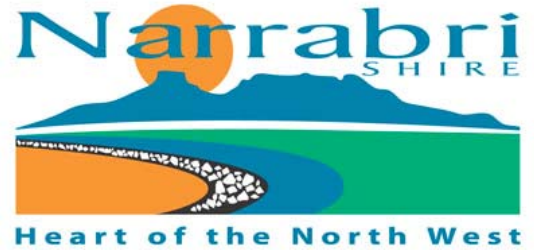


LOCAL APPROVALS POLICY



Responsible Department: Development and Economic Growth
Responsible Section: Development and Economic Growth
Responsible Officer: Director Of Development and Economic Growth

Objective

- To provide concise, comprehensive guidelines which facilitate the expeditious assessment and determination of applications for Approvals under Section 68 of the Local Government Act, 1993.
- To clearly indicate the types of activities that require the approval of Council and the circumstances in which a person may be exempted from the need to obtain approval of Council.
- To facilitate desirable development by providing clear standards that recognise the expectations of the community and particular characteristics of the Local Environment.
- To provide opportunity for public participation in the approvals process.

Policy

Part 1

Activities That Require Approval Of Council Or For Which A Person Is Exempted From The Need To Obtain Approval Of Council

This part specifies the activities that require approval of Council in accordance with Section 68 of the Local Government Act 1993 and the circumstances in which certain activities may be exempted from the need to obtain a particular approval of the Council.

- 1.1 The activities listed in Table 1.1 (comprising the Table to Section 68 of the Local Government Act 1993) require the approval of the Council, except as set out in Narrabri Shire Council's DCP exempt and complying development.
- 1.2 A person may carry out an activity specified in Table 1.3 of this Part without requiring approval of Council. This does not, however prevent a person applying for approval to carry out an exempted activity in this Part.
- 1.3 It is a condition of exemption that the person carrying out an activity specified in this Part must comply with:
 - (i) the relevant exemption circumstances/requirements listed below; and

(ii) the relevant performance standard currently prescribed in the Local Government Act 1993 regulations. This includes the Local Government (Approvals) Regulation and the Building Code of Australia (“BCA”).

1.4 Structures or activities which do not require approval must be constructed of new materials unless otherwise specified in the following exemption provisions.

1.5 The following exemption provisions do not apply to buildings or structures proposed to be erected over an existing sewer main. Council will provide a site plan indicating the location of sewer mains on request and free of charge.

1.6 in relation to the siting of all activities that Council has exempted from the need for approval, consideration should be given to:-

- the amenity of neighbours
- the possibility of the structure harbouring vermin
- any potential fire risk
- the location of easements, sewer lines, and like use restrictions.
- adequate drainage provision

Table 1.1 Section 68 Of The Local Government Act 1993

Table 1.1 specifies those Activities which require the approval of Council except as indicated in Part 1.2 of this Policy.

Part A – Buildings, Temporary Structures of Moveable Dwellings	
1.	Erect a building except as provided in Narrabri Shire Council DCP Exempt and Complying Development.
2.	Demolish a building except as provided in Narrabri Shire Council DCP Exempt and Complying Development.
3.	Install a manufactured home, moveable dwelling or associated structure on land.
4.	Install a temporary structure on land.
5.	Enclose a public place in connection with the erection or demolition of a building.
6.	Use or occupy a building before it has been completed in accordance with the plans and specifications approved by the Council.
7.	Change the use of a building or part of a building to a use that is not consistent with the current classification of the building as prescribed by the regulations.
8.	Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment.

Part B – Water Supply, Sewerage and Stormwater Drainage Work
<ol style="list-style-type: none"> 1. Carry out water supply work 2. Draw water from a Council water supply or a standpipe 3. Install, alter, disconnect or remove a meter connected to a service pipe 4. Carry out sewerage work 5. Carry out stormwater drainage work 6. Connect a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
Part C – Management of Waste
<ol style="list-style-type: none"> 1. For fee or reward, transport waste over or under a public place. 2. Place waste in a public place. 3. Place a waste storage container in a public place. 4. Dispose of waste into a sewer of the Council. 5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
Part D – Community Land
<ol style="list-style-type: none"> 1. Engage a trade or business 2. Direct or procure a theatrical, musical or other entertainment for the public. 3. Construct a temporary enclosure for the purpose of entertainment. 4. For fee or reward, play a musical instrument or sing 5. Set up, operate or use a loudspeaker or sound amplifying device. 6. Deliver a public address or hold a religious service or public meeting.
Part E – Public Roads
<ol style="list-style-type: none"> 1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. 2. Erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on so as to overhang any part or the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. 3. Extend a balcony, awning, sunblind, canopy, sun louvre, or similar structure or an essential service pipe beyond a road alignment.
Part F – Other Activities
<ol style="list-style-type: none"> 1. Operate a public car park 2. Operate a caravan park or camping ground 3. Operate a manufactured home estate 4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance. 5. Install or operate amusement devices (within the meaning of the Construction Safety Act 1912). 6. Install or operate amusement devices prescribed by the regulations in premises. 7. Use a standing vehicle or any article for the purpose of selling any article in a public place. 8. Operate an undertaker’s business 9. Operate a mortuary <p>Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.</p>

