

INFRASTRUCTURE AND ENVIRONMENT COMMITTEE

September 4, 2026

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 133/26SUBJECT: DRAFT DEVELOPMENT CONTROL PLAN 2026 D26/45637**Recommendation**

1. That Broken Hill City Council Report No. 133/26 dated September 4, 2026, be received.
2. That Council endorse the Draft Broken Hill Development Control Plan 2026 (Draft DCP) for public exhibition for a minimum period of 28 days in accordance with the *Environmental Planning and Assessment Act 1979*.
3. That Council authorise the General Manager to make minor typographical and formatting amendments to the Draft DCP before it is placed on exhibition, provided those amendments do not alter the intent of the exhibited controls.
4. That Council receive a further report following the exhibition period outlining submissions received, any recommended amendments, and the proposed final Draft DCP for consideration and adoption.

Executive Summary:

The Broken Hill Development Control Plan 2016 (DCP) has undergone a comprehensive review to ensure it remains current, practical and responsive to the planning needs of Broken Hill. The review provides an opportunity to align the DCP with current planning legislation, agency names, land use zones and strategic planning documents, while also addressing practical issues identified through the day-to-day assessment of development applications.

The resulting Draft Broken Hill Development Control Plan 2026 (Draft DCP) retains the overall structure and intent of the existing DCP. The review represents a targeted update rather than a complete rewrite, with a substantial proportion of the existing controls and format retained. The principal amendments relate to legislative currency, clearer procedural guidance, the removal of outdated or duplicated material, and additional guidance on planning matters of increasing local relevance.

The purpose of this report is to seek Council's endorsement to place the Draft DCP on public exhibition for a minimum period of 28 days. Following the exhibition period, any submissions received will be reviewed and a further report presented to Council for consideration prior to the Draft DCP being considered for adoption.

Report:

A Development Control Plan provides detailed planning and design guidance that supports the provisions of a Local Environmental Plan (LEP) and assists in the assessment of development applications. Although a DCP does not carry the same legal effect as an LEP, relevant provisions are required to be considered when a development application is assessed. Clear and contemporary controls help applicants understand Council expectations and support consistent decision making.

The existing Broken Hill DCP 2016 has been reviewed by staff, section by section. References have been updated where legislation, policies, agency responsibilities,

terminology or local circumstances have changed. Additional guidance has also been included where the existing DCP provided limited or no specific direction.

This Draft DCP will ultimately replace the current Broken Hill DCP 2016 if adopted by Council following public exhibition and consideration of submissions.

Nature and Scope of the Proposed Changes:

Overall, the review is best characterised as a targeted update rather than a complete rewrite of the DCP. A substantial proportion of the existing structure and controls has been retained, with amendments primarily focused on updating legislative and administrative references, improving procedural guidance, removing outdated or duplicated provisions, and introducing or expanding controls where practical gaps or emerging local planning matters have been identified.

The key areas of change are summarised below:

Area	Summary of Key Changes
Legislation, terminology and strategic alignment	Updated legislative references, land use zones, agency names and terminology throughout the DCP. Incorporated references to current strategic planning documents, including the Local Strategic Planning Statement.
Development application process	Updated guidance on DA lodgement, documentation requirements and use of the NSW Planning Portal. Clarified requirements for survey plans and introduced neighbour acknowledgement requirements in specified circumstances.
Notification and community participation	Removed duplicated advertising and notification provisions, with these matters now addressed through Council's Community Participation Plan and engagement framework.
Subdivision	Introduced general subdivision controls to provide broader guidance beyond the existing rural living provisions.
General development and environmental controls	Updated stormwater provisions and incorporated reference to the Broken Hill Flood Study 2025. Added guidance for water efficiency, Water Sensitive Urban Design (WSUD) and development on bushfire prone land.
Residential development	Added open-space requirements for multi-dwelling housing and residential flat buildings, together with dedicated controls for sheds, outbuildings and shipping containers.
Industrial and rural development	Added landscaping requirements for industrial development and updated relevant environmental and workplace safety legislation. Simplified provisions relating to the keeping of horses to reduce unnecessary prescription.
Car parking and commercial development	Updated Australian Standards and parking terminology, removed outdated land-use categories and added

	requirements for contemporary uses. Commercial development provisions have also been updated to better recognise Broken Hill's different commercial areas.
Signage and outdoor lighting	Updated outdoor advertising provisions, incorporated moveable footpath sign controls previously contained in a separate Council policy, and introduced guidance for outdoor lighting associated with commercial and public development.
Trees, contamination and heritage	Updated contaminated land references, streamlined tree management provisions to remove duplication with other Council policies and approval processes, and incorporated reference to the Broken Hill National Heritage Values Study.

