

ORDINARY MEETING OF THE COUNCIL

June 9, 2025

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 108/25

SUBJECT: DRAFT LOCAL APPROVALS POLICY FOR PUBLIC EXHIBITION
D25/25630

Recommendation

1. That Broken Hill City Council Report No. 108/25 dated June 9, 2025, be received.
2. That Council endorse the Draft Local Approvals Policy for the purposes of public exhibition and invite submissions.
3. That the draft Local Approvals Policy be exhibited for public comment for a 28-day period.
4. That Council receives a further report at the conclusion of the public exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the Draft Local Approvals Policy.

Executive Summary:

Council has a responsibility under Section 8 of the *Local Government Act 1993* to ensure that its regulatory activities are carried out in a consistent manner and without bias; and that all stakeholders have confidence in the decision making and internal review processes.

The Local Approvals Policy is prepared under Chapter 7, Part 3 of the *Local Government Act 1993* ("the Act"). This policy has been developed to ensure good governance and best practice standards are adhered to.

Section 158 of the *Local Government Act 1993* - (Preparation of draft local policy for approvals) states that:

- (1) *A council may prepare a draft local approvals policy.*
- (2) *A draft local approvals policy is to consist of three parts.*
- (3) *Part 1 is to specify the circumstances (if any) in which (if the policy were to be adopted) a person would be exempt from the necessity to obtain a particular approval of the council.*
- (4) *Part 2 is to specify the criteria (if any) which (if the policy were to be adopted) the council must take into consideration in determining whether to give or refuse an approval of a particular kind.*
- (5) *Part 3 is to specify other matters relating to approvals*

Section 160 of the *Local Government Act 1993* - (Public notice and exhibition of draft local policy) states that:

- (1) *The council must give public notice of a draft local policy after it is prepared.*
- (2) *The period of public exhibition must be not less than 28 days.*

(3) The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.

(4) The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.

Section 161 of the *Local Government Act 1993* - (Adoption of draft local policy) states that:

(1) After considering all submissions received by it concerning the draft local policy, the council may decide—

(a) to amend its draft local policy, or

(b) to adopt it without amendment, or

(c) not to adopt it, except where the adoption of criteria is mandatory.

(2) If the council decides to amend its draft local policy, it may publicly exhibit the amended draft local policy in accordance with this Part or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without public exhibition.

Section 165 of the *Local Government Act 1993* - (Amendment and revocation of local policy) states that:

(1) A council may amend a local policy adopted under this Part by means only of a local policy so adopted.

(2) An amending local policy may deal with the whole or part of the local policy amended.

(3) A council may at any time revoke a local policy adopted under this Part.

(4) A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Report:

Council Officers are required to make decisions and use discretion when applications for approval under section 68 of the Act are assessed.

The purpose of this Policy is to supplement provisions of the Act and the Local Government (General) Regulation 2021 by:

- Part 1: Specifying the circumstances in which a person is not required to obtain a particular approval from the Council.
- Part 2: Specifying criteria which the Council must consider when determining whether or not to grant approval to a particular activity.
- Part 3: Specifying other matters relating to such approvals that are not dealt with by the Act or Regulations.

Council's Planning and Development Team and Community Safety Team undertook a policy review workshop during May 2025 to focus on the review of Council's Local Approvals Policy and Local Orders Policy. The review amendments are listed in the table following.

In accordance with Section 160 of the *Local Government Act 1993* the Draft Approvals Policy will be placed on public exhibition for a period of 28 days, during which time submissions may be made to the Council.

Section Reference	Local Approvals Policy – D16/26160 – Review Amendments
Policy wide	Local Government (General) Regulation 2005 updated to 2021
Section 4 - Policy Statement	Wording from first paragraph to last paragraph of policy statement – The Broken Hill Local Environmental Plan 2013 (LEP) outlines those activities which require approval under the <i>Environmental Planning and Assessment Act 1979</i> .
Policy wide	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 updated to 2021
Policy wide	Local Government (General) Regulation 2005 – updated to 2021
Section 4 – Other relevant documents (d)	Removed reference to Local Government Practice Note 14 – no longer accessible.
Section 4.1 – Part 1 (Part B)	Carry out stormwater drainage work – Exemption under the Policy. Change to “No” exemption to ensure that Council assesses and approves stormwater drainage works across the City.
Section 4.1 – Part 1 (Part E-2)	Exemption under the Policy changed to “No” for the following: Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road or hang an article beneath an awning over the road.
Section 4.1.2.1	Exemption under the Policy changed to: No exemptions are provided for this activity under this Policy therefore consent is required from Council. See Section 4.2 for specific requirements for the submission of an application and for matters which Council will take into consideration when considering such an application.
Section 4.1.5.2	Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road Exemptions removed for under awning advertising sign
Section 4.1.6.4	<u>Install a domestic oil or solid fuel heating appliance, other than a portable appliance</u> Addition of Note: Development Consent under the <i>Environmental Planning and Assessment Act 1979</i> may be required.
Section 4.2.1.1	Level 1 – Legislative Criteria Introductory paragraph updated to simplify reading and understanding.
Section 4.2.1.2	Level 3 – Council Policies Food hawker and Vendor Regulations updated to Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy Footpath Restaurants Settings Policy updated to Footway Restaurants Settings Policy Inclusion of Broken Hill Film Policy

