



New South Wales

## **Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(S99/01791/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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## Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 3)

### 1 Name of plan

This plan is called *Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 3)*.

### 2 Aims, objectives etc

- (1) The aim of this plan is to amend *Dubbo Local Environmental Plan 1997—Rural Areas* so as to do the following:
  - (a) make various zoning and mapping amendments as follows:
    - (i) rezone the Travelling Stock Route adjoining Wandarra Estate from 1 (S) Small Farm Estates to 1 (A) Dryland Agriculture,
    - (ii) rezone privately owned land in the vicinity of Goonoo Forest, known as Lot 1 DP 754314, from 1 (F) Forestry to 1 (A) Dryland Agriculture,
    - (iii) rezone a site in the Goonoo Forest, known as Lot 137 DP 754314 from 1 (A) Dryland Agriculture to 1 (F) Forestry,
    - (iv) rezone a site from 1 (I) Intensive Agriculture to 1 (S) Small Farm Estates to better reflect the capability of the land,
  - (b) amend the provisions on advertising signs so as to be consistent with those in *Dubbo Local Environmental Plan 1998—Urban Areas* (the Urban Areas LEP),
  - (c) amend the provisions for transport corridors so as to be consistent with those in the Urban Areas LEP,
  - (d) allow for the submission of an abridged form of Property Development Plan in support of applications for farmstay establishments in the 1 (A) and 1 (S) zones,
  - (e) prohibit “farmstay establishments” in the 2 (V) Village zone,
  - (f) introduce provisions in relation to “Principles of Ecologically Sustainable Development” so as to be consistent with those in the Urban Areas LEP,

- (g) amend the boundary adjustment provisions to provide scope to excise a second dwelling where it absorbs an existing dwelling entitlement,
  - (h) introduce clauses ensuring the consideration of salinity in the 1 (I) Intensive Agriculture and the 2 (V) Village zones,
  - (i) delete the existing dictionary and insert a new dictionary containing two parts (Part A containing definitions for landuses and Part B containing other terms), provide additional definitions and amend some existing definitions so as to improve consistency with the Urban Areas LEP,
  - (j) restructure the zone tables to clarify which uses require consent and make various amendments to the range of permissible uses as a result of the changed dictionary,
  - (k) add an allowance clause to enable tourist facilities ancillary to an intensive agricultural use on a site on the Old Dubbo Road, and
  - (l) amend the allowance clause in relation to the Whylandra Waste Disposal depot.
- (2) This plan also amends the map showing zoning for the purposes of *Dubbo Local Environmental Plan 1997—Rural Areas* so as to:
- (a) change the scale on Sheet 5 of that map to 1:8,000, and
  - (b) maintain consistent terminology between that map and the plan.

### **3 Land to which this plan applies**

This plan applies to all land situated in the City of Dubbo to which *Dubbo Local Environmental Plan 1997—Rural Areas* applies. In relation to rezoning, the plan specifically applies to the following lands:

- (a) Lot 137 DP 754314 shown edged heavy red and coloured yellow on Sheet 1 of 3,
- (b) Lot 1 DP 436036 shown edged heavy red and coloured light green on Sheet 1 of 3,
- (c) the TSR adjoining the Wandarra Estate 1 (S) zone and shown edged heavy red and coloured yellow on Sheet 2 of 3,

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- (d) Lot 2 DP 820709, Lots 112, 116, 124 and 125 DP 753233 and part lots 111, 113, 115, 117 and 156 DP 753233, Bunglegumbie Road, Dubbo shown edged heavy red, coloured orange and labelled 'Bunglegumbie' on Sheet 3 of 3.

In this clause, *sheet* means a sheet of the map supporting this plan.

### 4 Amendment of Dubbo Local Environmental Plan 1997—Rural Areas

*Dubbo Local Environmental Plan 1997—Rural Areas* is amended as set out in Schedule 1.

### 5 Amendment of zoning map

The zoning map, within the meaning of *Dubbo Local Environmental Plan 1997—Rural Areas*, is amended as set out in Schedule 2.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Omit clause 5 (2). Insert instead:

- (2) In this plan, a reference to zoning map, or a map amending that map, is to a map held in the office of the Council.

### [2] Clause 7

Omit the clause. Insert instead:

#### 7 Environmental management

All applications for consent for development must be assessed with regard to the Principles of Ecologically Sustainable Development in terms of land, air, water resources and biodiversity, and waste and noise matters.

In assessing proposals for any development of land, specific regard must be given to each of the environmental management objectives of this plan.

In ensuring each objective is met, the Council must consider the best information available to the Council at the time, which may include any relevant management plans or policies adopted by the Council, as well as the following specific considerations:

- (a) in relation to **soil erosion**—whether the proposal (either through its setting-up or operation) involves clearing land or other disturbances to the land, the likelihood of soil erosion or other disturbance to the land, and the likelihood of soil erosion or other instability, given any measures taken by the developer to ameliorate that potential for development to cause contamination,
- (b) in relation to **salinity**—whether there is potential for the development to cause or exacerbate any outbreaks of salinity,