A detailed section-by-section summary of the proposed amendments is provided in Attachment 1. The full Draft DCP, with proposed changes highlighted, is also provided at Attachment 2 of this Council Report.

Public Exhibition:

Public exhibition will allow landowners, applicants and other interested parties to review the proposed controls and provide feedback before Council makes a final decision.

It is proposed that the Draft DCP be exhibited for a minimum of 28 days through Council's usual public exhibition channels, including on Council's website and advertised via the local Newspaper.

At the close of the exhibition period, Council officers will review all submissions received and consider whether any amendments to the Draft DCP are warranted. A further report will then be presented to Council summarising the issues raised during exhibition, identifying any recommended amendments and seeking Council's consideration of the Draft DCP for adoption. The new DCP will not commence until formally adopted by Council.

Community Engagement:

Public exhibition will take place for a minimum of 28 days.

Strategic Direction:

Key Direction:	3	Our Environment
Objective:	3.3	Proactive, innovative and responsible planning supports the community, the environment and beautification of the City
Strategy:	3.3.1	Review and update planning strategies and policies to ensure relevance

Relevant Legislation:

Environmental Planning and Assessment Act 1979

Section 3.42 establishes the purpose and status of development control plans.

Section 3.43 provides for the preparation of development control plans by a council.

Schedule 1 prescribes community participation requirements, including a minimum public exhibition period of 28 days for a draft development control plan.

Sections 2.23 and 2.24 establish the framework for community participation plans and community participation in planning functions.

Environmental Planning and Assessment Regulation 2021

Section 13 addresses public exhibition of a draft development control plan.

Section 14 addresses Council approval of a development control plan after considering submissions.

Sections 15 and 16 address commencement, publication and provision of the approved plan to the Planning Secretary.

Financial Implications:

The costs of public exhibition, including any statutory advertising can be met from existing operational budget.

No additional budget allocation is sought or required.

Attachments

1. [↓](#) Draft DCP - Summary of changes
2. [↓](#) Draft Broken Hill DCP 2026 - Changes highlighted

CODIE HOWARD
DIRECTOR INFRASTRUCTURE AND ENVIRONMENT

JAY NANKIVELL
GENERAL MANAGER

ATTACHMENT

Summary of principal changes

The following schedule summarises the main amendments proposed in the Draft Broken Hill Development Control Plan 2026. It should be read together with the full highlighted Draft DCP.

Section	Change / rationale
Throughout the DCP	Document title and references throughout updated from Broken Hill Development Control Plan 2016 to Broken Hill Development Control Plan 2026.
Throughout the DCP	References to sections and numbering of the Environmental Planning and Assessment Act 1979 have been updated to reflect amendments to the Act since the 2016 DCP was prepared. This ensures the DCP directs users to current legislative provisions and avoids reliance on superseded section numbers.
Throughout the DCP	Zone names have been updated to reflect current LEP zones and planning legislation. Updating the terminology improves consistency with the Broken Hill LEP and the current NSW planning framework.
Throughout the DCP	Agency and organisation names have been updated where responsibilities or names have changed, for example Country Water/Water Board references to Essential Water and Roads and Maritime Services to Transport for NSW. This removes outdated references and helps applicants identify the correct authority.
1.1 Preface	The list of zones has been updated so the DCP refers only to current zones applying within the Broken Hill LGA, with outdated zone references removed.
1.2 The Planning Context	References to the Broken Hill Local Strategic Planning Statement have been added and legislative references updated. This better links the DCP with Council's current strategic planning framework and local land-use planning priorities.
1.3 Making A Development Application	Information about lodging Development Applications has been updated, including current documentation requirements, the NSW Planning Portal process and information available on Council's website. A requirement for a Certificate of Title in certain circumstances has also been added. These changes are intended to provide clearer up-front guidance and help reduce incomplete applications.
1.4 Advertising And Notification	The 'Advertising and Notification' chapter has been removed because notification and engagement requirements are now addressed through Council's Community Participation Plan and engagement framework in response to State Government planning requirements. Removing duplicated provisions reduces the risk of inconsistency between separate Council documents.
2.1 Subdivision	A new General Subdivisions section has been added. The existing DCP focused primarily on subdivision for rural living; the new section provides broader guidance for subdivision proposals and fills a gap in the current DCP.