Table 1.3 Activities For Which A Person Is Exempted By The Local Government Act 1993 Regulations

The activities listed in Column No. 1 of Table 1.2 are exempted from the need to obtain approval in circumstances listed in Column No. 2.

COLUMN NO. 1	COLUMN NO. 2
ACTIVITY	CIRCUMSTANCES FOR EXEMPTION
PART A3 INSTALLATION OF A MOVEABLE DWELLING ON LAND	1.2.12 *NOTE: These provisions are currently under review and may be amended.
For Short Periods	Regulation - Compliance with Clause 70 Local Government (Approvals) Regulations. Period - A maximum of two (2) days.
For Owner in Association with a Dwelling	Regulation - Compliance with Clauses 70 Local Government (Approvals) Regulations. Status - A registrable moveable dwelling. - Maintained in a condition adequate for registration under the Traffic Act 1909. Location - On land occupied by the owner in connection with that owners dwelling house. Habitation - Only by the owner or members of the owners household. -

COLUMN NO. 1	COLUMN NO. 2
ACTIVITY	CIRCUMSTANCES FOR EXEMPTION
For Certain Employees	<p>Regulation</p> <ul style="list-style-type: none"> - Compliance with Clause 70 Local Government (Approvals) Regulations. <p>Status</p> <ul style="list-style-type: none"> - A registrable moveable dwelling. - Maintained in a condition adequate for registration under the Traffic Act 1909. <p>Location</p> <ul style="list-style-type: none"> - On Pastoral or Agricultural land.
On Certain Land	<p>Regulation</p> <ul style="list-style-type: none"> - Compliance with Clause 70 Local Government (Approvals) Regulations. <p>Location</p> <ul style="list-style-type: none"> - On land dedicated or reserved under the Forestry Act 1916 as a state forest, a timber reserve or a flora reserve.
In Approved Caravan Parks, Camping Grounds or Manufactured Home Estates	<p>Regulation</p> <ul style="list-style-type: none"> - Clause 70 Local Government (Approvals) Regulations. <p>Design Standards</p> <ul style="list-style-type: none"> - to be designed, constructed and installed in accordance with the applicable requirements of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulations 1993 and the Local Government (Manufactured Homes Estates) Transitional Regulation 1993.
PART A8 USE OF TEMPORARY STRUCTURES AS PLACES OF PUBLIC ENTERTAINMENT	<p>Regulation</p> <ul style="list-style-type: none"> - Compliance with Clause 70 Local Government (Approvals) Regulations. <p>Location</p> <ul style="list-style-type: none"> - The installation of the temporary structure on the land on which it is situated is the subject of an approval. <p>Design Standards</p> <ul style="list-style-type: none"> - The temporary structure is accredited under Division 5 of Part 1 of Chapter 7 of the Local Government Act 1993. - Any conditions to which the accreditation is subject are complied with at all times which the temporary structure is being used as a place of public entertainment. - The provisions of Schedule 2 of the Local Government (Approvals) Regulations are complied with at all times which the temporary structure is being used as a place of public entertainment.

COLUMN NO. 1	COLUMN NO. 2
ACTIVITY	CIRCUMSTANCES FOR EXEMPTION
PART B2 DRAW WATER FROM A COUNCIL WATER SUPPLY OR A STANDPIPE	1.2.17
Obtaining Water	Regulation - Clause 48 Local Government (Water, Sewerage and Drainage) Regulations 1993. Criteria - If the water is passed through a property service pipe connected to Council's water supply system or in accordance with a right or licence conferred by or under an Act. - If drawn by an employee of Council acting in the course of his or her employment.
Carry out water supply, sewerage or stormwater drainage work.	Regulation - Clause 48 Local Government (Water, Sewerage and Drainage) Regulations 1993. Criteria - If the work is emergency work as specified hereunder:- Emergency work is when a job needs to be done to: <ul style="list-style-type: none"> • stop water wastage and/or drainage, or • clear blocked pipes, or • protect public health and safety. Emergency work may be carried out by a Licensee without first obtaining a Permit. On completion of emergency work, the Licensee shall within two days provide the authority information as required for issue of a permit.
Any activity specified in PART B of TABLE 1.1	Criteria - If approval for the activity has been granted as a component of a subdivision approval issued under Part XII of the Local Government Act 1919. Activities undertaken by the Crown.
PART C MANAGEMENT OF WASTE	1.2.19
For Fee or Reward, transport waste over or under a public place.	Regulation - Clause 98 Local Government (Approvals) Regulations 1993. Criteria - The activity must be licensed under the Waste Disposal Act 1970. (NOTE: At this time, this provisions applies to Metropolitan Areas only).

