

## **What Is The Purpose Of This Plan?**

This Plan applies to the City of Broken Hill. It establishes and outlines the requirements which apply to notification and advertising of certain types of Development Applications, which may have a detrimental affect on other land or residents within the City.

In the event of any inconsistencies between this Development Control Plan and Broken Hill Local Environmental Plan 1996, the provisions of the Local Environmental Plan shall prevail.

## **Definitions**

### ***Advertised Development (Schedule 2 – Broken Hill Local Environmental Plan 1996)***

Is development which must be advertised and includes:

1. The demolition of a building or work that is a heritage item, or is within a heritage conservation area, not being a partial demolition which, in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the City of Broken Hill.
2. Development for the purpose of boarding houses, hotels, motels or residential flat buildings.
3. Development for the purpose of industries (other than home industries or rural industries) in Zone 1(a) or 1(c).
4. Development for the purpose of intensive livestock keeping establishments.
5. Development for the purpose of junk yards, liquid fuel depots, sawmills or stock and saleyards.

### ***Complying Development***

Development that may be carried out upon obtaining a complying development certificate.

### ***Designated Development***

Development described in Schedule 3 of the Environmental Planning & Assessment Act . Note: This includes those forms of development which are likely to have extensive environmental impacts as defined, including but not limited to premises such as abattoirs, quarries, mines, offensive and hazardous industries, waste processing etc.

### ***Development***

means:

- a) the use of land, and
- b) the subdivision of land, and
- c) the erection of a building, and
- d) the carrying out of a work, and
- e) the demolition of a building or a work, and
- f) any other act, matter or thing referred to in section 26 in the Act that is controlled by an environmental planning instrument.

### ***Dual Occupancy Development***

Development that results in two dwellings (attached or detached) on a single allotment of land.

### ***LEP***

Broken Hill Local Environmental Plan 1996 (as amended).

### ***Professional Consulting Rooms***

A room or number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling house and used by not more than three (3) legally qualified medical practitioners or by not more than three (3) dentists, or by not more than three (3) health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one (1), practise in partnership, and who employ not more than three (3) employees in connection with that practise.

### ***Public Monument or Memorial***

Includes structures which are designed to commemorate particular person/s, events, ideals or beliefs, and achievements of lasting value.

### ***Public Space***

Includes any land under the control of Council including reserves, except the cemetery.

### ***Residential Flat Building***

A building containing two or more dwellings, and includes dwellings located above or in conjunction with business premises.

### ***The Act***

Environmental Planning and Assessment Act, 1979 (as amended)

## **Development Requiring Notification**

- a) keeping of animals other than companion animals;
- b) professional consulting rooms (in a residential area);
- c) development of an industrial or commercial nature within an area which, in the opinion of the assessing officer, has the potential for detrimental impact upon the surrounding neighbourhood;
- d) a building that is two or more storeys in height above natural ground level in a substantially residential area;
- e) non-residential use within residential area, and is likely to interfere with the amenity of the neighbourhood;
- f) residential dwellings and class 10 structures within 500 mm of a side or rear boundary;
- g) An integrated development that requires approval and/or licencing from other agencies;
- h) Public monument or memorial located in a public space;
- i) Advertised Development as defined;
- j) Designated Development as defined.

It should be noted that Part 3A Major Projects, as defined in the Environmental Planning and Assessment Act is processed by the State Government and generally they will undertake the assessment and advertising of such developments.

### **Extent And Form Of Notification**

<b>Type Of Development</b>	<b>Notification And/Or Advertising</b>
Where, in assessing officer opinion, it is believed the likelihood of nuisance from the proposed development to the surrounding neighbourhood is low	Council will notify by letter, the owners of properties within a 25-50 metre radius
Where there is a greater risk of nuisance from the proposed development to the surrounding neighbours.	Council will notify by letter, the owners of properties within a 100 metre radius
Residential 1 (a) & Class 10 (a) buildings. Buildings within 500 mm of side or rear boundaries.	Council will notify by letter, the owners of the adjoining property. Neighbours separated by laneways and streets will not be notified.
Keeping of animals other than companion animals.	Council will notify by letter, the owners of properties within a 200 metre radius.
<ul style="list-style-type: none"> <li>• Public Monuments and Memorials located on a public space.</li> <li>• Any development where in the opinion of the assessing officer, a development because of its size, scale or location, is believed that it is in the public interest to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• A notice will be placed on-site (In the event that the notice is accidentally removed or displaced prior to the expiry of the exhibition period, the notice is taken to have been erected in accordance with this Plan),</li> <li>• Notice published in a local newspaper (The notification period commences from the day after which the notice is first published in the newspaper), and</li> <li>• letters will be sent to the owners of adjoining properties and other owners of land the enjoyment of which (in Council's opinion) may be detrimentally affected if the development is carried out.</li> </ul>
Complying development	Not required.

**Note: Designated development, Integrated development, and Developments described in Schedule 2 of the Local Environmental Plan shall be publicly exhibited in accordance with relevant provisions of the Environmental Planning and Assessment Act 1979, as amended.**

**The assessing officer will generally rely on an approach using a given radius from the proposal as set out in the preceding table. Note: The assessing officer reserves the right to determine whether or not notification will be given in cases where the radius intersects a property but is unlikely to impact upon the actual residence and surrounds.**

Council also reserves the right to extend both the extent and time for notification where, in the opinion of the assessing officer, the proposal warrants such action.

### ***Exhibition and Submission Periods***

A Designated development, Integrated development, and Developments described in Schedule 2 of the Broken Hill Local Environmental Plan shall be publicly exhibited in accordance with relevant provisions of the Environmental Planning and Assessment Act 1979, as amended.

Applications for all other types of developments will be available for viewing at Council's offices for a minimum period of between 14 and 28 days as advised by letter or notice published in newspaper or a notice placed on-site (depending on the relevant form of notification undertaken by Council). Submissions will be received during the exhibition period, and up until the submission closing date as advised by letter or notice published in newspaper or a notice placed on-site (depending on the relevant form of notification undertaken by Council).

### ***Method Of Submission (Other than Designated or Advertised Development)***

All submissions received by the Council shall be in writing, and include (at least) the following information:

- a) location of proposed development (and the Development Application number where known);
- b) address of person making submission (so notice of the determination of the application can be sent by Council);
- c) grounds of submission, including how the development would detrimentally affect the enjoyment of land.

It should be noted that if a submission is made, they should be clear and should be based upon the actual facts as set out in the Development Application.

## **Determination of a Development Application**

Matters to be considered in determining a Development Application will be those listed under Section 79C (1) of the Environmental Planning and Assessment Act 1979, and any written submissions received by Council.

Where three or more submissions have been received by Council opposing an Application, the matter will be referred to Council for determination.

### ***Notice Of Determination Of Development Applications***

All persons making a submission in relation to a Development Application will be notified of Council's decision, stating whether the Application was approved or refused.

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**CITY OF BROKEN HILL**  
**DEVELOPMENT CONTROL PLAN NO. 5**  
**NOTIFICATION**

Adopted by Council  
September 30, 1998

Amendment Adopted by Council  
March 29, 2006

Amendment Adopted by Council  
September 29, 2010