

# Broken Hill Local Environmental Plan 2013

[2013-506]



New South Wales

## Status Information

### Currency of version

Current version for 10 November 2023 to date (accessed 8 February 2025 at 15:37)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 November 2023

# Broken Hill Local Environmental Plan 2013



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	6
1.1 Name of Plan .....	6
1.1AA Commencement.....	6
1.2 Aims of Plan.....	6
1.3 Land to which Plan applies .....	7
1.4 Definitions .....	7
1.5 Notes .....	7
1.6 Consent authority .....	7
1.7 Maps.....	7
1.8 Repeal of planning instruments applying to land .....	8
1.8A Savings provision relating to development applications .....	8
1.9 Application of SEPPs .....	8
1.9A Suspension of covenants, agreements and instruments .....	8
<b>Part 2 Permitted or prohibited development</b> .....	9
2.1 Land use zones.....	9
2.2 Zoning of land to which Plan applies .....	10
2.3 Zone objectives and Land Use Table.....	10
2.4 Unzoned land.....	11
2.5 Additional permitted uses for particular land .....	11
2.6 Subdivision—consent requirements .....	11
2.7 Demolition requires development consent .....	12
2.8 Temporary use of land .....	12
2.9 Canal estate development prohibited .....	12

<b>Land Use Table</b> .....	13
Note.....	13
Zone RU2 Rural Landscape.....	13
Zone R1 General Residential .....	14
Zone E1 Local Centre.....	15
Zone E4 General Industrial .....	16
Zone MU1 Mixed Use .....	17
Zone SP1 Special Activities.....	18
Zone SP2 Infrastructure.....	19
Zone SP3 Tourist.....	19
Zone RE1 Public Recreation .....	20
Zone RE2 Private Recreation .....	20
Zone C2 Environmental Conservation .....	21
Zone C4 Environmental Living.....	22
<b>Part 3 Exempt and complying development</b> .....	22
3.1 Exempt development .....	22
3.2 Complying development.....	23
3.3 Environmentally sensitive areas excluded.....	24
<b>Part 4 Principal development standards</b> .....	25
4.1 Minimum subdivision lot size.....	25
4.1AA Minimum subdivision lot size for community title schemes .....	26
4.2 Rural subdivision .....	26
4.2A Erection of dual occupancies, dwelling houses and secondary dwellings on land in certain rural and conservation zones .....	26
4.3 Height of buildings .....	28
4.4 Floor space ratio.....	28
4.5 Calculation of floor space ratio and site area .....	28
4.6 Exceptions to development standards .....	28
<b>Part 5 Miscellaneous provisions</b> .....	30
5.1 Relevant acquisition authority.....	30
5.2 Classification and reclassification of public land.....	31

5.3 Development near zone boundaries.....	31
5.4 Controls relating to miscellaneous permissible uses .....	32
5.5 Controls relating to secondary dwellings on land in a rural zone .....	34
5.6 Architectural roof features.....	34
5.7 Development below mean high water mark.....	34
5.8 Conversion of fire alarms.....	34
5.9 Dwelling house or secondary dwelling affected by natural disaster .....	35
5.9AA (Repealed).....	35
5.10 Heritage conservation .....	35
5.11 Bush fire hazard reduction.....	38
5.12 Infrastructure development and use of existing buildings of the Crown.....	38
5.13 Eco-tourist facilities .....	38
5.14 Siding Spring Observatory—maintaining dark sky.....	40
5.15 Defence communications facility.....	40
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones .....	40
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations .....	41
5.18 Intensive livestock agriculture.....	41
5.19 Pond-based, tank-based and oyster aquaculture.....	43
5.20 Standards that cannot be used to refuse consent—playing and performing music.....	45
5.21 Flood planning .....	46
5.22 Special flood considerations .....	47
5.23 Public bushland .....	47
5.24 Farm stay accommodation .....	47
5.25 Farm gate premises .....	47
<b>Part 6 Additional local provisions.....</b>	<b>47</b>
6.1 Earthworks .....	47
6.2 Essential services .....	48
6.3 Airspace operations .....	49
6.4 Location of sex services premises .....	49
<b>Schedule 1 Additional permitted uses.....</b>	<b>50</b>

<b>Schedule 2 Exempt development</b> .....	51
<b>Schedule 3 Complying development</b> .....	52
<b>Schedule 4 Classification and reclassification of public land</b> .....	52
<b>Schedule 5 Environmental heritage</b> .....	53
<b>Schedule 6 Pond-based and tank-based aquaculture</b> .....	79
<b>Dictionary</b> .....	81

# Broken Hill Local Environmental Plan 2013



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Broken Hill Local Environmental Plan 2013*.

#### 1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Broken Hill in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to encourage sustainable economic growth and development in Broken Hill,
  - (b) to encourage and provide opportunities for local employment growth, and the retention of the population, in Broken Hill,
  - (c) to encourage the retention of mining and acknowledge that industry's heritage and regional significance,
  - (d) to identify, protect, conserve and enhance Broken Hill's natural assets,
  - (e) to identify and protect Broken Hill's built and nationally significant cultural heritage assets for future generations,
  - (f) to provide for a range of housing types and living opportunities,
  - (g) to allow for the equitable provision of services and facilities for the community,
  - (h) to provide for future tourist and visitor accommodation in a sustainable manner

that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.

### **1.3 Land to which Plan applies**

This Plan applies to the land identified on the [Land Application Map](#).

### **1.4 Definitions**

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### **1.5 Notes**

Notes in this Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

#### **Note—**

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

## **1.8 Repeal of planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note—**

The following local environmental plans are repealed under this provision—

*Broken Hill Local Environmental Plan 1996*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

### **1.8A Savings provision relating to development applications**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note—**

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

## **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or



- (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

#### **Rural Zones**

RU2 Rural Landscape

#### **Residential Zones**

R1 General Residential

#### **Employment Zones**

E1 Local Centre

E4 General Industrial

#### **Mixed Use Zones**

MU1 Mixed Use

#### **Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

### **Conservation Zones**

C2 Environmental Conservation

C4 Environmental Living

## **2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

## **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

### **Notes—**

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

## 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes—

**1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

**2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

### Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

### Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 104 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## 2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
  - (a) a constructed canal, or other waterway or waterbody, that—

- (i) is inundated by surface water or groundwater movement, or
  - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
- (b) the erection of a dwelling, and
- (c) one or both of the following—
  - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
  - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
  - (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
  - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

**flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

## Zone RU2 Rural Landscape

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations; Roads

## **3 Permitted with consent**

Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Veterinary hospitals; Water recreation structures; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone R1 General Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### **2 Permitted without consent**

Environmental protection works; Home occupations; Roads

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

## **Zone E1 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.

- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

## **2 Permitted without consent**

Environmental protection works; Home businesses; Home industries; Home occupations; Roads

## **3 Permitted with consent**

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Cemeteries; Correctional centres; Crematoria; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities

## **Zone E4 General Industrial**

### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.



- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

## **2 Permitted without consent**

Building identification signs; Business identification signs; Environmental protection works; Roads

## **3 Permitted with consent**

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Wharf or boating facilities

### **Zone MU1 Mixed Use**

#### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within

adjoining zones.

- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

## **2 Permitted without consent**

Environmental protection works; Home businesses; Home industries; Home occupations; Roads

## **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wharf or boating facilities

### **Zone SP1 Special Activities**

#### **1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of

the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

**2 Permitted without consent**

Roads

**3 Permitted with consent**

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone SP3 Tourist**

**1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate and recognise existing tourist facilities within the mining area of Broken Hill.

## **2 Permitted without consent**

Environmental protection works; Roads

## **3 Permitted with consent**

Aquaculture; Community facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Information and education facilities; Shops; Tourist and visitor accommodation

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### **2 Permitted without consent**

Environmental protection works; Roads

#### **3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Heliports; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recycling facilities; Water supply systems

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land

uses.

- To protect and enhance the natural environment for recreational purposes.

## **2 Permitted without consent**

Environmental protection works; Roads

## **3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To promote the preservation, conservation and enhancement of major landscape features and native fauna and flora in Broken Hill.

#### **2 Permitted without consent**

Environmental protection works; Roads

#### **3 Permitted with consent**

Building identification signs; Business identification signs; Camping grounds; Community facilities; Eco-tourist facilities; Environmental facilities; Extensive agriculture; Information and education facilities; Oyster aquaculture; Recreation areas; Research stations; Water recycling facilities; Water supply systems

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone C4 Environmental Living**

#### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

#### **2 Permitted without consent**

Environmental protection works; Home occupations

#### **3 Permitted with consent**

Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Kiosks; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture; Water recycling facilities; Water supply systems

#### **4 Prohibited**

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Water treatment facilities; Any other development not specified in item 2 or 3

## **Part 3 Exempt and complying development**

### **3.1 Exempt development**

- (1) The objective of this clause is to identify development of minimal environmental

impact as exempt development.

- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if—
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must—
  - (a) be installed in accordance with the manufacturer’s specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2 and the [Local Land Services Act 2013](#), Part 5A.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### **3.2 Complying development**

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—

- (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,
- is complying development.

**Note—**

See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must—
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### **3.3 Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,



- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows—
  - (a) to ensure that the subdivision of land occurs in a manner that promotes suitable land use and development,
  - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls,
  - (d) to ensure that subdivision does not have inappropriate impacts on the natural environment.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
  - (b) by any kind of subdivision under the *Community Land Development Act 2021*.

#### **4.1AA Minimum subdivision lot size for community title schemes**

[Not adopted]

#### **4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

#### **4.2A Erection of dual occupancies, dwelling houses and secondary dwellings on land in certain rural and conservation zones**

- (1) The objectives of this clause are as follows—
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dual occupancies, dwelling houses and secondary dwellings in rural and conservation zones.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU2 Rural Landscape,

- (b) Zone C2 Environmental Conservation,
  - (c) Zone C4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dual occupancy, dwelling house or secondary dwelling on land to which this clause applies unless the land—
- (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
  - (b) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dual occupancy, dwelling house or secondary dwelling was permissible immediately before that commencement, or
  - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dual occupancy, dwelling house or secondary dwelling would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless—
- (a) no dual occupancy, dwelling house or secondary dwelling has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dual occupancy, dwelling house or secondary dwelling on the land—the application has been refused or was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or has lapsed.

(5) Development consent may be granted for the erection of a dual occupancy, dwelling house or secondary dwelling on land to which this clause applies if there is a lawfully erected dual occupancy, dwelling house or secondary dwelling on the land and the dual occupancy, dwelling house or secondary dwelling to be erected is intended only to replace the existing dual occupancy, dwelling house or secondary dwelling.

(6) In this clause—

**existing holding** means land that—

(a) was a holding on 28 February 1997, and

(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since 28 February 1997, and includes any other land adjoining that land acquired by the owner since 28 February 1997.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.

**Note—**

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

#### **4.3 Height of buildings**

[Not adopted]

#### **4.4 Floor space ratio**

[Not adopted]

#### **4.5 Calculation of floor space ratio and site area**

[Not adopted]

#### **4.6 Exceptions to development standards**

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this

or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

**Note—**

When this Plan was made it did not include all of these zones.

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

## 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note—**

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

## 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary

would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) This clause does not apply to—
  - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.

**Note—**

When this Plan was made it did not include all of these zones.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### **5.4 Controls relating to miscellaneous permissible uses**

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 100 square metres of floor area.



- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 100 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 50% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 4 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 100 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
- (a) 60 square metres,
  - (b) 50% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 50% of the gross floor area of the industry, or
  - (b) 400 square metres,

whichever is the lesser.

### **5.5 Controls relating to secondary dwellings on land in a rural zone**

[Not adopted]

### **5.6 Architectural roof features**

[Not adopted]

### **5.7 Development below mean high water mark**

[Not applicable]

### **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

***private service provider*** means a person or body that has entered into an

agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## **5.9 Dwelling house or secondary dwelling affected by natural disaster**

[Not adopted]

### **5.9AA (Repealed)**

## **5.10 Heritage conservation**

### **Note—**

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Broken Hill,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent** Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or

- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
  - (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
  - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
  - (b) take into consideration any response received from the Heritage Council within 28

days after the notice is sent.

- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
  - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
  - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
  - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
  - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

**Note—**

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows—

- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
  - (j) the development will not adversely affect the agricultural productivity of adjoining land, and

- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

**5.15 Defence communications facility**

[Not adopted]

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone C2 Environmental Conservation,
  - (h) Zone C3 Environmental Management,
  - (i) Zone C4 Environmental Living.



- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
  - (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

#### **5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

#### **5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are—
  - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
  - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other

- land uses within the vicinity of the site,
- (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
    - (vi) for a poultry farm not used for breeding poultry—
      - (A) within 5km of a poultry farm used for breeding poultry, or
      - (B) within 1km of a poultry farm not used for breeding poultry, or
    - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,

- (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

***environmentally sensitive area*** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

***residential zone*** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

#### **5.19 Pond-based, tank-based and oyster aquaculture**

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
  - (b) in the case of—

- (i) pond-based aquaculture in Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
  - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**

Development for the purpose of oyster aquaculture may be carried out without development consent—

- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

**5.20 Standards that cannot be used to refuse consent—playing and performing music**

(1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—

- (a) the playing or performance of music, including the following—
  - (i) the genre of music played or performed, or
  - (ii) whether the music played or performed is live or amplified, or
  - (iii) whether the music played or performed is original music, or
  - (iv) the number of musicians or live entertainment acts playing or performing, or
  - (v) the type of instruments played,
- (b) whether dancing occurs,
- (c) the presence or use of a dance floor or another area ordinarily used for dancing,
- (d) the direction in which a stage for players or performers faces,

(e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.

(2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the *Liquor Act 2007*.

### 5.21 Flood planning

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

(a) is compatible with the flood function and behaviour on the land, and

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the *Flood Risk Management Manual*.

***Flood Risk Management Manual*** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## 5.22 Special flood considerations

[Not adopted]

## 5.23 Public bushland

[Not adopted]

## 5.24 Farm stay accommodation

[Not adopted]

## 5.25 Farm gate premises

[Not adopted]

# Part 6 Additional local provisions

## 6.1 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding

land.

- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

## **6.2 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,



- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

### 6.3 Airspace operations

- (1) The objectives of this clause are as follows—
  - (a) to provide for the effective and ongoing operation of the Broken Hill Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that—
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.
- (5) In this clause—

**Limitation or Operations Surface** means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Broken Hill Airport.

**relevant Commonwealth body** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Broken Hill Airport.

### 6.4 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of

sex services premises, the consent authority must consider the following—

- (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
  - (i) in Zone R1 General Residential, Zone E1 Local Centre, Zone MU1 Mixed Use, Zone RE1 Public Recreation or Zone RE2 Private Recreation, or
  - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
- (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—
  - (i) that adjoins the proposed development, or
  - (ii) that can be viewed from the proposed development, or
  - (iii) from which a person can view the proposed development.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land that is used for the purpose of information and education facilities (being art galleries) in Zone R1**

- (1) This clause applies to land in Zone R1 General Residential that is used for the purpose of information and education facilities (being art galleries).
- (2) Development for the purpose of retail premises associated with art galleries is permitted with development consent.

### **2 Use of certain land at 39 Morgan Street, Broken Hill**

- (1) This clause applies to land at 39 Morgan Street, Broken Hill, being Lots 954 and 4233, DP 757298 and identified as “1” on the [Additional Permitted Uses Map](#).
- (2) Development for the purpose of a funeral home is permitted with development consent.

### **3 Use of certain land at Airport Road, Broken Hill**

- (1) This clause applies to land at Airport Road, Broken Hill, being Lot 1, DP 1162606 and identified as “2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of an animal pound is permitted with development consent.
- (3) In this clause, **animal pound** means a building or place owned or controlled by a

public authority or non-profit community organisation that is used for the keeping or caring of animals (other than for the agistment of horses), and includes any associated ancillary veterinary hospital.

## Schedule 2 Exempt development

(Clause 3.1)

### Note 1—

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

### Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### Advertisements and advertising structures

- (1) Content must relate to lawful use of premises on which sign is located.
- (2) If located on land in a residential zone, must not be illuminated.
- (3) Maximum area—
  - (a) if located on land in Zone RU2, R1 or C4—0.75m<sup>2</sup>, or
  - (b) if located on land in Zone E1 or MU1—15% of the front elevation of the building on which it is displayed, or
  - (c) if located on land in Zone E4—5m<sup>2</sup>, or
  - (d) if located on land in any other zone—2.5m<sup>2</sup>.
- (4) Maximum height (signs other than under awning signs above public roads)—
  - (a) 3m above ground level (existing), or
  - (b) the height of the underside of any awning,whichever is the greater.
- (5) Minimum clearance for under awning signs above public roads—2.7m above ground level (existing).
- (6) **Internal signs** Must not be visible from outside the site on which it is located.