COLUMN NO. 1	COLUMN NO. 2
ACTIVITY	CIRCUMSTANCES FOR EXEMPTION
Place Waste in a Public Place	<p>Regulation</p> <ul style="list-style-type: none"> - Clause 98 Local Government (Approvals) Regulations 1993. <p>Criteria</p> <ul style="list-style-type: none"> - If it is done in accordance with arrangements instituted by Council.
Dispose of waste into a sewer of the Council	<p>Regulation</p> <ul style="list-style-type: none"> - Clause 98 Local Government (Approvals) Regulations 1992. <p>Criteria</p> <ul style="list-style-type: none"> - Disposal of septic tank effluent into a sewer of Council, if the premises are within a Common Effluent Drainage District declared by Council.
PART D COMMUNITY LAND	1.2.20
Setup, operate or use a loudspeaker or sound amplifying device	<p>Regulation</p> <ul style="list-style-type: none"> - Clause 99 Local Government (Approvals) Regulations 1993. <p>Criteria</p> <p>If it is in accordance with a notice on that land permitting the activity.</p>
PART F4 OTHER ACTIVITIES	1.2.21
Operate a Public Carpark	<p>Regulation</p> <ul style="list-style-type: none"> - Clause 128 Local Government (Approvals) Regulations 1993. <p>Criteria</p> <ul style="list-style-type: none"> - Approval for the construction or operation has been given by the Council in connection with another approval and the car park complies with any applicable conditions of the approval.
Install a domestic oil or fuel burning appliance in a Building.	<p>Installation Criteria</p> <ul style="list-style-type: none"> - The installation of a stove, heater or similar appliance in a building must comply with:- <ul style="list-style-type: none"> (a) Domestic oil-fired appliance: AS.1691 (b) Domestic solid-fuel burning appliance: AS 2918 (c) SAA Boiler Code: AS 1200 <p>Regulation</p> <ul style="list-style-type: none"> - Clause 140 Local Government (Approvals) Regulations 1993. - If details of the appliance are included in plans and specifications for the relevant buildings approved by Council.

Part 2

Criteria For Consideration Relating To Approvals And Refusals

The part specifies the criteria which Council must take into consideration in determining whether to give or refuse an approvals of a particular kind.

- 2.1 Criteria relating to prescribed matters for consideration
- 2.2 Criteria in addition to prescribed matters for consideration

2.1 Criteria Relating To Prescribed Matters For Consideration

- (i) In determining an application for approval to carry out an activity specified in Column 1 of the Table 2.1, the Council must, in considering the matter prescribed by the Local Government (Approvals) Regulation 1993 specified in Column 2, apply the criteria specified in Column 3.

Table 2.1 Criteria Relating To Matters For Consideration

COLUMN 1 ACTIVITY [Lga 1992, S68(1)] Type Of Development Affected	Column 2 PRESCRIBED MATTERS FOR CONSIDERATION [Local Government (Approvals) Regulation 1993]	COLUMN 3 CRITERIA [Lga 1993, S158(4)]
PART A1 ERECT A BUILDING All buildings except as provided in Narrabri Shire Council DCP Exempt and Complying Development.	Clause 12(1)(p)	Each application for the erection of the building will be assessed to determine the likely affect on other properties having regard to:- <ul style="list-style-type: none"> (a) the views to and the views from the adjoining land; (b) the overshadowing of the adjoining land; (c) the privacy of the adjoining land; (d) the likelihood of the adjoining land being detrimentally affected by noise;

COLUMN 1 ACTIVITY [LGA 1992, S68(1)] Type of development affected	COLUMN 2 PRESCRIBED MATTERS FOR CONSIDERATION [Local Government (Approvals) Regulation 1993]	COLUMN 3 CRITERIA [LGA 1993, S158(4)]
		(e) the visual quality of the building in relation to the streetscape; (f) the scale or bulk of the proposed building in relation to the application site boundaries; (g) hours of use; (h) light spillage or reflexion; (i) means of access to or provision of parking on the application site; (j) proposed changes to any easement benefiting the adjoining land; (k) the height materials and position of fences erected on a boundary; and (l) the affect of drainage on the adjoining land.
PART A1 ERECT A BUILDING		The following Codes, Policies and Guidelines adopted by Council and as are in force at the time of making the application.
All Buildings in flood affected areas	Clause 12(1)(l)	Interim Flood Plain Management Policy
All buildings not connected to Council's Water supply	Clause 12(1)(h)	Water Supply for Buildings Policy
All Industrial Building	Clause 12(1)	Industrial Development Code
All buildings	Clause 12(1)(a)(n) & (q)	Drainage to Buildings Policy