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- (c) in relation to **contamination**—whether there is potential for the land to be contaminated, given the known history of the land or its location in the vicinity of land which may be potentially contaminated and the potential for the proposed use to cause contamination,
- (d) in relation to **waterways**—whether there is potential for degradation of water quality or quantity or destabilisation of waterways,
- (e) in relation to **aquifers**—whether the land is vulnerable to groundwater contamination as identified on the map labelled “Rural Aquifers”, dated January 1997 and held in the offices of the Council and the potential of the development to affect water levels or quality in the aquifer and, in the case of potentially contaminating activities on land identified by the Council as being of high vulnerability, the comments from the Director-General of the Department of Land and Water Conservation and the Director-General of the Environment Protection Authority,
- (f) in relation to **stormwater quality**—whether there is potential for degradation of the quality of stormwater discharges, given any stormwater quality control measures proposed by the developer,
- (g) in relation to **wildlife habitats**—whether there is a conservation plan and, if so, its contents, and the effect of the development on threatened species, population or habitats or areas identified by the Council as potential habitat,
- (h) in relation to **wetlands**—whether there is potential for the development to alter the quality or quantity of water flowing into, within or out of a wetland or the level, frequency or duration of wetland inundation,
- (i) in relation to **bushfire**—whether there is potential bushfire hazard by reason of the vegetation on the land and the nature of the development,
- (j) in relation to **waste**—the content of the Council’s Liquid Waste Policy (as amended from time to time) and proposals to dispose of solid waste,

- (k) in relation to **noise pollution**—whether there is potential for the development to degrade the environment in terms of noise generation (either through its setting-up or operation),
- (l) in relation to **air pollution**—whether there is potential for the development to degrade the air quality of the environment (either through its setting-up or operation).

**[3] Clause 8 Subdivision generally**

Omit clause 8 (3) (b) and (c). Insert instead:

- (b) does not result in the creation of a vacant lot with the potential for a dwelling by virtue of the size of the lot, and
- (c) does not facilitate the transfer of a second dwelling on to a separate allotment except where the dwelling being transferred is in accordance with the requirements of the zone for the lot upon which it is proposed to be situated, and

**[4] Clause 10**

Omit the clause. Insert instead:

**10 Transport corridors**

- (1) This clause applies to land adjacent to and within 200 metres of land identified as “transport corridor” on the zoning map.
- (2) The Council must not grant consent to development on land to which this clause applies unless it is satisfied that:
  - (a) where the access to the development is from another road (that is not a transport corridor), that access is located at least 90 metres from the centre line of the road that is the transport corridor, and
  - (b) the development will not prejudice future improvements to, or realignment of, any transport corridor, as may be indicated to the Council from time to time by the relevant rail authority or the Roads and Traffic Authority, as applicable, and

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- (c) the development, by its nature or intensity or the volume and type of traffic likely to be generated by it, is not likely to constitute a traffic hazard or to materially reduce the capacity of the transport corridor, and
  - (d) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on roads that are transport corridors will not be impeded, and
  - (e) the visual impact of the proposed development is minimal, given any measures proposed to ameliorate the impact, and
  - (f) the development will not involve the destruction of vegetation corridors, and
  - (g) the development is of a type that justifies a location in proximity to or access on to a transport corridor or, in the case of dwellings, it is evident that there is no alternative location within the site.
- (3) The following minimum setbacks apply for the buildings proposed to be located adjacent to a transport corridor on land in Zone 1 (A), 1 (I) or 1 (S):
- |                         |            |
|-------------------------|------------|
| Habitable building      | 200 metres |
| Non-habitable structure | 100 metres |
- (4) Buildings proposed to be located adjacent to a transport corridor on land zoned 2 (V) are to be set back no less than 20 metres from the boundary with that corridor.
- (5) Despite subclauses (3) and (4), the Council may consent to development that results in a lesser setback where it can be clearly demonstrated that this will not result in a detrimental impact on any of the following:
- (a) the efficiency of the transport corridor,
  - (b) the visual quality of the locality,
  - (c) any objectives of the zone,
  - (d) the use for which the building is intended.



**[5] Clause 13A**

Insert after clause 13:

**13A Property Development Plan—Abridged**

Where a provision of this plan refers to a Property Development Plan—Abridged, such a plan is sufficient for the purposes of that provision only if it has been prepared by an appropriately qualified consultant or has been certified to the satisfaction of the Council, and provides details of such of the following as are relevant to the application:

- (a) Infrastructure/Plant  
existing and proposed plant and infrastructure used for the operation of the farming enterprise and farmstay establishment,
- (b) Economic function  
the current and proposed agricultural use of the allotment,
- (c) budgets relating to the profit and loss of the agricultural enterprise and the farmstay establishment,
- (d) Environmental impact  
the potential impact of the development on any aspect of the environment including water, aquifer, soils and vegetation,
- (e) Adjoining land uses  
the potential impact of the development on adjoining land uses including the potential for conflict with agricultural uses within the site and on adjoining sites.

**[6] Clause 15, heading**

Omit “**Development for certain additional purposes**”.

Insert instead “**Additional uses of land**”.

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### [7] Clauses 15A and 15B

Insert after clause 15:

#### **15A Covenants, agreements etc**

- (1) If any agreement, covenant or similar instrument prohibits a use of land allowed by this plan, then that agreement, covenant or instrument does not apply to that use to the extent necessary to allow that use.
- (2) Nothing in subclause (1) affects the rights or interests under any registered instrument of the Council or any other public authority.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

#### **15B Advertisements**

- (1) Except as provided by subclause (2), a person must not erect an advertisement on land to which the plan applies.
- (2) A person may, but only with the consent of the Council, erect an advertisement, if the advertisement:
  - (a) relates to the purpose for which the land is used, or
  - (b) directs the travelling public to places of scientific, historical or scenic interest.
- (3) Despite the other provisions of this plan, the consent of the Council is not required for the erection of:
  - (a) a shop window display, or
  - (b) a commercial sign (except for commercial signs on or in the vicinity of a heritage item),on land to which the display or sign relates.