### Real estate signs advertising sale or lease of premises

- (1) Maximum area—

- (a) 2.5m<sup>2</sup> on land in a conservation zone, or
  - (b) 4m<sup>2</sup> on land in any other zone.
- (2) Must not be displayed for longer than 14 days after the date of sale or lease of the premises.
- (3) Maximum 2 signs per premises.

### **Signs behind glass line of shop window**

If located on land in a residential zone, must not be illuminated.

## **Schedule 3 Complying development**

(Clause 3.2)

### **Note—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

## **Part 1 Types of development**

(When this Plan was made this Part was blank)

## **Part 2 Complying development certificate conditions**

### **Note—**

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### **General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## **Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

### **Part 1 Land classified, or reclassified, as operational land—no interests changed**

#### **Column 1**

#### **Column 2**

#### **Locality**

#### **Description**

Nil

## Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Nil

## Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Nil

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Locality	Item name	Address	Property description	Significance	Item no
Broken Hill	BHP Chimney Ruins of First Offices			State	I14
Broken Hill	BHP North Slag Dump			Local	I15
Broken Hill	British Flats—Proprietary Square			Local	I21
Broken Hill	Duke of Cornwall Park	40 Argent Street	Lot 1, DP 806392	Local	I52
Broken Hill	Broken Hill Munitions Annex (former)	60 Argent Street	Lot 2, DP 581200	Local	I27
Broken Hill	Daydream Hotel (former)	75-77 Argent Street	Part Lot 910, DP 612065	Local	I50
Broken Hill	Duke of Cornwall Hotel (former)	76 Argent Street	Lot 1, DP 1143025	Local	I51
Broken Hill	Shop	79-85 Argent Street	Lot 1, Section 41, DP 759092	Local	I134
Broken Hill	Shop and dwelling	94-96 Argent Street	Lot 14, Section 33, DP 759092	Local	I158

Broken Hill	Barrier Lodging House	98 Argent Street	Lot 15, Section 33, DP 759092	Local	I11
Broken Hill	Tourist Lodge	100-118 Argent Street	Lot 2, DP 917460; Lot 1, DP 132359; Lot 1, DP 929313; Lots A and B, DP 911807	Local	I219
Broken Hill	Shop	105-117 Argent Street	Lot 4, Section 41, DP 759092; Lots 1 and 2, DP 347702; Lots 3 and 4, DP 347702	Local	I135
Broken Hill	Nicholls Building—Lifeline Shop	119-127 Argent Street	Lot 6, Section 41, DP 759092	Local	I95
Broken Hill	Shop	129 Argent Street	Lot 22, Section 41, DP 759092	Local	I136
Broken Hill	Shop—Schinella's	135-143 Argent Street	Lots A and B, DP 414771	Local	I157
Broken Hill	Silver Spade Hotel (former Criterion Hotel)	157 Argent Street	Lot 10, Section 41, DP 759092	Local	I191
Broken Hill	Shop—former Nestle Warehouse (Nestle formerly at 22 Delamore Street)	158-162 Argent Street	Lots 1 and 2, DP 326168	Local	I163
Broken Hill	Shop	163 Argent Street	Lot 1, DP 316655	Local	I137
Broken Hill	Shop	164 Argent Street	Lot A, DP 312457	Local	I131
Broken Hill	Shops—Spicer's Office Choice and Lawrence Auto and Industrial Supplies	166-170 Argent Street	Lots B and C, DP 312457; Lot 1, DP 507633	Local	I166
Broken Hill	Shop—MQP Investments	176-178 Argent Street	Lot 178, DP 883796	Local	I164
Broken Hill	Shops	177-181 Argent Street	Lot 1, DP 309064; Lot 1, DP 1081226	Local	I180
Broken Hill	Shops	182-188 Argent Street	Lot 184, DP 840622; Lot C, DP 399853	Local	I168
Broken Hill	National Parks and Wildlife Regional Office	183 Argent Street	Lot A, DP 367428	Local	I107

Broken Hill	Shops	185-193 Argent Street	Lot B, DP 367428; Lots 1 and 2, DP 101844; Lot 21, Section 42, DP 759092	Local	I170
Broken Hill	Shop	190 Argent Street	Lot 15, DP 660306	Local	I132
Broken Hill	Shop - BH Lifeline	194-196 Argent Street	Lot 1, DP 919500	Local	I161
Broken Hill	Shop	195 Argent Street	Lot 1, DP 120570	Local	I138
Broken Hill	Shop - Hobbies and Electronics	197-199 Argent Street	Lot 1, DP 911258; Lot 1, DP 950227	Local	I154
Broken Hill	Shops—Café Lanás and Parisian Dry Cleaners	198-200 Argent Street	Lots A and B, DP 396977	Local	I165
Broken Hill	Shops	201-205 Argent Street	Lot 1, DP 332854; Lot A, DP 399791	Local	I171
Broken Hill	Shop (former); part of Barrier Social Democratic Club Complex	202 Argent Street	Part Lot 218, DP 1133113	Local	I144
Broken Hill	Barrier Social Democratic Club	204-218 Argent Street	Lot 218, DP 1133113	Local	I12
Broken Hill	Shop	207-213 Argent Street	Lot B, DP 399791; Lot 1, DP 306593	Local	I142
Broken Hill	AMP Building (former)	217 Argent Street	Lot 1, DP 911588	Local	I3
Broken Hill	Shop	221 Argent Street	Lot 2, DP 911588	Local	I139
Broken Hill	Palace Hotel	227 Argent Street	Lot 10, Section 42, DP 759092	State	I105
Broken Hill	Pizza Hut and cafe at 23-25 Sulphide Street (former Dryens)	228-232 Argent Street	Lot 1, DP 216889	Local	I153
Broken Hill	Argent House	229 Argent Street	Lot 11, DP 1017597	Local	I7
Broken Hill	Shops	231-235 Argent Street	Lot 2, DP 603222; Lot 3, DP 603222	Local	I172
Broken Hill	War Memorial Statue	234 Argent Street	Lot 14, Section 35, DP 759092	Local	I225
Broken Hill	Courthouse	236-240 Argent Street	Lot 51, DP 1126241	Local	I46

Broken Hill	Carrington Hall and Chambers	237-247 Argent Street	Lot 237, DP 773066	Local	I39
Broken Hill	Technical College	248 Argent Street	Lot 19, DP 581201	Local	I212
Broken Hill	Shops	249-281 Argent Street	Lots A and B, DP 380626; Lot 4, Section 43, DP 759092; Lot 1, DP 133586; Lot 1, DP 910945; Lots A and B, DP 389207; Lot 1, DP 1091902; Lots 1-4, DP 432686	Local	I173
Broken Hill	Police Station	252 Argent Street	Lot 3, Section 35, DP 759092	Local	I113
Broken Hill	Town Hall facade	256 Argent Street	Lot 51, DP 1014146	Local	I220
Broken Hill	Broken Hill Post Office	258-260 Argent Street	Lot 1, DP 776313	State	I28
Broken Hill	Pirie Building	283-295 Argent Street	Lots 121 and 122, DP 879854	Local	I110
Broken Hill	Shops	303-309 Argent Street	Lot 1, DP 215962	Local	I174
Broken Hill	Grand Private Hotel	311 Argent Street	Lot 2, DP 215962	Local	I64
Broken Hill	Royal Exchange Hotel	320 Argent Street	Lot 11, Section 36, DP 759092; Lot 25, DP 1100087	Local	I122
Broken Hill	Shop	322 Argent Street	Lot 1, DP 970264	Local	I133
Broken Hill	Shop—Exchange Arcade	324-330 Argent Street	Lot 12 Section 36, DP 759092	Local	I162
Broken Hill	Wendt's Chambers	325 Argent Street	Lot 11, DP 1141416	Local	I228
Broken Hill	Shops	329-345 Argent Street	Lots A and B, DP 387550; Lot 1, DP 983648; Lots 1 and 2, DP 927979; Lot 1, DP 911769	Local	I175
Broken Hill	Shop	332-336 Argent Street	Lot 1, DP 1131287	Local	I149
Broken Hill	Shops	342-348 Argent Street	Lots A and B, DP 397722; Lots A and B, DP 373475	Local	I181
Broken Hill	Theatre Royal Hotel	347-349 Argent Street	Lots A and B, DP 390902	Local	I216