COLUMN 1	COLUMN 2	COLUMN 3
ACTIVITY [LGA 1992, S68(1)] Type of development affected	PRESCRIBED MATTERS FOR CONSIDERATION [Local Government (Approvals) Regulation 1993]	CRITERIA [LGA 1993, S158(4)]
All buildings	Clause 12(1)(b)	Building line Policy
Any buildings having an awning, sign or the like extending over the road reserve	Clause 12(1)(d)	Encroachments onto Public Roads Policy
Any building proposed to be erected within close proximity to a Council main	Clause 12(1)(b)	Building near Sewer and Stormwater Mains
All Buildings	Clause 12(2)	The relevant Local Environmental Plan and associated Development Control Plans adopted by Council under the Environmental Planning and Assessment Act 1979 and in force at the time of making the application. Copies of which are available from the office of Council.
Food Premises as defined in Food Act 1989	Clause 12(1)(a)	The National Code for the Construction and Fitout of Food Premises – published by the Australian Institute of Health – except where a variation is permitted by Council. A copy of which is available for viewing from the offices of Council.
Private Swimming Pools	Clause 12(1)(a)(b)(q)	AS1926 regulating the construction and use of private swimming pools as is in force at the time of making the application. A copy of which is available from the offices of Council.

COLUMN 1 ACTIVITY [LGA 1992, S68(1)] Type of development affected	COLUMN 2 PRESCRIBED MATTERS FOR CONSIDERATION [Local Government (Approvals) Regulation 1993]	COLUMN 3 CRITERIA [LGA 1993, S158(4)]
PART A5 ENCLOSE A PUBLIC PLACE IN CONNECTION WITH THE ERECTION OR DEMOLITION OF A BUILDING		
Any property where the building or demolition of work is likely to cause a danger or inconvenience to pedestrians or traffic	Clause 12(1)(j) & (p)	Guidelines for builders, protective footpath crossings and general safeguards for building sites adopted by Council and as is force at the time of making the application.
PART A7 CHANGE OF USE OF A BUILDING OR PART OF A BUILDING TO A USE THAT IS NOT CONSISTENT WITH A CURRENT CLASSIFICATION Any building where it is proposed to change the classification in terms of the Building Code of Australia.	Narrabri Shire Council Development Control Plan Exempt and Complying Development. Clause 23 Clause 12(1)(o) & (2)	The relevant Local Environmental Plan and associated Development Control Plans adopted by Council under the Environmental Planning and Assessment Act and in force at the time of making the application. Copies are available from the office of Council.
PART A8 USE A BUILDING OR TEMPORARY STRUCTURE AS A PLACE OF PUBLIC ENTERTAINMENT	Clause 18	Schedule (2) of the Local Government (Approvals) Regulation 1993.
PART B1 CARRY OUT WATER SUPPLY WORK All buildings	Clause 12(1)(h)	NSW Code of Practice Plumbing & Drainage AS3500 – National Plumbing & Drainage Code Council Policy for Water Supply to Buildings adopted by Council and as is in force at the time of making the application.

COLUMN 1 ACTIVITY [LGA 1992, S68(1)] Type of development affected	COLUMN 2 PRESCRIBED MATTERS FOR CONSIDERATION [Local Government (Approvals) Regulation 1993]	COLUMN 3 CRITERIA [LGA 1993, S158(4)]
<p>PART B4-6 CARRY OUT SEWERAGE WORK</p> <p>CARRY OUT STORMWATER DRAINAGE WORK</p> <p>CONNECT A PRIVATE DRAIN OR SEWER WITH A PUBLIC DRAIN OR SEWER UNDER THE CONTROL OF COUNCIL</p> <p>All buildings</p>	<p>Clause 12(1)(a)</p>	<p>NSW Code of Practice Plumbing & Drainage</p> <p>AS3600 – National Plumbing & Drainage Code</p> <p>Council’s Policy for Drainage to Buildings adopted by Council and as is in force at the time of making the application.</p>
<p>PART C4 DISPOSE OF WASTE INTO A SEWER OF COUNCIL</p> <p>Any building the use of which is likely to generate a Trade Waste</p>	<p>Clause 12(1)(a) and 2(c)</p>	<p>Council’s Guidelines for the Treatment and Disposal of Trade Wastes as in force at the time of making the application</p>
<p>PART C5 INSTALL, CONSTRUCT OR ALTER A WASTE TREATMENT DEVICE OR A HUMAN WASTE FACILITY</p> <p>Any premises that has human waste fixtures and is not connected to Council’s sewer.</p>	<p>Clause 12(1)(q)</p>	<p>AS1547 – Small Septic Tanks</p> <p>Council’s Policy for Drainage to Buildings adopted by Council and as is in force at the time of making the application.</p>
<p>PART E2 ERECT AN ADVERTISING STRUCTURE OVER A PUBLIC ROAD</p> <p>Any premises in which it is intended to erect an advertising structure over a public road</p>	<p>Clause 12(1)(j)</p>	<p>The likely effect on the streetscape and possible obstruction to traffic both pedestrian and vehicular</p>