Section Reference	Local Approvals Policy – D16/26160 – Review Amendments
	<p>Removal of Procedure for the issue of General Permits and Permission for Street Activities and Community Markets Policy; to be replaced with Event Management Framework and Event Guide 2024</p> <p>Note: amended to advise policies available on Council's website.</p>
Section 4.2.3	<p>Part A missing from Policy – (described in Regulation)</p> <p>What activities, generally, require the approval of the council?</p> <p>4.2.3 Part A - Structures or places of public entertainment - (Local Government Act 1993)</p> <p>1 Install a manufactured home, moveable dwelling or associated structure on land.</p> <p><u>Consideration Criteria</u></p> <p>Installation of manufactured homes moveable dwellings and associated structures must be in accordance with the provisions of the (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</p>
Section 4.2.10	<p>Part B missing from Policy - (described in Regulation)</p> <p>4.2.10 PART B – Water supply, sewage, sewage and stormwater drainage works</p> <p>Introduction</p> <p>The purpose of this section is to provide information as to Council's requirements in respect to:</p> <ol style="list-style-type: none"> 1. Carry out water supply work – Not relevant to Broken Hill City Council 2. Carry out sewage work - Not relevant to Broken Hill City Council 3. Carry out stormwater drainage work <p>Matters Council will take into consideration</p> <p>Council requires the following information when assessing applications for stormwater drainage work:</p> <ul style="list-style-type: none"> o Completed application form through the NSW Planning Portal o Written permission from the landowner of the subject site on which work is to be undertaken. o A site plan showing the proposed development and point of connection, easement pipe size and proposed connection pipe size. o In circumstances where access is required from adjoining land, please provide evidence of an established easement – either a copy of the relevant 88B instrument or the Title for the subject land. <p>Approvals will be subject to the following conditions:</p> <ol style="list-style-type: none"> (1) The connection hole is to be a neatly drilled or saw cut into the existing pipe. (2) The pipe connection is to finish flush with the inside of the existing pipe, NO intrusion. (3) Cement or epoxy resin to be used to seat the new pipe to existing pipe. (4) The new connection is to be made above the spring line of the existing pipe, i.e. top half of the pipe.

Section Reference	Local Approvals Policy – D16/26160 – Review Amendments
	<p>(5) The new pipe is to be installed so that flows run with the downstream flow of the existing pipe and at an angle no greater than 60 degrees.</p> <p>(6) A pit or junction chamber is to be constructed if the connecting pipe is greater than 1/3 the diameter of the existing pipe.</p> <p>(7) A final inspection from Council’s authorised officer will be required on completion of works.</p> <p>Note: For applications that require the establishment of private easements, independent legal advice should be obtained by the applicant prior to lodging their application.</p>
Policy Wide	Roads and Traffic Authority updated to Transport for NSW
Section 4.2.11.1 and Policy wide	<p>Applications:</p> <p>Updated to advise submitting application form via NSW Planning Portal.</p> <p>(a) required under the <i>Environmental Planning and Assessment Act 1979</i> (<i>removed</i>) advised beforehand in the Policy</p>
Policy wide (b) and (c)	<p>(b) and Policy wide - wording updated to “listed in Council’s Schedule of Fees and Charges.</p> <p>(c) Wording added to described application to be “application be made by the owner <u>of the land</u>”</p>
Section 4.2.11.3	<p>Amendments to reflect Local Government (General) Regulations 2021 <u>Applications – replaced with:</u></p> <p>An application for approval to install or construct a sewage management facility on any premises must be accompanied by the documents specified in this section.</p> <p>a) Plan - The application must be accompanied by a plan, to scale, showing the location of—</p> <ul style="list-style-type: none"> i. the sewage management facility proposed to be installed or constructed on the premises, and ii. any related effluent application areas, and iii. any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or related effluent application areas, and iv. any related drainage lines or pipework (whether natural or constructed). <p>b) Specifications - The application must be accompanied by full specifications of the sewage management facility proposed to be installed or constructed on the premises concerned.</p> <p>c) Site assessment - The application must be accompanied by details of the climate, geology, hydrogeology, topography, soil composition and vegetation of any related effluent application areas together with an assessment of the site in the light of those details.</p> <p>d) Statement - The application must be accompanied by a statement of—</p> <ul style="list-style-type: none"> i. the number of persons residing, or probable number of persons to reside, on the premises, and ii. such other factors as are relevant to the capacity of the proposed sewage management facility.