### [8] Clause 19 Primary development controls for Zone 1 (A)

Omit clause 19 (2)–(4). Insert instead:

#### **(2) Development without development consent**

Development for the purpose of the following may be carried out on land within Zone 1 (A) without development consent:

agriculture; biosolid waste applications; environmental conservation; home based child care establishments; water treatment sludge applications.

**(3) Development only with development consent**

Development for the purpose of the following may be carried out on land within Zone 1 (A) only with development consent:

abattoirs; additional dwellings; aerodromes; animal cemeteries; animal establishments; aquaculture; artificial water bodies; bed and breakfast accommodation; boarding houses; bulk fuel stores; cabin or caravan sites; camp sites; car parks; cemeteries; child care centres; clubs; club houses; communications facilities; community centres; composting; correctional centres; cotton farming; crushing, grinding or separating works; dairies; depots; dwelling houses; educational establishments; extractive industries; farmstay establishments; forestry; group homes; guest houses or hostels; helipads; home businesses; home industries; home occupations; intensive agriculture; intensive livestock keeping establishments; kennels; mining; plant nurseries; recreation areas; refreshment areas; roadside stalls (where not fronting the Newell or Mitchell Highway); rural industries; sawmills; stock and sale yards; tourist accommodation; tourist facilities; transfer stations; treated waste applications; turf farming; vehicle body repair workshops; veterinary hospitals; any other building, works, places or land uses that are not included in subclause (2) or (4).

**(4) Prohibited development**

Development for the purpose of the following is prohibited on land within Zone 1 (A):

assisted accommodation; brothels; bulky goods sales rooms or showrooms; business premises; car wrecking yards; community service centres; convenience service stations; corner stores; cultural centres; dry cleaners; dual occupancies; entertainment facilities; exhibition homes; funeral establishments; hospitals; hotels; industries; landfill sites; laundromats; light industries; machinery dealerships; major retail attractors; materials recycling depots; medical consulting rooms; medium density housing; motor and recreational vehicle dealerships; offensive or hazardous industries; office premises; passenger transport terminals; places of assembly; places of worship; public

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buildings; recreation facilities; restaurants; restricted premises; roadside stalls (where fronting the Newell or Mitchell Highway); road transport terminals; semi-detached housing; service stations; shops; taverns; transport depots; vehicle repair stations; warehouses or distribution centres; waste management facilities.

### [9] Clause 23 Tourism

Insert “—Abridged” in clause 23 (3) after “Property Development Plan”.

### [10] Clause 31 Primary development controls for Zone 1 (I)

Omit clause 31 (2)–(4). Insert instead:

#### (2) Development without development consent

Development for the purpose of the following may be carried out on land within Zone 1 (I) without development consent:

agriculture; environmental conservation; home based child care establishments; intensive agriculture; water treatment sludge applications.

#### (3) Development only with development consent

Development for the purpose of the following may be carried out on land within Zone 1 (I) only with development consent:

additional dwellings (where for rural workers); animal establishments; aquaculture; artificial water bodies; camp sites; car parks; child care centres; communications facilities; community centres; cotton farming; dairies; depots; dwelling houses; educational establishments; extractive industries; forestry; group homes; home businesses; home industries; home occupations; intensive livestock keeping establishments; kennels; mining; plant nurseries; roadside stalls (where not fronting the Newell or Mitchell Highway); rural industries; tourist facilities; turf farming; vehicle body repair workshops; veterinary hospitals; any other buildings, works, places or land uses that are not included in subclause (2) or (4).

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(4) **Prohibited development**

Development for the purpose of the following is prohibited on land within Zone 1 (I):

abattoirs; additional dwellings (where for members of the landowners' families); aerodromes; animal cemeteries; assisted accommodation; bed and breakfast accommodation; biosolid waste applications; boarding houses; brothels; bulk fuel stores; bulky goods sales rooms or showrooms; business premises; cabin or caravan sites; car wrecking yards; cemeteries; clubs; club houses; community service centres; composting; convenience service stations; corner stores; correctional centres; crushing, grinding or separating works; cultural centres; dry cleaners; dual occupancies; entertainment facilities; exhibition homes; farmstay establishments; funeral establishments; guest houses or hostels; helipads; hospitals; hotels; industries; landfill sites; laundromats; light industries; machinery dealerships; major retail attractors; materials recycling depots; medical consulting rooms; medium density housing; motor and recreational vehicle dealerships; offensive or hazardous industries; office premises; passenger transport terminals; places of assembly; places of worship; public buildings; recreation areas; recreation facilities; refreshment areas; restaurants; restricted premises; roadside stalls (where fronting the Newell or Mitchell Highway); road transport terminals; sawmills; semi-detached housing; service stations; shops; stock and sale yards; taverns; tourist accommodation; transfer stations; transport depots; treated waste applications; vehicle repair stations; warehouses or distribution centres; waste management facilities.

**[11] Clause 33, heading**

Insert “**and additional dwellings**” after “**Dwellings**”.

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### [12] Clause 33 (1)

Insert at the end of the subclause:

For the purposes of this clause, *dwelling house* also refers to an additional dwelling for a rural worker allowed with consent by clause 31 (3).