COLUMN 1 ACTIVITY [LGA 1992, S68(1)] Type of development affected	COLUMN 2 PRESCRIBED MATTERS FOR CONSIDERATION [Local Government (Approvals) Regulation 1993]	COLUMN 3 CRITERIA [LGA 1993, S158(4)]
PART E3 EXTEND A BALCONY, AWNING, SUNBLIND, CANOPY, SUN LOUVRE BEYOND THE ROAD ALIGNMENT Any building on which it is intended to attach an awning, sunblind, canopy or the like that will extend over a public road.	Clause 12(1)(j)	Council's Policy on Encroachment onto Public Roads adopted by Council and as is in force at the time of making the application.
PART F1 OPERATE A PUBLIC CAR PARK Any property on which there is a car park for public use	Clause 12(2)	Parking Code adopted by Council as amended

NOTE

- (i) A criteria specified in this Part, to the extent to which it may be inconsistent with the Local Government Act 1993 or the Local Government (Approvals) Regulation 1993, is to be read down or ignored to avoid the inconsistency.
- (ii) A criteria specified in this Part in relation to an activity to the extent to which is may be onerous than a criteria that is specified by the Local Government act 1993 or the Local Government (Approvals) Regulation 1993, is to be read down or ignored to that extent.

2.2 Criteria In Addition To Prescribed Matters For Consideration

In determining an application for approval to carry out an activity specified in Column 1 of the Table 2.2, the Council must take into consideration the criteria specified in Column 2 in addition to any criteria or other matters for consideration that are prescribed by the Local Government Act 1993 or the Local Government (Approvals) Regulation 1993.

Table 2.2

COLUMN 1 ACTIVITY [LGA 1993, S68(1)]	COLUMN 2 CRITERIA [LGA 1993, S158(4)]
<p>PART A1 DEMOLISH A BUILDING</p> <p>All Buildings except those identified as exempt in Narrabri Shire Development Control Plan exempt and complying development</p>	<ul style="list-style-type: none"> • The reason for demolition • Whether the site will be left vacant • Whether the building has heritage significance or other special qualities • The effect that demolition work has on the character or scenic quality of the locality or on any items of cultural, natural or heritage significance • Whether the building is vacant or is being used and the nature of the use • The protection of public health, safety and convenience • The protection of the environment
<p>PART A4 INSTALL A TEMPORARY STRUCTURE ON LAND</p> <p>Except as provided in Narrabri Shire Development Control Plan Exempt and Complying Development.</p>	<ul style="list-style-type: none"> • The intended use • Whether the structure is intended as a Place of Public Entertainment • The design criteria having regard to the potential wind load • Provision for traffic control and parking • The availability of sanitary facilities and the disposal of human wastes • Provision for storage, transportation and disposal of garbage • The period for which it is intended to remain and the capability of it being able to be removed within 24 hours notice • Fire fighting equipment • Fire resistance • Egress in case of fire • Requirements in relation to connection of power and sanitary facilities

COLUMN 1	COLUMN 2
ACTIVITY [LGA 1993, S68(1)]	CRITERIA [LGA 1993, S158(4)]
<p>PART A6 USE OR OCCUPY A BUILDING BEFORE IT HAS BEEN COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY COUNCIL</p>	<ul style="list-style-type: none"> • The provision of sanitary facilities, clothes washing facilities and cooking facilities and associated plumbing and drainage • Weather proofing of external walls and roof • Exclusion of vermin • Lining of internal walls in room intended for habitation • Damp proofing of walls and floors in rooms containing sanitary fittings • Drainage of roofs • Essential services required under Section E of the Building Code of Australia <p>Status of items listed as conditions of consent of a Development Application.</p>
<p>PART D3 CONSTRUCT A TEMPORARY ENCLOSURE FOR THE PURPOSE OF ENTERTAINMENT</p>	<ul style="list-style-type: none"> • Whether the use is defined as Public Entertainment in accordance with the Local Government (Approvals) Regulations 1993 • The design criteria having regard to the potential wind load • Provision for traffic control and parking • The availability of sanitary facilities and the disposal of human wastes • Provision for storage, transportation and disposal of garbage • The period for which it is intended to remain and the capability of being able to be removed within 24 hours notice • Fire fighting equipment • Fire resistance • Egress in case of fire <p>Requirements in relation to connection of power, water and sanitary facilities</p>