Broken Hill	Shops (former Royal Hotel)	350-354 Argent Street	Lot 16, Section 36, DP 759092	Local	I150
Broken Hill	Shops	351-355 Argent Street	Lots A, B and C, DP 378337	Local	I183
Broken Hill	Shops—City Centre	358-362 Argent Street	Lot 17, Section 36, DP 759092	Local	I188
Broken Hill	Shops	364-366 Argent Street	Lot 1, DP 132986; Lot 18, DP 660307	Local	I182
Broken Hill	Tattersalls House	373 Argent Street	Lot 7, Section 44, DP 759092	Local	I211
Broken Hill	Shop	374-376 Argent Street	Lot 19, DP 1102050	Local	I148
Broken Hill	Oriental Arcade (former)	375-381 Argent Street	Lot 1, DP 1090303	Local	I103
Broken Hill	Shops	378-382 Argent Street	Lots 1, 2 and 10, DP 1734	Local	I169
Broken Hill	Shops	383-389 Argent Street	Lot 1, DP 911548; Lot 1, DP 12529; Lot 1, DP 910669; Lot 9, DP 668644	Local	I176
Broken Hill	Shop	384-386 Argent Street	Lots 3 and 4, DP 17348	Local	I143
Broken Hill	Astra House (former hotel)	393 Argent Street	Lot 10, Section 44, DP 759092	Local	I8
Broken Hill	Restaurant	395-397 Argent Street	Lot B, DP 386517	Local	I156
Broken Hill	Shop - Broken Hill RSL Sub-Branch	399 Argent Street	Lot A, DP 386517	Local	I186
Broken Hill	Silver City Workingmen's Club	402 Argent Street	Lot 19, DP 757298; Lot 1, DP 1118474	Local	I189
Broken Hill	Broken Hill Regional Art Gallery (former Walter Sully Emporium)	404-408 Argent Street	Lots 1 and 2, DP 34632; Lots 81 and 1818, DP 757298; Lot 1, DP 918729	State	I224
Broken Hill	Shops (2 lots)	405-409 Argent Street	Lot 1, DP 911469; Lot 513, DP 757298	Local	I184
Broken Hill	Offices (2 lots)	411-413 Argent Street	Lot 1, DP 350045; Lot A, DP 389827	Local	I99
Broken Hill	Shop	415 Argent Street	Lot B, DP 389827	Local	I145
Broken Hill	Shop	419 Argent Street	Lot 515, DP 757298	Local	I146

Broken Hill	Shop	423-425 Argent Street	Lot 516, DP 757298	Local	I147
Broken Hill	Silver King Hotel (former)	428 Argent Street	Lot B, DP 419991	Local	I190
Broken Hill	Shops and clubrooms	431-435 Argent Street	Lots 199, 1880 and 1891, DP 757298	Local	I187
Broken Hill	Old Willyama Hotel	464 Argent Street	Lot 1, DP 623898	Local	I102
Broken Hill	Junction Hotel	560 Argent Street	Part Lot 560, DP 1008015	Local	I83
Broken Hill	Sturt Park	Beryl, Chloride, Sulphide and Wolfram Streets	Lots 701-703, DP 1096296; Crown Plan 89-3017	Local	I208
Broken Hill	Silverton Tramway Crossover and Gatehouse	Beryl and Oxide Streets (adjacent to 71 Oxide Street)	Part of Lot 5890, DP 241855	Local	I192
Broken Hill	Masonic Hotel (former)	172 Beryl Street	Lot A, DP 375962	Local	I88
Broken Hill	Broken Hill Ice and Produce Company (former)	174-178 Beryl Street	Lot B, DP 388589, Lots 1 and 2, DP 911529, Lot 1, DP 1130794	Local	I26
Broken Hill	Boarding house	97-99 Blende Street (off Bromide Street)	Lot 6, Section 33, DP 759092	Local	I19
Broken Hill	Black Lion Inn (former Federal Hotel)	159 Blende Street	Lot 301, DP 619290	Local	I17
Broken Hill	G.U.O.O.F. Hall (former)	161 Blende Street	Lot 3, Section 34, DP 759092	Local	I58
Broken Hill	Barrier Daily Truth Offices	179 Blende Street	Lot 1, DP 982600; Lots A and B, DP 318021	Local	I10
Broken Hill	Car park (former Barrier Miner site)	183 Blende Street	Lot 1, DP 610652	Local	I38
Broken Hill	Sulphide Street Station (Railway Museum)	230 Blende Street	Lot 1, DP 585181; Lot 1, DP 577108	Local	I209
Broken Hill	Broken Hill Water Board Offices (former)	231 Blende Street	Lot 16, Section 35, DP 759092	Local	I32
Broken Hill	Police residence	243 Blende Street	Lot 7, Section 35, DP 759092	Local	I112

Broken Hill	Trades Hall Trust	244 Blende Street	Lot 3, Section 61, DP 759092	Local	I121
Broken Hill	AMA Band Hall	246 Blende Street	Lot 4, Section 61, DP 759092	Local	I2
Broken Hill	Charles Rasp Memorial Library	249 Blende Street	Part Lot 52, DP 1014146	Local	I42
Broken Hill	Sturt Club	321 Blende Street	Lot 321, DP 1144680	Local	I207
Broken Hill	Retravision (former Pellew and Moore)	329-331 Blende Street	Lot 33, DP 867261	Local	I155
Broken Hill	Southstate Industrial Supplies	335-341 Blende Street	Lot 5, Section 36, DP 759092; Lots 1-3, DP 100491; Lots 1 and 3, DP 226358	Local	I152
Broken Hill	G.R. Wood & Sons & Co. (former) and Anchor Chambers	336-338 Blende Street	Lots 4 and 5, Section 60, DP 759092	Local	I59
Broken Hill	Warehouse (former)	346 Blende Street	Lot 8, Section 60, DP 759092	Local	I227
Broken Hill	Motor garage, warehouse and Everybody's Supermarket (former)	347 Blende Street	Lot A, DP 360744	Local	I93
Broken Hill	YWCA	349 Blende Street	Lot B, DP 360744	Local	I235
Broken Hill	Landmark (former Dalgety Building)	352 Blende Street	Lot 10, Section 60, DP 759092	Local	I85
Broken Hill	Shop and warehouse	410-416 Blende Street	Lots 1 and 2, DP 926046; Lot 525, DP 757298; Lot 1, DP 338450; Lot 1, DP 338448	Local	I167
Broken Hill	Elders	422-424 Blende Street	Lot 1, DP 806392	Local	I53
Broken Hill	Former Centennial Hotel and sheds to Beryl Street	426 Blende Street	Lots 1 and 3, DP 912170, Lot 1, DP 927702	Local	I55
Broken Hill	Gallery (former)	24 Bromide Street	Lot 32, DP 919327	Local	I61
Broken Hill	Kintore Headframe and Kintore Reserve	51 Bromide Street	Lot 5893, DP 241855	Local	I84

Broken Hill	Pig and Whistle Hotel	95 Bromide Street	Lot 20, Section 17, DP 759092	Local	I109
Broken Hill	Shop (No 96 Deli)	100 Bromide Street	Lot 3, DP 913712	Local	I151
Broken Hill	South Australian Brewing Company (former)	81 Buck Street	Lot 583, DP 1166939	Local	I195
Broken Hill	Broken Hill Baptist Church	466 Chapple Street	Lots 1-3, DP 913880; Lot 2, DP 206507	Local	I22
Broken Hill	Queen Elizabeth Park	601 Chapple Street	Land in Crown Plan 792-3015	Local	I114
Broken Hill	North Public School	619 Chapple Street	Lots 38, 3255 and 3267 and Part Lot 39, DP 757298	Local	I98
Broken Hill	House and shop	639-641 Chapple Street	Lot 4, DP 546048; Lots 1 and 2, DP 534851	Local	I159
Broken Hill	Charles Rasp Memorial	Chloride Street (near Broken Hill Community Credit Union)	Part Lot 12, Section 44, DP 759092	Local	I41
Broken Hill	Broken Hill Community Credit Union (former RSL)	2 Chloride Street	Lots 11-14 and 34, Section 44, DP 759092; Lots 1-3, DP 1099654; Lots A and B, DP 368005	Local	I115
Broken Hill	Wendt's Chambers	4 Chloride Street	Lot 12, DP 1141416	Local	I229
Broken Hill	Commonwealth Bank and Reserve Bank (former)	32-34 Chloride Street	Lot 1, DP 1092414; Lot 2, DP 234047	Local	I44
Broken Hill	Service station (former)	38 Chloride Street	Lot 1, DP 234047	Local	I130
Broken Hill	Caledonian Hotel (former)	140 Chloride Street	Lot 1971, DP 757298	Local	I37
Broken Hill	Thomas Bakery (former)	258-260 Chloride Street	Lot 1, DP 9709	Local	I217
Broken Hill	House and shop	320 Chloride Street	Lot 2, DP 325582	Local	I78
Broken Hill	House	69 Cobalt Street	Lot 8, DP 1082462; Lots 9 and 10, Section 25, DP 759092	Local	I70