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Section	Change / rationale
2.2 Subdivision For Rural Living	Reference to the Threatened Species Conservation Act 1995 has been replaced with the Biodiversity Conservation Act 2016. This is a legislative housekeeping amendment.
3.1 General Provisions - All Zones	Requirements have been clarified regarding when a survey plan is to be provided with a development application. This gives applicants and assessment staff clearer guidance on when accurate boundary and site information is needed to assess setbacks, encroachments and related site constraints.
3.1 General Provisions - All Zones	A requirement for neighbour acknowledgement of certain proposals has been added. This provides an administrative mechanism for relevant adjoining owners to acknowledge proposals in circumstances identified by the DCP and may assist in identifying potential boundary or amenity issues early in the assessment process.
3.1 General Provisions - All Zones	Stormwater management controls have been updated and a reference to the Broken Hill Flood Study 2025 has been added.
3.1 General Provisions - All Zones	New water-efficiency and Water Sensitive Urban Design (WSUD) controls have been introduced. These provisions broaden the DCP's sustainability guidance and encourage development to consider water use, runoff and site-based water management as part of design.
3.1 General Provisions - All Zones – Bushfire prone land	A Bushfire Prone Land section has been added. This provides specific local guidance for development on land affected by bushfire risk and improves the DCP's coverage of a planning constraint not previously addressed in detail. Note - NSW Rural Fire Service (RFS) bush fire prone land mapping identifies areas around the outskirts of Broken Hill as bush fire prone, highlighting the need for appropriate bushfire considerations to be incorporated into the assessment and design of development in these locations.
3.2.4 Multi Dwelling Housing and Residential Flat Buildings	Open-space provisions have been added for multi-dwelling housing and residential flat buildings. The additional controls provide clearer expectations regarding usable private/common open space and residential amenity for higher-density housing forms.

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3.2.5 Sheds and Outbuildings (Residential Zones)	A dedicated Sheds and Outbuildings section has been added for residential zones, including guidance on appropriate shed sizes. The section responds to a common form of development in Broken Hill and provides clearer, more consistent parameters for assessment. Consideration of appropriately sized sheds and outbuildings in residential areas is important to ensure that their scale, height and siting do not result in unreasonable impacts on adjoining properties, or residential amenity. It is acknowledged that Broken Hill's climatic conditions and traditional local lifestyle create a practical demand for larger sheds and covered storage, particularly for vehicles, caravans and other equipment. However, these local needs should be balanced against recognised good planning outcomes. Sheds and other outbuildings should be proportionate to the size of the property, remain ancillary to the dwelling and allow sufficient space for private open space, landscaping, stormwater management and access. Consideration also to be given to the potential impacts of the building's bulk, scale and location on neighbouring properties. The proposed size allowances provide flexibility while establishing an appropriate benchmark to discourage outbuildings that are disproportionately or excessively large for their sites. Comparison was made to a number of other regional Councils who have shed size and siting controls. In particular, direct comparison was made to other regional centres Dubbo, Wagga Wagga and Griffith. That benchmarking assessment indicated that the proposed Broken Hill controls are less restrictive than those applied by those 3 comparable regional centres. Overall the Broken Hill proposed size allowances are much more flexible. A review of Development Applications approved for sheds on residential properties in Broken Hill between January 2025 and September 2026 indicates that approximately 75% of the sheds would have complied with the proposed size allowances. A further approx. 10% exceeded the relevant allowance by less than 8 m² floor area and would therefore likely to be been approved through a merit based (case-by-case) assessment and common-sense discretion. It is important to note that the shed sizes are listed in the DCP as being "indicative" maximum floor areas and also that the sizes are "guidance". Therefore allowing for discretion by assessing staff where there are very minor exceedances and the shed siting and scale etc are considered otherwise appropriate. Overall, the review indicates that the proposed size controls reflect the great majority of shed sizes currently being sought and approved in Broken Hill. The controls would therefore be providing a practical and locally appropriate assessment benchmark without unreasonably limiting applicants/owners.
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Example of compliant sheds under the proposed size allowances

New control-
Land size up to and including 600 m² -
shed size limit 60 m²



New control –
Land size greater than 600 m² and up to and including 1,000 m² -
shed size limit 120 m²