NOTE:

- (i) A criteria specified in this Part, to the extent to which it may be inconsistent with the Local Government Act 1993 or the Local Government (Approvals) Regulation 1993, is to be read down or ignored to avoid the inconsistency.
- (ii) A criteria specified in this Part in relation to an activity to the extent to which it may be more onerous than a criteria that is specified by the Local Government act 1993 or the Local Government (Approvals) Regulation 1993, is to be read down or ignored to that extent.

Part 3

3.1 Notification Of Applications Received

3.1.1 NOTICE OF APPLICATIONS TO ERECT BUILDINGS

The Council will give notice of an application to those persons who own land adjoining or neighbouring the land to which the application applies where, in the Council's opinion, the enjoyment of the land may be detrimentally affected by the proposed building after its erection.

Potentially affected owners will be notified of the receipt of Applications for Building Work listed in Column No. 1 of Table 3.1 in the circumstances indicated in Column No. 2 of Table 3.1.

Table 3.1

COLUMN NO. 1 TYPE OF DEVELOPMENT/BUILDING	COLUMN NO. 2 CIRCUMSTANCES FOR NOTIFICATION		
	ON RECEIPT	AFTER SITE INSPECTION	
		Adjoining Owner	Adjoining Owner
PART A Local Approval – Development Applications	★		★
1) Industrial Buildings	★		★
2) Commercial Buildings	★		★
3) Hotels, Motels, Hostels	★		★
4) Institutional Buildings, Public Assembly, Buildings, Places of Public Worship, Hospitals, and like structures.	★		★
5) Multiple Occupancy Residential Building	★		★
6) Dwelling House or Addition to a Dwelling House two (2) storeys or greater in height on a property less than 2 hectares	★		★
7) Detached Garage or Shed Enclosed by Walls and Associated with a Dwelling		★	★
8) Single Storey Dwelling House or Single Storey Additions to a Dwelling House.		★	★
9) Any building on a property zoned Rural and having an area of two (2) Hectares or more.		★	★
10) Open Car Port, Pergola, Verandah, Patios or the like.		★	★
11) The enclosure of an existing Patio or Verandah within the existing roofed area.		★	★
12) Private Swimming Pool		★	

COLUMN NO. 1	COLUMN NO. 2		
TYPE OF DEVELOPMENT/BUILDING	CIRCUMSTANCES FOR NOTIFICATION		
	ON RECEIPT	AFTER SITE INSPECTION	
PART A Local Approval – Development Applications	Adjoining Owner	Adjoining Owner	Other Owners
13) Minor building works involving alterations to an existing building where the works will not result in any change to the height, external configuration or external façade of the existing building.		★	★
14) Any application that would require a variation to the policy.	★		★
15) Placement of movable dwelling on land.	★		

NOTE 1: Notification will not be made of an application to erect a building if:

- (a) notice has been given of a development application relating to the same proposal; and
- (b) plans of the proposed building showing its height and external configuration were available for inspection at the time the notice of the development application was given; and
- (c) there has been, in the opinion of the Council, no significant change to the height and external configuration of the building as shown on the plan.
- (d) the application is an extension to an existing dwelling or shed or minor structure such as a garage, carport or pergola, and like structures. for residential purposes to an existing building on land zoned rural on a property of at least 6 hectares in size.

NOTE 2: For purposes of Table 3.1:-

- (a) **On Receipt** – Shall mean that potentially affected owners shall be notified in the circumstances indicated in Column No. 2 automatically on receipt of the application by Council.
- (b) **After Site Inspection** – Shall mean that Council will inspect the site to determine which property owners will be notified.
- (c) **Adjoining Owners** – Shall mean persons who appear to Council to own land that share a common boundary with the land to which the application relates or that is separated only by a driveway or pathway.
- (d) **Other Owners** – Shall mean persons, other than adjoining owners, who own land that in the opinion of Council may be detrimentally affected by the proposed building if it were erected. The determination will be based on the relevant criteria listed in Part 2 following an inspection of the site.