Broken Hill	Wesley Church and Hall Group	198 Cobalt Street	Lot 198, DP 1162997	State	I230
Broken Hill	YMCA	319 Cobalt Street	Lot 1, Section 28, DP 759092	Local	I234
Broken Hill	Imperial Hotel (former)	397-399 Cobalt Street	Lot 1, DP 795700; Lot 1, DP 129247	Local	I81
Broken Hill	Broken Hill Railway Station and Yard Group	Crystal Street	Lots 1, 3 and 4, DP 1067380; Lot 1, DP 1011506	State	I49
Broken Hill	Sydney Railway Station (former)	Crystal Street (near Iodide Street)	Lot 4, DP 1007299	Local	I210
Broken Hill	Miners Arms Hotel (former)	82 Crystal Street	Lot 11, Section 41, DP 759092	Local	I89
Broken Hill	Boarding house	88 Crystal Street	Lot 13, DP 662308	Local	I18
Broken Hill	Italian Community Hall (former)	90 Crystal Street	Lot 2, DP 938888	Local	I82
Broken Hill	Crystal Hotel (former)	92 Crystal Street	Lots 14 and 15, Section 41, DP 759092	Local	I48
Broken Hill	House	98 Crystal Street	Lot 16, Section 41, DP 759092	Local	I69
Broken Hill	Boarding houses and dwellings	114-118 Crystal Street	Lot 23, Section 41, DP 759092, Lot 20, DP 665661, Lot 1, DP 950918	Local	I20
Broken Hill	Albert Kersten Mining and Minerals Museum (former Seppelts Warehouse and Bond Store)	160 Crystal Street	Lot 11, Section 42, DP 759092; Lot 2, DP 937339	State	I129
Broken Hill	House	328 Cummins Street	Lot 1558, DP 662798	Local	I73
Broken Hill	House	342 Cummins Street	Lot 2, DP 368594	Local	I72
Broken Hill	Accountant's Offices (former shop and Nestle Warehouse)	22 Delamore Street	Lot 2, DP 911034	Local	I160
Broken Hill	Radford House	136 Eyre Street	Lot 2, DP 809279	Local	I116

Broken Hill	Broken Hill City Council Film Studio Precinct (former Central Mine Assay Office and Central Power Station (CPS))	210-230 Eyre Street	Lots 7-10, DP 134676; Lot 1791, DP 757298; Lots 13, 14, 29 and 30, Section 26, DP 758018	Local	I415
Broken Hill	Broken Hill City Council Film Studio Precinct (former Central Mine Assay Office and Central Power Station)	210-230 Eyre Street	Lots 4-6, DP 134676; Lot 2230, DP 757298; Lots 11, 12, 21 and 23, Section 26, DP 758018; Lots 6436 and 6437 and Part Lot 6438, DP 1160016	Local	I416
Broken Hill	Horse trough	Galena Street (off Beryl Street)		Local	I67
Broken Hill	Galena Street Power Station (former)	80 Galena Street	Lot 1, DP 1007894	Local	I60
Broken Hill	House	15 Garnet Street	Lot 10, Section 39, DP 759092; Lot C, DP 341427	Local	I75
Broken Hill	Broken Hill High School (buildings), police house and teacher housing (2 units)	76 Garnet Street and 41 and 43 Wolfram Street	Lots 1, 2 and 4-6 and Part Lot 3, Section 16, DP 759092	Local	I24
Broken Hill	Sample rooms	330-332 Gawler Place	Lot 26, DP 665662; Lot 4, DP 927848	Local	I126
Broken Hill	Progressive Press (former)	336-338 Gawler Place	Lot 4, DP 100491; Lot 2, DP 226358	Local	I226
Broken Hill	G. & R. Wills & Co. Warehouse	342 Gawler Place	Part Lot 7, DP 665658	Local	I57
Broken Hill	Broken Hill Gaol	111 Gossan Street	Lot 2, Section 4, DP 759092	Local	I23
Broken Hill	A.J. Keast Park	64 Gypsum Street	Lot 6099, DP 46199	Local	I1
Broken Hill	Burke Ward Hall	72 Gypsum Street (part)	Part Lot 6098, DP 46199	Local	I34
Broken Hill	Hillside Post Office (former)	74 Gypsum Street	Lot 1, DP 91434	Local	I65

Broken Hill	Railwaytown shops (former Robert's Service Stores)	76-90 Gypsum Street (corner Wills Street)	Lots C-E, DP 421338; Lots 2-5, DP 229699	Local	I119
Broken Hill	Railwaytown Baptist Church (former)	116 Gypsum Street	Lot 2, DP 831639	Local	I117
Broken Hill	Former St Mary's Catholic Church and hall	145 and 145A Gypsum Street	Lots 3 and 4, DP 818163	Local	I201
Broken Hill	St Mary's Infants School (former)	145C Gypsum Street	Lot 1, DP 818163	Local	I202
Broken Hill	Silverton Tramway Water Tower remains	160A Harvy Street	Lot 19, DP 867528	Local	I194
Broken Hill	Alma Hotel	212 Hebbard Street	Lot 5, Section 23, DP 758018	Local	I6
Broken Hill	Terrace houses	122-132 Iodide Street	Lot B, DP 369684	Local	I213
Broken Hill	Old Broken Hill City Abattoir	41 Kanandah Road	Lot 7121, DP 1021655	Local	I100
Broken Hill	Reservoir-Mica Street Filtration Plant	199 Kaolin Street	Lot 2129, DP 757298; adjacent lands	Local	I120
Broken Hill	Sacred Heart Parish Primary School (former Marist Brothers College)	192 Lane Street	Lot 192, DP 773909	Local	I56
Broken Hill	Sacred Heart Cathedral	230 Lane Street	Lot 1, DP 924835	Local	I123
Broken Hill	St Joseph's Convent, Chapel and site (former)	232 Lane Street	Lot 52, DP 1089700	State	I200
Broken Hill	Hall (former Sacred Heart Church)	235 Lane Street (part)	Part Lot 473, DP 757298	Local	I124
Broken Hill	Bishop's House	235 Lane Street	Part Lots 1970, 473 and 474, DP 757298	Local	I16
Broken Hill	St Peters Anglican Church	335 Lane Street	Lot 1913, DP 757298; Lot 2, DP 965115	Local	I204
Broken Hill	School of the Air	586 Lane Street	Lots 3963 and 3964, DP 757298	Local	I127

Broken Hill	Gasworks Hotel (former)	213 Mercury Street	Lot 1, Section 2, DP 759092	Local	162
Broken Hill	Gladstone Hotel (former)	170 Morish Street	Lot 2, DP 812901	Local	163
Broken Hill	Nicholls Street Methodist Church and manse (former)	93 Nicholls Street (corner Cornish Street)	Part Lot 12, DP 873177	Local	196
Broken Hill	Railwaytown Methodist Church (former)	105 Nicholls Street	Lots 4591 and 4592, DP 757298	Local	1118
Broken Hill	Liberty House (former Masonic Club)	Oxide Street	Lot A, DP 401398	Local	186
Broken Hill	Wilcannia Club Hotel (former)	1 Oxide Street	Lot 25, Section 44, DP 759092	Local	168
Broken Hill	Crown Hotel (former)	2 Oxide Street	Lot 517, DP 757298; Lot 1, DP 339116	Local	147
Broken Hill	Motor garage and shop	3-7 Oxide Street	Lot 37, DP 109246	Local	192
Broken Hill	North Economy stores	8-10 Oxide Street	Lots 195 and 196, DP 757298; Part Lot 404, DP 702680	Local	197
Broken Hill	Shops	20-21 Oxide Street	Lot C, DP 386517	Local	1178
Broken Hill	West Darling Hotel	26-36 Oxide Street	Lots 510 and 511, DP 757298	Local	1231
Broken Hill	Shops	29-39 Oxide Street	Lots 5, 6 and 7, DP 17348; Lot 39, DP 1063619	Local	1177
Broken Hill	Masonic Centre	40 Oxide Street	Lot B, DP 401398	Local	187
Broken Hill	Silver City Cinema Complex	41-47 Oxide Street	Lot 3, DP 874178	Local	143
Broken Hill	Shop	55-57 Oxide Street	Lot 231, DP 788362	Local	1140
Broken Hill	Shop	71 Oxide Street	Lot 2, DP 347538	Local	1141
Broken Hill	Southern Cross Hotel	93 Oxide Street	Lots 9 and 10, Section 28, DP 759092	Local	1199
Broken Hill	Scout hall	132 Oxide Street	Lot 21, Section 11, DP 759092	Local	1128
Broken Hill	Old Royal Hotel	146 Oxide Street	Lot 482, DP 757298	Local	1101



