1)(e) the public interest

The proposal is assessed to pose no significant impacts on the public interest. Broken Hill City Council owns and controls the majority of the site, with plans to acquire the Police Station. NSW Police Force have provided owners consent for the lodgement of DA6/2020. It is Council's intention to maintain the proposed Community Facility to a high standard for the enjoyment of residents and visitors.

The proposal is permitted in the B2 Local Centre zone. There are no specific policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no planning guideline or advisory document that is applicable to the development. There are no covenants, easements, or agreements that affect the proposal in the long term. The allotments comprising the development site (Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092) are proposed to be subdivided to create one consolidated allotment for the Community Facility and one allotment for the Police Residence.

Advertising of the proposal was carried out in accordance with Broken Hill Development Control Plan 2016 and no submissions were received.

Contributions Assessment:

Broken Hill City Council administers a Section 7.12 Developer Contributions Plan to permit the levying of contributions in accordance with the Plan. The development proposal is subject to the Broken Hill City Council 7.12 Contributions Plan and contributions will apply. Appropriate conditions have been included in the recommendation to obtain the relevant contributions.

Assessment Conclusion / Recommendation:

The proposed Community Facility (Cultural Precinct, Library and Archive) has been assessed against the relevant matters for consideration under Section 4.15 of the NSW Environmental Planning and Assessment Act 1979.

The assessment concludes the site is appropriately zoned B2 Local Centre and the proposed Community Facility is permissible with consent under the Broken Hill Local Environmental Plan 2013. The proposal is consistent with all relevant design standards, including the Broken Hill Development Control Plan 2016 and relevant State Environmental Planning Policies. The site is suitable for the expanded Community Facility, having housed the town library and other associated community facilities at this location for many years.

No significant detrimental impacts have been assessed on the natural or built environment of the site and surrounding area. Significant positive social and economic impacts are assessed to likely occur, due to improved community facilities, visual appearance, attraction and perceived safety improvements from the new cultural precinct, library and archive.

No objections or other submissions were received as a result of public exhibition of the proposal, and the development is assessed to be in the public interest of the Broken Hill community.

It is recommended that consent be granted for the Community Facility (Cultural Precinct, Library and Archive) as proposed under Development Application DA6/2020, subject to condition(s) detailed in Annexure 'A'.

It is also recommended the matter of time limited nose-to-kerb parking on the eastern side of Blende Street, between Chloride and Sulphide Streets, be tabled with the Local Traffic Committee for their consideration of 30 minute time limited parking on these on-street park spaces during normal business hours.



APC Assessment Officer - Michael Carter

6 March 2020

Date

Annexure A - Conditions:

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 Broken Hill City Council, dated 9 December 2019.
 - II. The stamped 'approved' Architectural Plans prepared by Neeson Murcutt and Neille Architects, dated 29 November 2019.
 - III. The stamped 'approved' ESD report prepared by ARUP.
 - IV. The stamped 'approved' Landscape Plans prepared by Sue Barnsley Design, dated October 2019.
 - V. The stamped 'approved' Signage Location Plan and Signage Designs prepared by MAAT.
 - VI. The stamped 'approved' Stormwater Concept Plan prepared by JHA Consulting Engineers, dated September 2019.
 - VII. The stamped 'approved' Traffic and Transport Assessment prepared by ARUP dated 5 December 2019.
 - VIII. The stamped 'approved' Broken Hill Library Access Review prepared by Funktion, October 2019.
 - IX. The stamped 'approved' Broken Hill Library, Archive and Community Hub Heritage Impact Statement prepared by Paul Davies Pty Ltd, dated December 2019.
 - X. The stamped 'approved' BCA Report prepared by Steve Watson & Partners, dated 26 November 2019.
 - XI. The stamped 'approved' Safe Design Report prepared by Safe Design Australia.
 - XII. The stamped 'approved' Noise Impact Assessment prepared by JHA Consulting Engineers, dated 6 December 2019.
 - XIII. The stamped 'approved' Asbestos Register Report prepared by Carter Corporation Pty Ltd, dated 23 May 2017.
 - XIV. The stamped 'approved' Geotechnical Site Investigation Report prepared by Civiltest Pty Ltd, dated 26 September 2019.
 - XV. 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 Commencement

2. 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.
3. 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.
4. 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.
5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. 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 Building Code of Australia and applicable Development and engineering standards in the case of building work and 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.
11. 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'.
 12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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. 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 ¹	Levy %	Total Contribution	Contribution Rate remains current until
Section 7.12 Contribution	\$20,300,000.00	1%	\$203,000	Next CPI Quarterly Adjustment

19. 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

20. During demolition, all work must be carried out in accordance with AS 2601 - The Demolition of Structures.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. During construction, building work shall be carried out in accordance with the provisions of the Building Code of Australia.
31. During construction, all roads adjoining the site must be kept clean and free of all materials.

Prior to Occupation

32. Prior to the occupation of the Community Facility a Subdivision Certificate and an Occupation Certificate must be obtained from the Principal Certifying Authority for the development.
33. Prior to the issue of an Occupation Certificate, evidence of the registration of a Plan of a Subdivision with Land and Property Information Services shall be provided to Broken Hill City Council. The required Plan of Subdivision shall consolidate Lots 51 and 52 DP 1014146, Lots 3 and 7 DP 759092 so as to create one consolidated allotment for the Community Facility. Alternatively, the required Plan of Subdivision can involve consolidation to create two lots to accommodate the Community Facility and Police Residence. All lots must comply with the minimum lot size provisions of Broken Hill Local Environmental Plan 2013 and ensure compliance under the Building Code of Australia.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.

Operational Conditions

39. 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.
40. 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

41. The work must be carried out in accordance with the requirements of the Building Code of Australia.
42. 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.

43. 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*.
44. 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.

45. 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.
46. 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.
47. 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.
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