### [13] Clause 38A

Insert after clause 38:

#### **38A Dryland salinity**

- (1) The environmental management objectives of this plan for dryland salinity (and the objectives of this clause) are to prevent spread of dryland salinity and remedy existing areas of salinity.
- (2) This clause applies to land within Zone 1 (I) that is identified as “salt outbreak” on the maps entitled “Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Dubbo” and “Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Narromine”.
- (3) A person must not, except with the consent of the Council, carry out development on land to which this clause applies which involves the removal or destruction of native vegetation.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the *Environmental Planning and Assessment Act 1979* for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a dryland salinity impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The dryland salinity impact assessment must address the following matters:
  - (a) whether the loss of the vegetation will potentially result in increasing soil salinity,

- (b) any comment furnished by the Department of Land and Water Conservation,
- (c) any mitigation measures proposed to be undertaken.

**[14] Clause 40 Primary development controls for Zone 1 (S)**

Omit clause 40 (2)–(4). Insert instead:

**(2) Development without development consent**

Development for the purpose of the following may be carried out on land within Zone 1 (S) without development consent:  
agriculture; environmental conservation; home based child care establishments.

**(3) Development only with development consent**

Development for the purpose of the following may be carried out on land within Zone 1 (S) only with development consent:  
additional dwellings (where for members of the landowners' families); animal cemeteries; animal establishments; aquaculture; artificial water bodies; bed and breakfast accommodation; bulk fuel stores; camp sites; car parks; child care centres; communications facilities; community centres; dairies; dwelling houses; educational establishments; exhibition homes; extractive industries; farmstay establishments; forestry; group homes; guest houses or hostels; home businesses; home industries; home occupations; intensive agriculture; mining; plant nurseries; recreation areas; roadside stalls (where not fronting the Newell or Mitchell Highway); rural industries; tourist accommodation; tourist facilities; transfer stations; turf farming; veterinary hospitals; water treatment sludge applications; any other buildings, works, places or land uses that are not included in subclause (2) or (4).

**(4) Prohibited development**

Development for the purpose of the following is prohibited on land within Zone 1 (S):

abattoirs; additional dwellings (where not for members of the landowners' families); aerodromes; assisted accommodation; biosolid waste applications; boarding houses; brothels; bulky goods sales rooms or showrooms; business premises; cabin or caravan sites; car wrecking yards; cemeteries; clubs; club

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houses; community service centres; composting; convenience service stations; corner stores; correctional centres; cotton farming; crushing, grinding or separating works; cultural centres; depots; dry cleaners; dual occupancies; entertainment facilities; funeral establishments; helipads; hospitals; hotels; industries; intensive livestock keeping establishments; kennels; landfill sites; laundromats; light industries; machinery dealerships; major retail attractors; materials recycling depots; medical consulting rooms; medium density housing; motor and recreational vehicle dealerships; offensive or hazardous industries; office premises; passenger transport terminals; places of assembly; places of worship; public buildings; recreation facilities; refreshment areas; restaurants; restricted premises; roadside stalls (where fronting the Newell or Mitchell Highway); road transport terminals; sawmills; semi-detached housing; service stations; shops; stock and sale yards; taverns; transport depots; treated waste applications; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres; waste management facilities.

### **[15] Clause 42 Dwellings**

Omit “Wandarra, or” from clause 42 (2) (d).

Insert instead:

Wandarra,  
Bunglegumbie, or

### **[16] Clause 44 Tourism**

Insert “—Abridged” in clause 44 (3) after “Property Development Plan”.

### **[17] Clause 51 Primary development controls for Zone 1 (F)**

Insert “sustainable” in clause 51 (1) (c) before “natural resource management principles”.



**[18] Clause 51 (2)**

Omit “bushfire hazard reduction;”.  
 Insert instead “biosolid waste applications;”.

**[19] Clause 51 (2)**

Insert “; water treatment sludge applications” in alphabetical order.

**[20] Clause 51 (3)**

Omit “camp or caravan sites;”. Insert instead “cabin or caravan sites;”.

**[21] Clause 51 (3)**

Omit “; utility installations”.

**[22] Clause 53 Primary development controls for Zone 2 (V)**

Omit clause 53 (2)–(4). Insert instead:

**(2) Development without development consent**

Development for the purpose of the following may be carried out on land within Zone 2 (V) without development consent:  
 environmental conservation; home based child care establishments.

**(3) Development only with development consent**

Development for the purpose of the following may be carried out on land within Zone 2 (V) only with development consent:  
 agriculture; animal cemeteries; artificial water bodies; assisted accommodation; bed and breakfast accommodation; boarding houses; bulk fuel stores; bulky goods sales rooms or showrooms; business premises; cabin or caravan sites; camp sites; car parks; cemeteries; child care centres; clubs; club houses; communications facilities; community centres; community service centres; convenience service stations; corner stores; cultural centres; dairies; depots; dry cleaners; dwelling houses; educational establishments; entertainment facilities; exhibition homes; forestry; funeral establishments; group homes; guest houses or hostels; helipads; home businesses; home industries; home occupations; hospitals;

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hotels; laundromats; light industries; machinery dealerships; medical consulting rooms; mining; motor and recreational vehicle dealerships; office premises; places of assembly; places of worship; plant nurseries; public buildings; recreation areas; recreation facilities; refreshment areas; restaurants; roadside stalls; rural industries; service stations; shops; taverns; tourist accommodation; tourist facilities; transfer stations; transport depots; turf farming; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; water treatment sludge applications; any other buildings, works, places or land uses that are not included in subclause (2) or (4).