Broken Hill	Mulga Hill Tavern	264 Oxide Street	Lots A and B, DP 917997; Lot D, DP 407811	Local	I94
Broken Hill	Miraga Day Care Centre (former Oxide Street Methodist Church)	265-271 Oxide Street	Lot 1, DP 943987; Lots 1 and 2, DP 930220	Local	I104
Broken Hill	Union Club Hotel (former)	93 Patton Street	Lot 1, Section 2, DP 758018	Local	I223
Broken Hill	Alma Cordials (former Mincham's Blacksmith Shop 1910-1939, Alma Bus Company Pty Ltd Depot 1939-1954, Broken Hill Beverages Pty Ltd later S.D.B. Pty Ltd (Coca Cola Storage Depot) 1954-1957 and Clem's Alma Cordial Factory 1957-1989)	122 Patton Street	Lot 1, DP 792599	Local	I5
Broken Hill	Baptist Church (former)	129 Patton Street	Lot 9, Section 2, DP 758018	Local	I9
Broken Hill	The Alma Institute	139 Patton Street	Lots 2, 5 and 7, Section 3, DP 758018	Local	I214
Broken Hill	Patton Street Park	147 Patton Street	Lots 1 and 2, DP 92452; Lot 6, Section 3, DP 758018	Local	I108
Broken Hill	South Fire Station	153 Patton Street	Lots 8 and 9, Section 3, DP 758018	Local	I197
Broken Hill	Broken Hill South Post Office (former)	155A Patton Street	Lot 2, DP 834913	Local	I29
Broken Hill	South Police Station (former)	157 Patton Street	Lot 12, DP 790269	Local	I198
Broken Hill	Bells Milk Bar	160-162 Patton Street	Lot 2, DP 912381	Local	I13
Broken Hill	South Broken Hill Hotel	211-215 Patton Street	Lot A, DP 381205	Local	I196

Broken Hill	White Jacaranda	226-228 Patton Street	Rear of Lots 7 and 22, Section 21, DP 758018	Local	I232
Broken Hill	All Saints Catholic Church (former)	89 Piper Street (corner Bonanza Street)	Lot 46, DP 825886	Local	I4
Broken Hill	St Anne's Nursing Home (former Central Mine Manager's Residence)	238 Piper Street (part)	Part Lot 223, DP 1158658	State	I418
Broken Hill	Broken Hill Regional Events Centre—Racecourse grandstands	220 Racecourse Road	Part Lot 6016, DP 46617	Local	I203
Broken Hill	Brookfield's grave and monument	72 Rakow Street		Local	I33
Broken Hill	Cemetery	72 Rakow Street		Local	I40
Broken Hill	Broken Hill Veterinary Clinic (former Freiberg Arms, Freiberg and WW1 West End Hotel)	127-129 Rakow Street	Lot 1, DP 918966	Local	I31
Broken Hill	Burke Ward Public School	185 Rakow Street	Lots 205, 2960 and 3330, DP 757298	Local	I35
Broken Hill	St Philip's Anglican Church (former)	199 Rowe Street	Lot 8, Section 22, DP 759092	Local	I205
Broken Hill	House and shop (former)	223-225 Rowe Street	Lot 5, Section 23, DP 759092	Local	I77
Broken Hill	White Rocks Reserve	125-127 Schlapp Street	Lots 1 and 2, DP 820455	Local	I233
Broken Hill	Horse trough	Silver Street (outside Jubilee Oval off Beryl Street)		Local	I66
Broken Hill	Moreton Bay Fig	Sulphide and Argent Streets (adjacent to 229 Argent Street)	Adjacent to Lot 11, DP 1017597	Local	I90
Broken Hill	Shops	27-31 Sulphide Street	Lots 2, 3 and 4, DP 216889	Local	I179

Broken Hill	Trades Hall	34 Sulphide Street	Lots 1 and 2, Section 61, DP 759092	State	I221
Broken Hill	The Towers	114 Sulphide Street	Lot 114, DP 869874	Local	I215
Broken Hill	House—ZC-NBHC Bachelors Quarters (former)	141 Sulphide Street	Lot 1, DP 34252	Local	I76
Broken Hill	Houses	252-260 Sulphide Street	Lot D, DP 326701; Lots A-C, DP 326702; Lot 1, DP 185754	Local	I79
Broken Hill	House	303 Sulphide Street	Lot 1, DP 958087	Local	I80
Broken Hill	Excelsior Hotel	13 Thomas Street	Lot 870, DP 757298	Local	I54
Broken Hill	Thomas Street Methodist Church (former)	128-130 Thomas Street	Lot 1, DP 971819; Lot 2, DP 303100; Lot 3, DP 961084	Local	I218
Broken Hill	Old areas of Broken Hill Hospital	170-320 Thomas Street (parts)	Part Lots 3751, 4375 and 4376, DP 757298	Local	I25
Broken Hill	Allison House Student Accommodation (former Bush Children's Hostel)	408 Williams Street	Lot 2, DP 785666	Local	I36
Broken Hill	House	456 Williams Street	Lot 2, DP 326609	Local	I71
Broken Hill	Broken Hill Mosque	703 Williams Street	Lot 2, DP 520764	State	I91
Broken Hill	Silverton Tramway Staff Cottages (former)	252-268 Wills Street	Lots 1-6, DP 1056957	Local	I193
Broken Hill	Tramways O.I.C. House	253 Wills Street	Lot 11, DP 1067168	Local	I222
Broken Hill and Rasp Mine, Block 10 Site	BHP Concentration Mill Site	273 Wills Street (part)	Part Lot 1, DP 765890 owned by Essential Energy and part of the land in Crown Plan 109-3017	Local	I283
Broken Hill	Block 10 Reservoirs	273 Wills Street (part)	Part Lot 1, DP 1152133; Part Lot 1, DP 765890	Local	I284
Broken Hill	Parish Church of St James	143 Wilson Street	Lot 3, Section 8, DP 758018	Local	I106

Broken Hill	Salvation Army Hall (former)	213 Wilson Street	Lot 1, Section 9, DP 758018	Local	I125
Broken Hill	Broken Hill Synagogue (former)	165 Wolfram Street	Lot 3, Section 1, DP 759092	State	I30
Broken Hill	Police House	202 Wolfram Street	Lot 20, Section 8, DP 759092	Local	I111
Broken Hill	House	116 Wyman Street	Lot 2, DP 573753	Local	I74
Perilya Mine, North Leases	12 houses at Junction Circle			Local	I310
Perilya Mine, North Leases	Ambulance Station (Number 2)			Local	I311
Perilya Mine, North Leases	Archaeological Potential - Amalgamated Zinc			Local	I312
Perilya Mine, North Leases	Compressed Air and Power Line			Local	I313
Perilya Mine, North Leases	Drainage Channel			Local	I314
Perilya Mine, North Leases	Houses 17, 18, 19, 19B and 20			Local	I315
Perilya Mine, North Leases	No 1 Mill Foundations			Local	I319
Perilya Mine, North Leases	No 1 Mill Tunnel			Local	I320
Perilya Mine, North Leases	No 2 Changehouse and Extension			Local	I321
Perilya Mine, North Leases	No 2 Filter House and Loading Station			Local	I322
Perilya Mine, North Leases	No 2 Lead Bin			Local	I323
Perilya Mine, North Leases	No 2 Mill			Local	I324
Perilya Mine, North Leases	No 2 Reagent Shed			Local	I325
Perilya Mine, North Leases	No 2 Residue Pumphouse, Number 12 Conveyor and Hopper			Local	I326