3.1.2 Matters To Be Considered In Forming An Opinion That Enjoyment Of Land May Be Detrimentially Affected

In forming its opinion on who will be notified in accordance with Clause 3.1.1 above, the Council shall take into consideration the affect the proposed building will have, after its erection, on the following:-

- (a) The views to and the view from the land;
- (b) The overshadowing of the adjoining land;
- (c) The privacy of the adjoining land;
- (d) The likelihood of the adjoining land being detrimentally affected by noise;
- (e) The visual quality of the building in relation to the streetscape;
- (f) The scale or bulk of the proposed building;
- (g) The siting of the proposed building in relation to the application site boundaries;
- (h) Hours of use;
- (i) Light spillage or reflection;
- (j) Means of access to or provision of parking on the application site;
- (k) The proposed changes to any easement benefiting the adjoining land;
- (l) The height materials and position of fences erected on a boundary; or
- (m) The effect of drainage on the adjoining land.

3.1.3 Form Of The Notice And The Notification Plan

- (iii) **The Written Notice** to be forwarded by Council to the owners of the land defined in section 3.1.1 above shall contain the following information:
 - (a) a description and address of the site;
 - (b) the proposed use of the building and a description of the building;
 - (c) the name of the applicant and the Council;
 - (d) where and when the plans can be inspected;
 - (e) the time period within which written submissions are to be made; and
 - (f) a notification plan.
- (iv) For the purposes of this section, the **notification plan shall:**
 - (a) be of a scale which will clearly delineate the features of the building;
 - (b) show the height and external configuration of the proposed building in relation to the site on which it is proposed to be erected;
 - (c) include a site plan showing the relationship of the proposed building to the boundaries of the allotment;
 - (d) have clearly figured dimensions to indicate size, height and position of the building in relation to the site.

- (iv) Council will encourage applicants to provide a **plan specifically for notification purposes** as follows:-
- (a) to be printed on A3 or A4 size paper.
 - (b) To indicated any additions and alterations by shading or colouring.

3.1.4 The Period For Inspection Of Plans And Lodgement Of Submissions

- i) Any person may inspect plans accompanying an application at any time during normal office hours, until it is determined.
- ii) A period of ten (10) days from the date of notification will be allowed for lodgement of submissions in relation to the proposed activity.
- iii) Where an application is received for a building of the type listed in Part A of the Table 3.1 and that is not subject to Public Advertisement, the period may be reduced if those persons, that Council considers may be detrimentally affected, make written submissions to Council indicating that they do not object to the proposal. The written submission must indicate that the writer is aware of the matters listed in Part 3.1.2 and 3.1.3 and include a copy of the notification plan signed by the person making the submission.

3.1.5 Notice To Be Given For Amended Plans

i) **Requests to amend an application prior to its determination**

In these circumstances, the Council will re-notify:-

- (a) those persons who were previously notified on the original application; and
- (b) any other persons who Council considers may be detrimentally affected by the proposal as amended;

except where the amendments are of a minor nature and are unlikely to have, in the opinion of the Council, greater detrimental affect on the enjoyment of adjoining or neighbouring land than the original application.

The submissions made on the original application will be included in the Council's assessment of the amended application.

ii) **Requests to modify an approval which has been granted by the Council.**

In these circumstances Council will re-notify those persons who made submissions on the original application and any other person who Council considers may be detrimentally affected and invite comment on the amendments or modification, except where:-

- the amendments or modification do not change the height or external configuration or any façade of the proposal; and
- the Council is satisfied that the proposal as amended or modified is substantially the same as the original application; and
- the Council is satisfied that no prejudice will be caused to any person who made a submission on the original application.

The Council will consider submissions on the amendments or modification in determining the application.

3.1.6 Form Of Submissions From Persons Notified And The General Public

- i) Submissions made in respect of an application must be in writing and addressed to the General Manager.
- ii) Submission must clearly indicate the name and address of the person making the submission and the reason for any objections.

3.1.7 Consideration Of Submissions

Prior to determining an application, all submissions will be considered as specified in Part 3.2.2 of this Policy.

3.1.8 Notification Of Determination

Notice of the determination of an application will be given to each person who made a submission and to the applicant. Notice to the applicant will include conditions of approval as determined by Council.

3.2 DELEGATIONS ASSOCIATED WITH THE POLICY AND WITH APPROVALS

3.2.1 Applications For A Variation Of The Policy

An applicant for an approval of an activity listed in Part 1 may lodge an objection to the Policy and apply for a variation to the Policy on the basis that:-

- (i) The Policy does not make appropriate provision with respect to an activity for which approval is sought; or
- (ii) That compliance with any provision of the policy is unreasonable or unnecessary in the particular circumstances of the case.

The applicant must specify the grounds of the objection.