### (4) **Prohibited development**

Development for the purpose of the following is prohibited on land within Zone 2 (V):

abattoirs; additional dwellings; aerodromes; animal establishments; aquaculture; biosolid waste applications; brothels; car wrecking yards; composting; correctional centres; cotton farming; crushing, grinding or separating works; dual occupancies; extractive industries; farmstay establishments; industries; intensive agriculture; intensive livestock keeping establishments; kennels; landfill sites; major retail attractors; materials recycling depots; medium density housing; offensive or hazardous industries; passenger transport terminals; restricted premises; road transport terminals; sawmills; semi-detached housing; stock and sale yards; treated waste applications; warehouses or distribution centres; waste management facilities.

### [23] **Clause 57 Tourism**

Omit “farmstay establishments,” from clause 57 (2).

### [24] **Clause 57 (3)**

Omit the subclause.

**[25] Clause 61A**

Insert after clause 61:

**61A Dryland salinity**

- (1) The environmental management objectives of this plan for dryland salinity (and the objectives of this clause) are to prevent spread of dryland salinity and remedy existing areas of salinity.
- (2) This clause applies to land within Zone 2 (V) that is identified as “salt outbreak” on the maps entitled “Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Dubbo” and “Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Narromine”.
- (3) A person must not, except with the consent of the Council, carry out development on land to which this clause applies which involves the removal or destruction of native vegetation.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the *Environmental Planning and Assessment Act 1979* for the development to be licenced or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a dryland salinity impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The dryland salinity impact assessment must address the following matters:
  - (a) whether the loss of the vegetation will potentially result in increasing soil salinity,
  - (b) any comment furnished by the Department of Land and Water Conservation,
  - (c) any mitigation measures proposed to be undertaken.

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### [26] Schedule 1

Omit the Schedule. Insert instead:

## Schedule 1 Dictionary

(Clause 5)

### Part A Definitions of land uses

*Abattoir* means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed there, and includes a knackery.

*Additional dwelling* means a dwelling house located on land on which another dwelling house is or is intended to be located, and:

- (a) that is used as the principal place of residence by rural workers employed in an agricultural use or a rural industry conducted on that land, or
- (b) that is a temporary dwelling for a member of the landowner's family.

*Aerodrome* has the meaning ascribed to that expression in the *Civil Aviation Act 1988* of the Commonwealth.

*Agriculture* means:

- (a) the production of crops or fodder, or
- (b) horticulture, including fruit, vegetable and flower crop production, or operation of wholesale plant nurseries, or
- (c) the grazing of livestock, or
- (d) the keeping and breeding of livestock, including poultry, other birds or bees,

for commercial purposes, but (in Part 3) does not include a building or place, or land used for a land use, elsewhere defined in this dictionary.

*Animal cemetery* means a building or place used for the interment of deceased pets, including dogs, cats and other animals kept as domestic pets.

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***Animal establishment*** means a building or place used for the breeding, boarding or training of, or caring for, animals for commercial purposes and includes stables and riding schools, but does not include kennels or intensive livestock keeping establishments.

***Aquaculture*** means the cultivation of the resources of inland waters for the propagation or rearing of fish or plants or other organisms.

***Artificial waterbody*** has the same meaning as in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

***Assisted accommodation*** means a building or place, not being a group home, used for the purposes of temporary or permanent accommodation for either:

- (a) socially disadvantaged people, in which case it must incorporate facilities for their rehabilitation or relief, or
- (b) incurable or convalescing persons.

***Bed and breakfast accommodation*** means a dwelling which:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not accommodate more than 8 guests, and
- (d) does not contain facilities in rooms for the preparation of meals by guests, and
- (e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation and who normally reside in the dwelling.

***Biosolid waste application*** means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled "Environmental Guidelines: Use and Disposal of Biosolids Products" dated October 1997, as amended from time to time, but does not include the use of the land for the disposal of biosolids.

**Boarding house** means a building or place which is not licensed to sell liquor and where accommodation, together with meals and laundry facilities, are provided, but only to residents.

**Brothel** means premises used for the purpose of prostitution or, on a commercial basis, for sexual gratification, including those where only one person is engaged in prostitution or sexual gratification at any one time.

**Bulk fuel store** means a structure used for the storage of 2,000 litres or more of fuel.

**Bulky goods sales room or showroom** means a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

and includes timber yards, hardware stores, and furniture outlets, but not a building or place used for any sale of foodstuffs or clothing or predominantly for the sale of other similar small items.

**Business premises** means a building or place in which there is carried on an occupation, a profession or a trade which provides a service directly and regularly to the public, but (in Part 3) does not include a building or place elsewhere defined in this dictionary.

**Cabin or caravan site** means a site used for the purpose of:

- (a) placing moveable dwellings for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

**Camp site** means a place used for the pitching of tents or other like portable, lightweight and temporary shelter for the short term shelter of visitors or tourists.

**Car park** means a building or place used for parking vehicles, and any manoeuvring space and access thereto, whether operated for gain or not.

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***Car wrecking yard*** means land used for the collection, dismantling, storage or salvaging of automobiles or other vehicles or machinery or for the sale of their parts.

***Cemetery*** means a place used for interment of the deceased, but does not include an animal cemetery.

***Child care centre*** means a building or place used for the purpose of supervising or caring for six or more children under the age of six years and includes a long day care centre, preschool, occasional care centre, children's neighbourhood centre, or multipurpose child care centre, but does not include a home based child care establishment.

***Club*** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or of a different kind, whether or not the whole or a part of such building is the premises of a club registered under the *Registered Clubs Act 1976* which may in addition offer refreshment, entertainment and leisure facilities to members and guests.

