

**Broken Hill City Council - to permit an animal pound facility at Broken Hill Airport being Lot 1 DP 1162606, Airport Road Broken Hill**

|                    |                                                                                                                                       |               |            |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|
| Proposal Title :   | Broken Hill City Council - to permit an animal pound facility at Broken Hill Airport being Lot 1 DP 1162606, Airport Road Broken Hill |               |            |
| Proposal Summary : | Amend the Broken Hill Local Environmental Plan 2013 to permit a Council animal pound facility at the Broken Hill Airport              |               |            |
| PP Number :        | PP_2016_BROKE_001_00                                                                                                                  | Dop File No : | 16/11867-1 |

**Proposal Details**

|                                   |               |                      |                          |
|-----------------------------------|---------------|----------------------|--------------------------|
| Date Planning Proposal Received : | 09-Sep-2016   | LGA covered :        | Broken Hill              |
| Region :                          | Western       | RPA :                | Broken Hill City Council |
| State Electorate :                | BARWON        | Section of the Act : | 55 - Planning Proposal   |
| LEP Type :                        | Spot Rezoning |                      |                          |

**Location Details**

|               |                  |            |             |
|---------------|------------------|------------|-------------|
| Street :      | Airport Road     |            |             |
| Suburb :      | Broken Hill      | City :     | Broken Hill |
| Land Parcel : | Lot 1 DP 1162606 | Postcode : | 2880        |

**DoP Planning Officer Contact Details**

|                  |                                     |
|------------------|-------------------------------------|
| Contact Name :   | Tim Collins                         |
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**RPA Contact Details**

|                  |                                       |
|------------------|---------------------------------------|
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**DoP Project Manager Contact Details**

|                  |                                   |
|------------------|-----------------------------------|
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**Land Release Data**

|                                    |     |                            |     |
|------------------------------------|-----|----------------------------|-----|
| Growth Centre :                    | N/A | Release Area Name :        | N/A |
| Regional / Sub Regional Strategy : | N/A | Consistent with Strategy : | N/A |

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|                        |             |                                                      |            |
|------------------------|-------------|------------------------------------------------------|------------|
| MDP Number :           |             | Date of Release :                                    |            |
| Area of Release (Ha) : | <b>0.00</b> | Type of Release (eg Residential / Employment land) : | <b>N/A</b> |
| No. of Lots :          | <b>0</b>    | No. of Dwellings (where relevant) :                  | <b>0</b>   |
| Gross Floor Area :     | <b>0</b>    | No of Jobs Created :                                 | <b>0</b>   |

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

**Proposal can be supported given the site is suitable to support the proposed animal pound facility and the existing airport uses and activities will not be negatively impacted on by the operation of this proposed facility. The site is suitable from a noise impact point of view given the distance between the proposed site and the closest adjoining residential area as well as being located on a site that by nature of the activities being carried out produces some significant levels of noise.**

**An Additional permitted use is the most appropriate method in this instance to allow for the proposed development permissibly. (For example refer to Port Macquarie- Hastings LEP 2011 Item 5 Schedule 1)**

**Animal Pound Facilities are not specifically defined in the Standard Instrument LEP Council seeks to clarify that the use is permissible on this land.**

External Supporting Notes :

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly states the intent of the planning proposal is to allow for an animal pound facility.**

#### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The intent of the planning proposal is proposed to be achieved by amending the Broken Hill Local Environmental Plan 2013 to include an Additional Permitted Use on 1 DP 1162606, Airport Road, Broken Hill. This is achieved by amending the Additional Permitted Use map and Schedule 1 of the Broken Hill LEP.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **3.5 Development Near Licensed Aerodromes**

\* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **The planning proposal is generally consistent with all relevant State Environmental Policies and S117 Ministerial Directions.**

**3.5 Development near Licensed Aerodromes - The proposal is not inconsistent with with this ministerial direction. The proposed use is proposed to be located amongst existing structures and buildings. It will be single story development and there will be no impact on the Obstacle Limitation Surface.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Adequate land identification maps have been provided which will suffice for public exhibition purposes. The Gateway determination will be conditioned to require formal LEP maps to be produced in accordance with the technical standards with the s59 submission.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. Council intends to publicly exhibit the planning proposal for a period of 14 days.**

**Council proposes community consultation that will include notification in the local newspaper and notification letters to surrounding neighbouring leaseholders and land owners. This is adequate.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal is adequate in the information provided.**

## Proposal Assessment

### Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP : **Broken Hill LEP 2013 was notified on 30 August 2013**

### Assessment Criteria

|                                                 |                                                                                                                                                                                                                                                                          |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Need for planning proposal :                    | <b>To achieve the proposed outcome a planning proposal is required. It is agreed that the proposed additional permitted use is the best mechanism to achieve the outcome in this case.</b>                                                                               |
| Consistency with strategic planning framework : | <b>The proposal is not inconsistent with the endorsed Broken Hill Strategic Land Use Plan dated September 2012. The proposed amendment will retain zone SP1 Special Activities and permit the additional permitted use as an Animal Pound Facility on this site.</b>     |
| Environmental social economic impacts :         | <b>The environmental, social and economic impacts are site specific development application considerations. The proposal will utilise an existing Council owned compatible site.<br/>There are no significant environmental, social or economic outcomes identified.</b> |

### Assessment Process

|                                            |                 |                                 |                |
|--------------------------------------------|-----------------|---------------------------------|----------------|
| Proposal type :                            | <b>Minor</b>    | Community Consultation Period : | <b>14 Days</b> |
| Timeframe to make LEP :                    | <b>6 months</b> | Delegation :                    | <b>RPA</b>     |
| Public Authority Consultation - 56(2)(d) : |                 |                                 |                |

|                                        |            |
|----------------------------------------|------------|
| Is Public Hearing by the PAC required? | <b>No</b>  |
| (2)(a) Should the matter proceed ?     | <b>Yes</b> |

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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**Documents**

Document File Name

DocumentType Name

Is Public

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.5 Development Near Licensed Aerodromes**

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:**

(a) The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

No consultation is required with agencies.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. Prior to the submission of the planning proposal under section 59 of the EP&A Act the final LEP Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for datasets and maps".

4. The planning proposal is to be finalised within 6 months of the Gateway Determination date.

Supporting Reasons : Council has provided justification that the site is suited to the proposed development. The additional permitted use is the best mechanism to achieve the proposed outcome. The Director Regions, Western can use delegation in this instance as the proposal is consistent with the surrounding land use and is a one off proposal which should provide a positive impact on the local community in terms of employment and animal welfare.

Signature:



Printed Name:

Tim Collins

Date:

16/9/2016

Endorsed  
WGammey  
TLWR  
14/9/16