---

Perilya Mine, North Leases	No 2 Shaft Headframe and Crusher Station	Local	I327
Perilya Mine, North Leases	No 2 Shaft Winderhouse	Local	I328
Perilya Mine, North Leases	No 2 Thickener Vats	Local	I329
Perilya Mine, North Leases	No 3 Changehouse and Subsurface Plat	Local	I316
Perilya Mine, North Leases	No 3 Crusher House	Local	I330
Perilya Mine, North Leases	No 3 Shaft Headframe	Local	I317
Perilya Mine, North Leases	No 3 Transformers and Cooling Tower	Local	I331
Perilya Mine, North Leases	No 3 Vent Fan	Local	I318
Perilya Mine, North Leases	No 3 Winderhouse	Local	I332
Perilya Mine, North Leases	North Broken Hill Entrance Gates	Local	I333
Perilya Mine, North Leases	North Mine Assay Office	Local	I334
Perilya Mine, North Leases	North Mine General Offices	Local	I335
Perilya Mine, North Leases	North Mine Residences	Local	I336
Perilya Mine, North Leases	Shed (former Saw Mill)	Local	I337
Perilya Mine, North Leases	Standard Gauge Railway Siding	Local	I338
Perilya Mine, North Leases	Tanks and Shed	Local	I339
Perilya Mine, North Leases	Water Tank on Lords Hill (outside Precinct)	Local	I340
Perilya Mine, North Leases	Weighbridge Station	Local	I341
Perilya Mine, Site B	Proprietary Square Residences	Local	I417

---

---

Perilya Mine, South Leases	2 Patton Street	Local	I343
Perilya Mine, South Leases	18 South Road	Local	I342
Perilya Mine, South Leases	Air Compressor Line	Local	I344
Perilya Mine, South Leases	Albert Morris Park (Zinc Lakes, Plantation)	Local	I345
Perilya Mine, South Leases	Archaeological Remains of South Blocks Mill	Local	I346
Perilya Mine, South Leases	Archaeological remains—Zinc Corp Mill	Local	I347
Perilya Mine, South Leases	Avenue of Honour	Local	I348
Perilya Mine, South Leases	Barrier South Shaft	Local	I349
Perilya Mine, South Leases	Cottage 54 (Nurseryman's)	Local	I350
Perilya Mine, South Leases	Direct Access to Mining Housing	Local	I351
Perilya Mine, South Leases	Drainage Channel	Local	I352
Perilya Mine, South Leases	Entry Gate, Street Lighting and Roadway	Local	I353
Perilya Mine, South Leases	Freeman's Shaft and Crusher House	Local	I354
Perilya Mine, South Leases	Fuel Oil Tanks and Bunds	Local	I356
Perilya Mine, South Leases	Native Plantation Site	Local	I357
Perilya Mine, South Leases	NBHC Ammonium Nitrate Plant	Local	I358
Perilya Mine, South Leases	NBHC ANFO Mixing Station	Local	I359
Perilya Mine, South Leases	NBHC Changehouse	Local	I360

---

Perilya Mine, South Leases	NBHC Company Housing	Local	I361
Perilya Mine, South Leases	NBHC Core Storage Area	Local	I362
Perilya Mine, South Leases	NBHC Crusher Station	Local	I363
Perilya Mine, South Leases	NBHC Experimental Mill	Local	I364
Perilya Mine, South Leases	NBHC Gates and Entrance Road (Wentworth Road)	Local	I365
Perilya Mine, South Leases	NBHC General Offices	Local	I366
Perilya Mine, South Leases	NBHC Haulage and Service Shafts Headframes	Local	I367
Perilya Mine, South Leases	NBHC Mechanical Workshops and Surface Maintenance Workshop	Local	I368
Perilya Mine, South Leases	NBHC Metallurgical Research Office	Local	I369
Perilya Mine, South Leases	NBHC Mill	Local	I370
Perilya Mine, South Leases	NBHC No 2 Fan Shaft and Evasee	Local	I371
Perilya Mine, South Leases	NBHC Oregon Shed	Local	I372
Perilya Mine, South Leases	NBHC Winderhouse	Local	I373
Perilya Mine, South Leases	No 5 Airway	Local	I374
Perilya Mine, South Leases	Old Main Shaft	Local	I375
Perilya Mine, South Leases	Orchard Site	Local	I376
Perilya Mine, South Leases	Power Transmission Towers	Local	I377

Perilya Mine, South Leases	Pumphouse (Associated with Barrier South Dam) No		Local	1378
Perilya Mine, South Leases	Railway Siding		Local	1379
Perilya Mine, South Leases	Railway Sidings		Local	1380
Perilya Mine, South Leases	Rainbow Avenue Residences	Lot 5518, DP 757298	Local	1381
Perilya Mine, South Leases	Sandfill and Thickener Plant		Local	1382
Perilya Mine, South Leases	Section of CPS Air Main		Local	1383
Perilya Mine, South Leases	Small Hollow Tile Pumphouse and Other Buildings		Local	1384
Perilya Mine, South Leases	Small Pumphouse		Local	1385
Perilya Mine, South Leases	Southern Cross Shaft Headframe, Winderhouse and Changerooms		Local	1386
Perilya Mine, South Leases	Southern Power Corporation Building		Local	1387
Perilya Mine, South Leases	Three Concrete Tanks		Local	1388
Perilya Mine, South Leases	Water Storage Tanks and Outcrop of Line of Lode		Local	1389
Perilya Mine, South Leases	Westside Drive Residences		Local	1390
Perilya Mine, South Leases	Zinc Corporation Block 5 Shaft Area Buildings		Local	1391
Perilya Mine, South Leases	Zinc Corporation Carbide Plant (Old Acid Plant)		Local	1392
Perilya Mine, South Leases	Zinc Corporation Changehouse Foundation		Local	1393



---

Perilya Mine, South Leases	Zinc Corporation Core Storage Building (Old Changehouses/ Stables)	Local	I394
Perilya Mine, South Leases	Zinc Corporation Diamond Drill Shop	Local	I395
Perilya Mine, South Leases	Zinc Corporation Fire Pump House (Ice Works)	Local	I397
Perilya Mine, South Leases	Zinc Corporation Front Gates and Gatehouse (Eyre Street)	Local	I398
Perilya Mine, South Leases	Zinc Corporation General Offices and Changehouse	Local	I400
Perilya Mine, South Leases	Zinc Corporation No 1 Airway	Local	I401
Perilya Mine, South Leases	Zinc Corporation No 4 Shaft Fan Motor House	Local	I402
Perilya Mine, South Leases	Zinc Corporation No 4 Shaft Headframe	Local	I403
Perilya Mine, South Leases	Zinc Corporation Old Electrical Shop Foundations	Local	I404
Perilya Mine, South Leases	Zinc Corporation Old Gymnasium and Swimming Pool Building (Rehabilitation Workshop)	Local	I405
Perilya Mine, South Leases	Zinc Corporation Old Main Shaft Auxiliary Winderhouse (No 1 Salvage/Storage Building)	Local	I406
Perilya Mine, South Leases	Zinc Corporation Old Main Shaft Main Winderhouse (No 2 Salvage/Storage Building)	Local	I407

---

Perilya Mine, South Leases	Zinc Corporation Old Office Flats (Old Underground Timekeeper's Offices)	Local	I408
Perilya Mine, South Leases	Zinc Corporation Oval, Grandstand and Surrounds	Local	I409
Perilya Mine, South Leases	Zinc Corporation Residence (No 18)	Local	I410
Perilya Mine, South Leases	Zinc Corporation Small Concrete Building (Telephone Exchange)	Local	I411
Perilya Mine, South Leases	Zinc Corporation Social Club Building (Old Survey Office) and Sportsground Changehouse (Old Assay Office)	Local	I412
Perilya Mine, South Leases	Zinc Corporation Streetlights (Eyre Street)	Local	I413
Perilya Mine, South Leases	Zinc Corporation Tennis Clubhouse	Local	I414
Rasp Mine, Delprats and Old BHP Area	BHP Concentration Mill Foundations	Local	I285
Rasp Mine, Delprats and Old BHP Area	BHP South Smelter Walls and Stack	Local	I286
Rasp Mine, Delprats and Old BHP Area	Delprat Changehouse	Local	I287
Rasp Mine, Delprats and Old BHP Area	Delprat General Offices	Local	I288
Rasp Mine, Delprats and Old BHP Area	Delprat Head Frame and Shaft	Local	I289
Rasp Mine, Delprats and Old BHP Area	Delprat Winder Foundations	Local	I290