***Club house*** means a building located upon community land and which is utilised for activities associated with an authorised sporting activity undertaken on the land or adjacent land, but does not include a club or a building or place elsewhere defined in this dictionary.

***Communications facility*** means a building, structure, work or place used primarily for transmitting or receiving signals for the purposes of communication, and includes radio masts and towers and satellite disks, and the like.

***Community centre*** means a building or place owned, leased or subleased by the Council, another public authority or a body of persons which provides for the physical, social, cultural or intellectual development or welfare of the local community, and is used to provide facilities comprising or relating to any one or more of the following or any like facility:

- (a) a public library,
- (b) public health services,
- (c) rest rooms,
- (d) meeting rooms,

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- (e) indoor recreation,
- (f) child minding,

but (in Part 3) does not include a building or place elsewhere defined in this dictionary.

**Community service centre** means a building or place used for the provision of community and social services by one or more government agency or party authorised to act on behalf of a government agency and may be used for counselling and policing but does not include a building or place, or land used for a land use, elsewhere defined in this dictionary.

**Composting** means a building or place or site used for the breaking down of organic material into compost but does not include the breaking down of organic material that is a consequence of the residential or agricultural use of the subject site, where it is undertaken in accordance with the Council's documents titled "A Guide to Composting".

**Convenience service station** means a retail establishment where motorists refuel vehicles that includes a shop with an area in excess of 50 square metres where food and household necessities are sold.

**Corner store** means a shop which has a floor space of not more than 150 square metres, that sells a variety of merchandise generally of a convenience type and that is located at least 400 metres from any other corner store or similar commercial establishment or land within Zone 3 (a), (b) or (c) under *Dubbo Local Environmental Plan 1998—Urban Areas*. It may consist of or include a chemist's shop, newsagency, milk bar, take-away food shop, general store, video shop, butcher's shop, baker's shop or be used for any similar use or combination of uses.

**Correctional centre** means a penal or reformatory establishment.

**Cotton farming** means the use of a site for the commercial production of cotton.



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***Crushing, grinding or separating works*** means a place used to process materials including sand, gravel, rock, minerals or materials for recycling or reuse, including slag, road base or demolition material (such as concrete, bricks, tiles, asphaltic material, metal or timber) by crushing, grinding or separating into different sizes.

***Cultural centre*** means a gallery or museum and may include a performance space and a restaurant or refreshment area.

***Dairy*** means a building or place used for the milking (other than for personal consumption) of livestock.

***Depot*** means a building or place used only for the storage of any plant, machinery, materials or goods used or intended to be used by the owner or occupier of the building or place, but does not include a building or place elsewhere specifically defined in this dictionary.

***Dry cleaner*** means a building used for the commercial cleaning of clothing, linen or other material products and the like with the use of chemicals and may include an ancillary laundry service.

***Dual occupancy*** means two separate dwellings on one allotment of land, neither of which is an additional dwelling as defined in this dictionary.

***Dwelling house*** means a building containing one, but not more than one, dwelling.

***Educational establishment*** means a building used as a school, college, TAFE establishment, academy or lecture hall, but does not include a building used wholly or principally as a child care centre or tourist facility.

***Entertainment facility*** means a building or place used for the purpose of entertainment, exhibitions or displays and includes theatres, cinemas, music halls, concert halls, drive-in theatres and the like.

***Environmental conservation*** means the protection, rehabilitation or restoration of land, which is consistent with practices agreed to or authorised by:

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- (a) the Department of Land and Water Conservation (in relation to erosion control, management of drainage corridors and other activities the responsibility of that Department), or
- (b) the Department of Agriculture (in relation to conservation farming and other activities the responsibility of that Department), or
- (c) the National Parks and Wildlife Service (in relation to conservation of sites of archeological significance, flora or fauna habitat or other activities the responsibility of that Service), or
- (d) New South Wales Fisheries (in relation to managing fish, fish habitat and aquatic biodiversity and other activities the responsibility of that agency), or
- (e) the Council.

***Exhibition home*** means a building designed to be a dwelling but initially operated as a display home for a period of up to but not more than 12 months, which is open to public inspection at regular times and may include a sales office.

***Extractive industry*** means an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on.

***Farmstay establishment*** means a property at which:

- (a) an established farming enterprise is carried on which forms part of the day to day operation of the property, and
- (b) accommodation and entertainment are provided for tourists.

***Forestry*** includes arboriculture, silviculture, forest protection, the cutting, dressing or preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products or for forest protection.

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***Funeral establishment*** means a building or place used for the conducting of funerals and for any or all associated activities which may include the provision of a crematorium, mortuary, preparation areas, offices, caretaker's accommodation or the like but does not include premises used solely as an office.

***Group home*** means a dwelling that is a permanent group home or a transitional group home as defined in *State Environmental Planning Policy No 9—Group Homes*.

***Guest house or hostel*** means a building which:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not contain facilities in rooms for the preparation of meals by guests, and
- (d) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the temporary accommodation (who may normally reside in the building).

***Helipad*** means an area or place not open to public use and which is set apart for the taking off and landing of helicopters.

***Home based child care establishment*** means a dwelling providing care for up to seven children (including the care giver's own children), in the premises where the care giver resides.

***Home business*** means a home occupation that involves either or both of the following:

- (a) the employment of one, but not more than one, person who is not a resident of the dwelling,
- (b) regular visits by clientele.

***Home industry*** means an industry carried on in a building (other than a dwelling house or a dwelling in a residential flat building) under the following circumstances:

- (a) the building has a floor area less than the internal floor area of the principal dwelling on the site up to a maximum floor area of 100 square metres, and

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- (b) the building is erected within the curtilage of the dwelling house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (c) the industry does not:
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available to the locality.