Section Reference	Local Approvals Policy – D16/26160 – Review Amendments
	<p>e) Operation and maintenance The application must be accompanied by details of—</p> <ul style="list-style-type: none"> i. the operation and maintenance requirements for the proposed sewage management facility, and ii. the proposed operation, maintenance and servicing arrangements intended to meet those requirements, and iii. the action to be taken in the event of a breakdown in, or other interference with, its operation. <p>f) Be accompanied by a certificate of accreditation from the Secretary of the Ministry of Health.</p> <p><u>Matters Council will take into consideration – (g) replaced with:</u></p> <p>g) Whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following—</p> <ul style="list-style-type: none"> i. preventing the spread of disease by micro-organisms, ii. preventing the spread of foul odours, iii. preventing contamination of water, iv. preventing degradation of soil and vegetation, v. discouraging insects and vermin, vi. ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned, vii. the re-use of resources (including nutrients, organic matter and water), viii. the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.
<p>Section 4.2.12.4</p> <p>For fee or reward, play a musical instrument or sing</p>	<ul style="list-style-type: none"> a) The safety of the public and the protection of property; b) Protecting members of the public against injuries resulting from obstructions placed on public places by "buskers"; c) Protecting Council against claims for damages resulting from injuries resulting from the activities of "buskers"; d) Ensuring that members of the public are not harassed by or obstructed by buskers; and e) Limiting the duration, days and locations upon which and where busking will be permitted. <p>Now becomes (j) - Any other matter that Council considers relevant in the particular case</p> <p><u>Matters Council will take into consideration</u></p> <p>(f) – replaced with:</p> <ul style="list-style-type: none"> f) Protecting members of the public against injuries resulting from obstructions placed on public places by "buskers";

Section Reference	Local Approvals Policy – D16/26160 – Review Amendments
	g) Protecting Council against claims for damages resulting from injuries resulting from the activities of "buskers"; h) Ensuring that members of the public are not harassed by or obstructed by buskers; and i) Limiting the duration, days and locations upon which and where busking will be permitted.
Section 4.2.13.1 and Policy wide	<u>Applications</u> Updated owner to "owner <u>of the building</u> ".
Section 4.2.13.1 and Policy wide	<u>Applications (d) (ii)</u> Updated to include "or adjoining the land"
Policy wide	Work Health and Safety Regulation 2011 updated to 2017
Section 4.2.14.3 And Policy wide	<u>Applications – Install lor operate amusement device</u> (a) Updated to include "device" owner (e) Insurance and public indemnity limits updated
4.3.1	Refund of Fees – Updated to refer to Council's Schedule of Fees and Charges
4.3.1	Refund of Fees – Replaced Director Engineering Services with Director Infrastructure and Environment
Section 5	Roles and responsibilities for implementation and adherence to this policy review and updated: <ul style="list-style-type: none"> • General Manager • Director Infrastructure and Environment • Director Corporate and Community • Town Planner • Building Surveyor • Community Safety Officers • Environmental Health Officer • Project Engineer
Section 5.3	Associated Documents The following policies have been included as associated documents: <ul style="list-style-type: none"> • Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy • Footway Restaurants Settings Policy • Shop Front Displays and Moveable Signs Policy • Community Markets Policy • Broken Hill Film Policy
Section 6 Review	Responsible Officer for this policy updated to reflect Council's organisational structure

Community Engagement:

The Draft Local Approvals Policy will be advertised for public exhibition for a period of 28-days prior to the matter being presented back to Council for consideration to adopt.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2021.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Street Vending Guidelines 1996 – Office of Local Government

Protection of the Environment Operations Act 1997

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Roads Act 1993

Work Health and Safety Regulation 2017

Broken Hill Local Environmental Plan 2013

Financial Implications:

There are no financial implications for Council to implement this Policy.

Attachments

1. [↓](#) Draft Local Approvals Policy

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GENERAL MANAGER