**Example of compliant
sheds under the
proposed size
allowances**

**New control –
Land size greater than
1000 m² and up to and
including 1,500 m² -
shed size limit 160 m²**



**New control –
Land size greater than
1500 m² and up to and
including 2,000 m² -
shed size limit 200 m²**



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Section	Change / rationale
3.2.6 Shipping Containers	A Shipping Containers section has been added. This establishes specific guidance for a development type that was not directly addressed in the existing DCP, assisting Council to manage siting, appearance and potential amenity impacts consistently. There is a common misconception that a shipping container can be permanently placed on land without approval; however, depending on the circumstances, its permanent siting and use may constitute development requiring Council approval, making clear guidance in the DCP important for applicants and assessment staff.
3.4 Development in Industrial Zones	A landscaping section has been added for development in industrial zones. The new provisions recognise the role of landscaping in improving streetscape presentation, screening development and reducing the visual impact of industrial sites.
3.4 Development in Industrial Zones	Industrial zone references have been updated to the Work Health and Safety Act 2011 and associated Regulation. This replaces superseded legislative references and ensures the DCP reflects the current workplace safety framework.
3.4 Development in Industrial Zones	The former Clean Air Act reference has been replaced with the Protection of the Environment Operations Act 1997. This is a legislative update.
3.5.2 Keeping of Horses	An incorrect reference to a section of the Local Government Act 1993 has been removed from the Keeping of Horses provisions.
3.5.2 Keeping of Horses	Detailed construction and materials requirements for horse-related structures have been removed and replaced with more general requirements. This reduces unnecessary prescription while retaining Council's ability to consider amenity, suitability and site impacts. Assessment can be provided more on a case by case basis dependent on location, number of horses etc.
3.5.2 Keeping of Horses	Reference to ongoing Council surveillance and monitoring of horse-keeping operations has been removed. This avoids creating an expectation of a specific ongoing monitoring regime within a planning document and keeps the DCP focused on development assessment controls. Legislation requires ongoing compliance with conditions of consent which would be imposed on any development approvals.
4.1 Car parking requirements	Car parking provisions have been updated to refer to current Australian Standards, and outdated terminology relating to people with a disability has been removed. This modernises the wording and ensures technical references remain current.
4.1 Car parking requirements	The outdated "video store" land-use category has been removed, "community facilities" has been added, and an employee parking requirement has been included for childcare centres. These changes better reflect contemporary land uses and provide more relevant parking guidance for current development proposals.

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Section	Change / rationale
4.3 Commercial development	References to Broken Hill Village and the Central Business District have been added to the commercial development provisions. This provides clearer local context and allows the controls to better recognise the differing commercial areas within Broken Hill.
5.1 Outdoor advertising	The names of relevant State Environmental Planning Policies have been updated to reflect changes within the NSW planning framework. This ensures the outdoor advertising provisions reference current State controls.
5.1 Outdoor advertising	References to concessions and incentives for replacing old signs with new signs have been removed. These provisions are no longer considered necessary within the DCP and their removal simplifies the signage controls.
5.5 Moveable Signs on Footpaths	A new Moveable Signs on Footpaths section has been added, incorporating matters previously addressed through a separate Council policy. Bringing the planning related controls into the DCP provides a more accessible source of development guidance.
6. Land Contamination	References to relevant State Environmental Planning Policies in the Land Contamination chapter have been updated. This ensures contaminated-land assessment guidance remains aligned with the current NSW planning framework.
7. Outdoor lighting	A new Outdoor Lighting section has been added, including guidance and references to relevant Australian Standards. The guidance applies to commercial and public development rather than residential development. All developments would ordinarily be expected to comply with the relevant Australian Standards for outdoor lighting. However, including guidance within the DCP helps ensure that lighting design, placement and intensity are considered at the design and assessment stage, reducing the potential for glare and other nuisance or impacts on neighbouring properties.
8. Tree Preservation	The former 'Trees on Public Land' section has been removed because management of trees on Council land is addressed through Council's Tree Management Policy and Tree Management Plan rather than through development assessment controls. This reduces duplication and places the matter in the most appropriate Council framework.
8.2 Trees on private land	References to a separate Council "permit" to remove, lop or prune trees on private land have been removed, with the DCP instead referring to the relevant development approval pathway. This clarifies the approval process and removes outdated terminology.
8.2 Trees on private land	Certain recommended plant and species lists have been removed from the private land tree provisions. This avoids embedding potentially dated species guidance in the DCP and allows planting advice to be managed through more appropriate or updateable guidance where required.

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Section	Change / rationale
9. Heritage conservation	A reference to the Broken Hill National Heritage Values Study has been added to the Heritage Conservation chapter. This strengthens the connection between local development controls and the broader heritage values and significance recognised for Broken Hill.