***Home occupation*** means an occupation carried on in a dwelling house or in a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling which would not have required registration of the building under the *Factories, Shops and Industries Act 1962* immediately before the repeal of sections 10–13 of that Act and 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 or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the residents), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or

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- (f) use of more than one room of the house or of more than 30 square metres of the floor area of the dwelling house or residential flat building, whichever is the lesser, or
  - (g) regular visits by clientele.

**Hospital** means a building or place used as a:

- (a) hospital, or
- (b) sanatorium, or
- (c) health centre, or
- (d) nursing home, or
- (e) home for aged persons, infirm persons, incurable persons or convalescent persons,

whether public or private, and includes a shop or dispensary used in conjunction with the building or place.

**Hotel** means any premises specified in a hotelier's licence granted under the *Liquor Act 1982*, that may also provide overnight accommodation.

**Industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, but (in Part 3) does not include any other use elsewhere defined in this dictionary.

**Intensive agriculture** means:

- (a) the use of a site predominantly for the cultivation by irrigation of fruit, vegetable crops, flower crops, pasture or fodder, or like crops which rely on irrigation, or
- (b) the commercial keeping or breeding (or both) of livestock which are substantially dependent on high quality forage produced from the land, such as horse studs or similar enterprises,

but does not include the use of animal establishments or artificial waterbodies, aquaculture, cotton farming, the use of intensive livestock keeping establishments or large scale earthworks, or turf farming or dairying.

**Intensive livestock keeping establishment** means a building or place used for a commercial operation where animals are nurtured substantially on feed not produced on the land

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(excluding temporary feeding during and as a result of drought, fire, flood or similar emergency) where the animals are penned or housed and includes cattle feed lots, poultry sheds, piggeries and the like.

***Kennel*** means a building or place used for the training, breeding or boarding or a combination thereof, of domestic pets or greyhounds, or both.

***Landfill site*** means land used for the purposes of disposing of waste to fill the land.

***Laundromat*** means a building available to the public for the use of coin or token operated washing and drying machines or for a washing, drying and ironing service provided by the operator, or for both of those services.

***Light industry*** means an industry, not being an offensive or hazardous industry, in which the processes carried on, or the transportation involved or the machinery or materials used, do 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.

***Machinery dealership*** means a building or place used for the sale by retail or auction, the hire or the display of agricultural, earthmoving or road transport machinery and equipment as well as the ancillary sale of parts and accessories and the servicing and repair of such items.

***Major retail attractor*** means a retail establishment with a retail floor space in excess of 1,000 square metres and includes a department store, discount department store or supermarket but does not include a bulky goods sales room or showroom.

***Materials recycling depot*** means land used for the collection, storage, recycling or sale of scrap metals, waste paper, rags, bottles or other scrap materials.

***Medical consulting rooms*** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of, a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the *Dentists Act 1989*, or by not more than three health care professionals, who practise there the profession of medicine, dentistry or health care, respectively, and, if more than one, practise in

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partnership, and who employ not more than three employees in connection with that practice.

**Medium density housing** means two or more dwellings on a site where each dwelling has an individual entrance and direct private access to private open space at natural ground level for the exclusive use of the occupants of the dwelling, and includes villas, residential flat buildings, terraces, town-houses, cluster housing, integrated housing, serviced apartments and the like but does not include semi-detached housing.

**Mining** includes any form of mining, such as surface mining (whether by open cut or any other method) and underground mining.

**Motor and recreational vehicle dealership** means a building or place used for the sale by retail or auction, the hire or the display of cars, motorcycles, caravans, boats, trailers and the like as well as the ancillary sale of parts and accessories and the servicing and repair of such items.

**Offensive or hazardous industry** means an industry which by reason of the process involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

**Office premises** means a building or place used for the purpose of administration, or for clerical, technical, professional or like activities (except for dealing with members of the public on a direct and regular basis or otherwise than by appointment), but (in Part 3) does not include a building or place elsewhere defined in this dictionary.

**Passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, including any ancillary facilities required for the parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

**Place of assembly** means a public hall, dance hall, open-air theatre, or any other building of a like character used as such and whether used for the purpose of gain or not, but (in Part 3) does not include a place of worship, an educational establishment, entertainment facility or any other building or place separately defined in this dictionary.

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

***Plant nursery*** means a building or place used for both the growing and selling by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold there.

***Public 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.

***Recreation area*** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, including parks, reserves and ovals, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by the Council, or a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

and includes such an area that has undergone aesthetic enhancement by way of tree planting and other landscaping but does not include a racecourse or a showground.

***Recreation facility*** means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, and includes sports stadiums, showgrounds, racecourses and the like, but does not include a building or place elsewhere defined in this dictionary.



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**Refreshment area** means premises that are ancillary to another approved use of the site that provide refreshments to visitors of the site, operate within the hours of operation and utilise the same parking and access as the use to which they are ancillary and includes a wine tasting room and a kiosk.

**Restaurant** means a building or place used for the sale of prepared food and beverages that provides sit down, takeaway, or drive through service or any combination thereof and includes a restaurant, fast food outlet, café, tea room, eating house or the like.

**Restricted premises** means business premises or a shop that, due to its nature, restricts access to customers over 18 years of age and includes a sex shop and the like, but does not include a tavern, hotel or brothel.

