



# *Government Gazette*

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# **Notice of listing amendment for Palace Hotel, Broken Hill SHR No. 00335 on the State Heritage Register under the *Heritage Act 1977***

In pursuance of section 37(1)(b) of the *Heritage Act 1977 (NSW)*, the Heritage Council gives notice that the item of environmental heritage specified in Schedule “A” has been amended on the State Heritage Register in accordance with the decision of the Minister for Heritage made on 5 November 2024 to direct the listing amendment. This listing applies to the curtilage or site of the item, being the land described in Schedule B.

The listing takes effect on the date this notice is published in the NSW Government Gazette.

**Heritage Council of New South Wales**

## **SCHEDULE A**

The item known as the Palace Hotel, Broken Hill, situated on the land described in Schedule “B”.

## **SCHEDULE B**

All those pieces or parcels of land known as Lot 10 Section 42 Deposited Plan 759092 and a section of the Argent Street Road Reserve in Parish of Picton, County of Yancowinna shown on the plan catalogued HC 810 in the office of the Heritage Council of New South Wales.

## **Exemption Order for Palace Hotel, Broken Hill (SHR No. 00335) listing amendment under the *Heritage Act 1977***

I, Penny Sharpe, the Minister for Heritage, on the recommendation of the Heritage Council of New South Wales dated 30 September 2024, make the following order under section 57(2) of the *Heritage Act 1977* (the Act) granting an exemption from section 57(1) of the Act in respect of the engaging in or carrying out of any activities described in Schedule C by the owner, manager, mortgagee or lessee (or persons authorised by the owner or manager) of the item described in Schedule A on the land identified in Schedule B.

This Order takes effect on the date it is published in the NSW Government Gazette.

Dated this 5 day of November 2024.

The Hon Penny Sharpe MLC

**Minister for Heritage**

## SCHEDULE A

The item known as the Palace Hotel, Broken Hill situated on the land described in Schedule B.

## SCHEDULE B

The item known as the Palace Hotel, Broken Hill, SHR No. 00335, located as identified on the plan catalogued HC Plan 810 in the office of the Heritage Council of New South Wales.

## SCHEDULE C

The following specified activities/ works to an item do not require approval under section 57(1) of the *Heritage Act 1977*.

### GENERAL CONDITIONS

These general conditions apply to the use of all the site specific exemptions and must be complied with:

- I. If a conservation management plan (CMP) is prepared for the item, it must meet the following conditions:
  - a. It must be prepared by a suitably qualified and experienced heritage professional.
  - b. It must be prepared in accordance with the requirements for a detailed and best practice CMP as outlined in the Heritage Council of NSW document Statement of best practice for conservation management plans (2021).
  - c. It must be consistent with the Heritage Council of NSW documents: Guidance on developing a conservation management plan (2021) and Conservation Management Plan checklist (2021).
- II. Works undertaken under these exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some site specific exemptions require suitably qualified and experienced professional advice/work).
- III. These exemptions do not permit the removal of relics or Aboriginal objects. If relics are discovered, work must cease in the affected area and the Heritage Council of NSW must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Aboriginal object has the same meaning as in the *National Parks and Wildlife Act 1974*.
- IV. Activities/works that do not fit strictly within the exemptions described below require approval by way of an application under section 60 of the *Heritage Act 1977*.
- V. The site specific exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/works fall within the site specific exemptions.
- VI. The proponent is responsible for ensuring that any activities/ works undertaken by them meet all the required conditions and have all necessary approvals.
- VII. Proponents must keep records of any activities/ works for auditing and compliance purposes by the Heritage Council of NSW. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept.

Records must be kept in a current readable electronic file or hard copy for a reasonable time.

- VIII. It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid exemption or approval.
- IX. Authorised persons under the *Heritage Act 1977* may carry out inspections for compliance.
- X. The site specific exemptions under the *Heritage Act 1977* are not authorisations, approvals, or exemptions for the activities/ works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*).
- XI. These exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the *National Construction Code* for ancillary works.
- XII. Activities or work undertaken pursuant to an exemption must not, if it relates to an existing building, cause the building to contravene the *National Construction Code*.
- XIII. In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and the *Heritage Act 1977*, the Act will prevail.
- XIV. *The Heritage Manual* (1996, Heritage Office and Department of Urban Affairs & Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/ works on an item.
- XV. Works undertaken under the exemptions must not adversely impact the heritage significance of the item. This is defined as works which do not damage or despoil fabric which contributes to the item's significance.

#### **EXEMPTION 1: EXISTING APPROVED DEVELOPMENT**

##### Specified activities/ works:

- (a) All works and activities in accordance with a current and valid development consent in force at the date of gazettal for listing amendment on the State Heritage Register.

#### **EXEMPTION 2: ROAD RESERVE (PEDESTRIAN FOOTPATH)**

##### Specified activities/ works:

- (a) All works and activities associated with the maintenance of the road reserve and pedestrian footpath located beneath the verandah at Argent and Sulphide Streets, including maintenance or replacement of pavers; installation, maintenance and repair of pedestrian signage and plaques; maintenance and repair of the pedestrian footpath; and maintenance and repair of the public roadway;
- (b) Installation, repair or replacement of waste bins and furniture (including street and outdoor dining) on the pedestrian footpath.
- (c) Temporary works, not exceeding 12 months, including containment areas, deck support or inspection systems, scaffolding and enclosures necessary for the carrying out of maintenance, enhancement or upgrading works.
- (d) Temporary works, not exceeding 3 months, including marquees/tents, performance stages, staging equipment or 'pop up' special events.

- (e) Excavation or disturbance of the pedestrian footpath to install, maintain, repair or replace underground utility services where no existing service trench is present. Excavation must not compromise the structural integrity of the item, including the existing verandah posts. Excavation must not be in areas identified as having archaeological potential or disturb or remove any relics.
- (f) Activities associated with the operations of the cellar, back-of-house kitchen and loading dock, including deliveries, maintenance, repair and any associated temporary structures.

### **EXEMPTION 3: FILMING**

#### Specified activities/ works:

- (a) Activities associated with the use of the Palace Hotel as a set or backdrop for filming, not exceeding 300 calendar days within a calendar year. Activities/ works must be temporary, reversible, and must have no physical impact to significant fabric, landscape elements and/or archaeological relics.