---

Rasp Mine, Delprats and Old BHP Area	Delprat Winderhouse	Local	I291
Rasp Mine, Delprats and Old BHP Area	Loading Platform	Local	I292
Rasp Mine, Delprats and Old BHP Area	Slag Dump, Foundations and Timber Piles	Local	I293
Rasp Mine, Delprats and Old BHP Area	Stone Wall and Concrete Footings	Local	I294
Rasp Mine, Delprats and Old BHP Area	Three Water Tanks	Local	I295
Rasp Mine, Junction Mine	Browne's Shaft	Local	I281
Rasp Mine, Junction Mine	Junction Mine and Lookout	Local	I282
Rasp Mine, No 4 and 7 Headframe	Ambulance Garage	Local	I263
Rasp Mine, No 4 and 7 Headframe	Changehouse	Local	I264
Rasp Mine, No 4 and 7 Headframe	Covered Overpass	Local	I265
Rasp Mine, No 4 and 7 Headframe	Crusher Station	Local	I266
Rasp Mine, No 4 and 7 Headframe	Headframe, No 4 Shaft	Local	I267
Rasp Mine, No 4 and 7 Headframe	Ice-making Plant Building	Local	I268
Rasp Mine, No 4 and 7 Headframe	Lamp Repair Room	Local	I269
Rasp Mine, No 4 and 7 Headframe	Lamp Room	Local	I270

---

---

Rasp Mine, No 4 and 7 Headframe	Magazine	Local	I271
Rasp Mine, No 4 and 7 Headframe	No 4 Rescue Equipment and Waiting Sheds	Local	I274
Rasp Mine, No 4 and 7 Headframe	No 7 Headframe	Local	I272
Rasp Mine, No 4 and 7 Headframe	No 7 Rescue Equipment Building	Local	I273
Rasp Mine, No 4 and 7 Headframe	No 7 Winding House	Local	I275
Rasp Mine, No 4 and 7 Headframe	Ore Outcrop	Local	I276
Rasp Mine, No 4 and 7 Headframe	Rectifier Room	Local	I277
Rasp Mine, No 4 and 7 Headframe	Saw Mill	Local	I278
Rasp Mine, No 4 and 7 Headframe	Underground Offices Building	Local	I279
Rasp Mine, No 4 and 7 Headframe	Winding House and Motor, No 4 Shaft	Local	I280
Rasp Mine, Old BHP Pit	Building Foundation	Local	I305
Rasp Mine, Old BHP Pit	Four Concrete Piers	Local	I306
Rasp Mine, Old BHP Pit	Headframe	Local	I307
Rasp Mine, Old BHP Pit	Stone Wall	Local	I308
Rasp Mine, Old BHP Pit	Time Chute Race	Local	I309
Rasp Mine, South Mill Area	Brick Pier Foundations	Local	I236

---

---

Rasp Mine, South Mill Area	Carpenter's paint shop	Local	I238
Rasp Mine, South Mill Area	Changehouse	Local	I239
Rasp Mine, South Mill Area	Coal Bins	Local	I240
Rasp Mine, South Mill Area	Compressor Room (Old Power House)	Local	I241
Rasp Mine, South Mill Area	Electrical Workshop	Local	I242
Rasp Mine, South Mill Area	Fire and Ambulance Station	Local	I243
Rasp Mine, South Mill Area	General Offices	Local	I244
Rasp Mine, South Mill Area	General Store Office	Local	I245
Rasp Mine, South Mill Area	Mechanical Workshop (Old General Workshop)	Local	I246
Rasp Mine, South Mill Area	Mullock Bin	Local	I247
Rasp Mine, South Mill Area	No 2 Control Substation	Local	I248
Rasp Mine, South Mill Area	No 6 Shaft Vent Fan	Local	I249
Rasp Mine, South Mill Area	Pattern Store (Carpenter's Shop)	Local	I250
Rasp Mine, South Mill Area	Pumphouse	Local	I251
Rasp Mine, South Mill Area	Pumphouse and Cooling Water Reservoir	Local	I252
Rasp Mine, South Mill Area	Rigger's Shop	Local	I253
Rasp Mine, South Mill Area	Roaster Plant	Local	I254
Rasp Mine, South Mill Area	Sand Plant	Local	I255
Rasp Mine, South Mill Area	Saw Mill and Extension	Local	I256

---

Rasp Mine, South Mill Area	South Mill	Local	I237
Rasp Mine, South Mill Area	Square Concrete Foundation	Local	I257
Rasp Mine, South Mill Area	Tankstand	Local	I258
Rasp Mine, South Mill Area	Two Water Tanks	Local	I259
Rasp Mine, South Mill Area	Two Water Tanks and a Stone Foundation	Local	I260
Rasp Mine, South Mill Area	Water Tower	Local	I261
Rasp Mine, South Mill Area	Yardman's Office	Local	I262
Rasp Mine, Thompsons Mine	Mullock Dump with Tram Lines	Local	I296
Rasp Mine, Thompsons Mine	Ore Outcrop	Local	I297
Rasp Mine, Thompsons Mine	Thompsons Ambulance Station	Local	I298
Rasp Mine, Thompsons Mine	Thompsons Changehouse	Local	I299
Rasp Mine, Thompsons Mine	Thompsons Conveyor, Storage Bin and Loading Hopper	Local	I300
Rasp Mine, Thompsons Mine	Thompsons Crusher House	Local	I301
Rasp Mine, Thompsons Mine	Thompsons General Offices	Local	I302
Rasp Mine, Thompsons Mine	Thompsons Headframe, Brace Housing and Conveyor	Local	I303
Rasp Mine, Thompsons Mine	Thompsons Winderhouse	Local	I304

## Part 2 Heritage conservation areas

Name	Identification on <a href="#">Heritage Map</a>	Significance
------	--	--------------

Argent Street Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
Oxide Street Heritage Conservation Area and Willyama Precinct	Shown by red hatching and labelled "C2"	Local
Railwaytown Heritage Precinct	Shown by red hatching and labelled "C3"	Local
Rainbow Avenue Heritage Conservation Area and South Broken Hill Precinct	Shown by red hatching and labelled "C4"	Local

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### **3 Pond-based aquaculture that is also intensive aquaculture—pond design**

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

### **4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

### **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

### **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

#### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.



## Division 2 Operational requirements

### 9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### 10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

### 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

### Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act](#)

[1974](#) to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Additional Permitted Uses Map** means the [Broken Hill Local Environmental Plan 2013 Additional Permitted Uses Map](#).

**advertisement** has the same meaning as in the Act.

**Note—**

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note—**

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note—**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**agritourism** means the following—

- (a) farm gate premises,
- (b) farm experience premises.

**Note—**

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry. Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial

purposes.

**Note—**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing)

to the highest point of the building, or

- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign

is displayed, and

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

**canal estate development**—see clause 2.9.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but



does not include a marina.

**classified road** has the same meaning as in the [Roads Act 1993](#).

**Note—**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**commercial farm** means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
  - (i) was a primary production business, and
  - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**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.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Broken Hill City Council.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

**Note—**

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

**crematorium** means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note—**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or

(b) electricity storage.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note—**

The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm experience premises** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—

- (i) horse riding,
- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

**Note—**

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm gate premises—**

- (a) means a building or place—
  - (i) on a commercial farm, and
  - (ii) ancillary to the farm, and
  - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
    - (A) processing, packaging and sale of the products, but not the processing of animals,
    - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
    - (C) tastings or workshops,
    - (D) the provision of information or education related to the products, and
- (b) includes cellar door premises.

**Note—**

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm stay accommodation** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition



by the regulations under the [Fisheries Management Act 1994](#).

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Broken Hill Local Environmental Plan 2013 Floor Space Ratio Map](#). [Not adopted. See clause 4.4.]

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any

earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note—**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,

- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Broken Hill Local Environmental Plan 2013 Height of Buildings Map](#). [Not adopted. See clause 4.3.]

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note—**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Broken Hill Local Environmental Plan 2013 Heritage Map](#).

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,

- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note 1—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

**Note 2—**

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,

- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care



or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note—**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note—**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or

(f) mining.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note—**

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note—**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the [Broken Hill Local Environmental Plan 2013 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Broken Hill Local Environmental Plan 2013 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Broken Hill Local Environmental Plan 2013 Land Zoning Map](#).

**landholding** means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
  - (i) contiguous, or
  - (ii) separated only by a road or watercourse.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

**Note—**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

**Note—**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Lot Size Map** means the [Broken Hill Local Environmental Plan 2013 Lot Size Map](#).

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**manufactured home** has the same meaning as in the [Local Government Act 1993](#).

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the

[Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note—**

Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as

foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**



Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface

approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**registered community housing provider** has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**Note—**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes,

including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or

plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note—**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note—**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note—**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note 1—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**Note 2—**

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note—**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note—**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note—**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.



**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**Note—**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note—**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note—**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note—**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the

regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

**Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,

- (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit

or wine.

**Note—**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note—**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet

meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.