The General Manager may consider the application and, if satisfied that the objection is well founded, may direct that:-

- (i) Such provisions of the Policy relating to that activity as are specified in the direction:-
 - are not to apply; or
 - are to apply with such modifications as are specified in the direction, in respect of the carrying out of that activity; or
- (ii) Such requirements as are specified in the direction are to apply to the carrying out of that activity, OR give directions under both Sub-Clause (i) and (ii).

3.2.2 Determination Of Applications For Local Approvals Under Delegated Authority

- (i) In accordance with Section 377 of the Local Government act, the Council has given extensive delegation of authority to the General Manager for the determination of application for Local Approvals. This delegation has been extended by the General Manager to the Environmental Services Director.
- (ii) The General Manager and the Environmental Services Director can determine applications lodged for Local Approvals, including those which are the subject of an objection from the public that relates:
 - solely to the type of development proposed;
 - to possible market competition arising if the development is approved;
 - to a design standard adopted in Part 2 of the Policy;
 - to an issue that may be reasonably alleviated by the imposition of condition of consent; and
 - to standards adopted by the Local Government Act or Regulations.

All other applications that are subject to an objection based on grounds other than those identified above must be submitted to Council for consideration and determination

In addition, the Director Environmental Services has delegated authority to determine applications which are not the subject of public submissions and do not exceed a maximum value as specified by the General Manager in the respective instrument of delegation.

- (ii) Following receipt of Council's notice of determination, an applicant, within 28 days of the date of the determination, may request Council to review that determination.

The review of the determination will be carried out:

- if the determination was made by a delegate of Council – by the Council or another delegate of the Council who is not sub-ordinate to the delegate who made the determination.
- If the determination was made by the Council – By the Council.

3.3 Objection To Regulations And Local Policies

Section 82 of the Local Government Act, 1993 provides that an applicant for approval may lodge an objection:-

- (a) The regulations or a local policy does not make appropriate provision with respect to the activity for which approval is sought; or
- (b) That compliance with any provision of the regulations or local approvals policy is unreasonable or unnecessary in the particular circumstances of the case.

Objections to matters contained in this Local Approvals Policy may be considered by the General Manager, however, objections to the regulations must be firstly considered valid by the Council and then concurrence obtained from the Director General of the Department of Local Government.

FEES AND CHARGES

- (i) **Applications for Building Work** – Fees shall be determined in accordance with Section 10 of the Local Government (Approvals) Regulations.
- (ii) **Applications for other Activities** – Fees for activities listed in Part 1, other than for Building Works, shall be as indicated in the Schedule of Fees and Charges adopted by Council's Annual Operating Plan and Budget for the relevant financial year.

3.4 Determination Of Applications Lodged Which Are Unclear, Illegible Or Do Not Contain Adequate Information

Where an application is received and there is sufficient information or the plans are not sufficiently legible to enable proper consideration:-

- The applicant will be advised in writing that consideration of the application has been deferred pending receipt of specified information and that;
- If the information is not received within forty (40) days the application will be determined as being refused for the reason that there is insufficient information to enable proper consideration.

3.5 Water Supply Work – Private Supply

Approval of Council is not required to carry out water supply work connected to a private bore, private water storage tank, creek or dam.

Pipework connected to Council's reticulated supply must be separate pipework to that connected to a private supply. No interconnections between services will be permitted.

3.6 Enforcement Policy

Persons detected carrying out an activity for which approval is required shall be liable to prosecution under the relevant section of the Local Government Act and may also be liable where the activity is the erection of a structure for that structure to be ordered to be demolished.

The Planning and Development Services Manager shall present a full report to Council concerning each detection and Council shall decide what action is to be taken.

References

- Local Government Act 1993 – particularly Chapter 7.
- Local Government (Approvals) Regulation 1993.
- Local Government (Water, Sewerage and Drainage) Regulation 1993.
- Narrabri LEP 1992 (as amended).

- Narrabri LEP No. 2 1986 Town of Narrabri (as amended).
- Narrabri LEP No. 5 1988 Town of Boggabri (as amended).
- Various Development Control Plans adopted by the Council and as identified in Part 2 of the Policy.

Measure of Success

- To keep current the guidelines by ongoing review and advice to Council of issues that impact upon the policy operation.
- To have maintained the clear delineation and have made known that policy.
- Achieved by policy on Council's Website and available at Council's office for personal inspection.
- To provide opportunity for public participation in the approval process.
- Achieved by policy on Council's website and having the minutes available at Council offices.
- To have communicated any changes to guidelines in a timely manner.
- Proportion of applications that need revision on the basis of different (to Council) interpretations of Council guidelines.

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
147/96	20 February 1996	Adopted
26/2012	21 February 2012	Reviewed
607/2013	3 September 2013	Reviewed