**Roadside stall** means a place used for the purpose of offering for sale by retail agricultural goods produced on the allotment on which the place is located or on allotments in the locality, but only where the building, structure or device used for offering produce for sale is of a temporary nature (that is, it is capable of being erected or dismantled in 24 hours).

**Road transport terminal** means a building or place used mainly for the bulk handling of goods for transport by road (or transfer for air transit), and includes facilities for the loading and unloading of vehicles used to transport those goods and may provide for the parking, servicing and repair of those vehicles and includes a courier service.

**Rural industry** means:

- (a) the handling, selling, treating, processing or packing of rural products, or
- (b) the regular servicing or repairing of plant or equipment used for the purpose of a rural activity operating in the locality.

**Sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**Semi-detached housing** means a building containing two, but not more than two, dwellings on a single allotment of land.

**Service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the hire of trailers,
- (b) the sale by retail of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),
- (e) the retail sale or hire of other goods within an ancillary area,

but does not include a building or place elsewhere defined in this dictionary.

**Shop** means a building or place used for the purpose of selling items, whether by retail or auction, for hiring of items or for displaying items for the purpose of selling or hiring them (whether the items are goods or materials) but does not include a major retail attractor or bulky goods sales room or showroom.

**Stock and sale yard** means a building or place used for the purpose of offering livestock or poultry for sale.

**Tavern** means premises licensed for the sale of liquor but which do not provide overnight accommodation on a commercial basis.

**Tourist accommodation** means a building or buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons, such as restaurants, convention areas and the like and includes a motel, but (in Part 3) does not include a building or place elsewhere defined in this dictionary.

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***Tourist facility*** includes an interpretation centre associated with a site of recognised historic, natural or cultural interest and may include a restaurant used in association with a tourist facility located on the same site.

***Transfer station*** means a place set aside for the collection and transfer of domestic and commercial waste, but not a place that fronts a transport corridor.

***Transport depot*** means a building or place used for the parking or storage of 2 or more motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

***Treated waste application*** means the application or disposal of liquid effluent, sludge or other semi-solid organic waste products to or on land but does not include biosolid waste application, composting, landfilling, water treatment sludge application or operation of waste management facilities or any activity that is reasonably and normally ancillary to another approved or lawful use or another use elsewhere defined in this dictionary.

***Turf farming*** means the commercial cultivation, and removal from land, of turf.

***Vehicle body repair workshop*** means a building or place used for the repair of vehicles or agricultural machinery involving body building, panel beating or spray painting.

***Vehicle repair station*** means a building or place used for the purpose of carrying out repairs or the sale and fitting of accessories to vehicles or agricultural machinery, not being a vehicle body repair workshop.

***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 treatment.

***Warehouse or distribution centre*** means any building or place used mainly for:

- (a) storing goods, or
- (b) handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale, to the public from the building or place.

**Waste management facility** means a place used for the disposal or treatment, or both, of wastes and includes a sewerage treatment plant but does not include a landfill site or a place which any other use separately defined in this dictionary is carried out.

**Water treatment sludge application** means the application to land of solid or semi-solid materials generated by the process of water treatment, at a scale and in a manner that are consistent with requirements that apply to biosolid waste applications as detailed in the NSW Environment Protection Authority's guidelines titled "Environmental Guidelines: Use and Disposal of Biosolids Products" dated October 1997, as amended from time to time.

## Part B Definitions of other terms

**Advertisement** means the use of a building or place for the display of symbols, messages or other devices for promotional purposes, or for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure or the carrying out of a work, but does not include a commercial sign or an advertisement on publicly owned furniture such as public seating and garbage bins.

**Airport Obstacle Limitation** means the area shown as subject to obstacle limitations on the map labelled "Dubbo Airport—Obstacle Limitation Surface", dated 26 August 1997 and held in the office of the Council.

**Alter** in relation to a heritage item means:

- (a) make structural changes to the outside of the heritage item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, but not changes resulting from the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

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***Ancillary use*** means a use which is secondary or subsidiary to, and supportive of, the primary use on the same site but does not include designated development as identified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

***Appointed day*** means the day on which this plan takes effect.

***Aquifer impact assessment*** means an analysis of how development may impact on the aquifer.

***Archaeological site*** means a site identified as such in Schedule 2 to this plan.

***Certified***, for the purpose of clauses 13 and 13A of this plan, means accepted and endorsed by an appropriately qualified consultant or by appropriate representatives of government agencies who have responsibility for managing the particular issue(s).

***City*** means the City of Dubbo.

***Commercial sign*** means any advertisement, whether illuminated or not, which:

- (a) has an outline that would fit within a rectangular figure 1.25 metres in length and 0.6 metre in height and has an area not exceeding 0.75 square metre, and
- (b) in respect of any place or premises to which it is affixed, contains only:
  - (i) a reference to the identity or a description of the place or premises, or
  - (ii) a reference to the identity or a description of any person residing or carrying on an occupation at that place or premises, or
  - (iii) particulars of any occupation carried on at the place or premises, or
  - (iv) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on in the place or premises, or
  - (v) particulars or notifications required or permitted to be displayed by or under any Act (including any Commonwealth Act), or

- (vi) particulars relating to the goods, commodities or services dealt with or provided at the place or premises, or
- (vii) particulars of any activity held or to be held at the place or premises, or
- (viii) a reference to any affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.

**Community land** has the meaning ascribed to that expression in the *Local Government Act 1993*.

**Conservation instrument** has the meaning ascribed to that expression in the *Heritage Act 1977*.

**Contaminated land** means land in, on or under which any substance is present at a concentration above that normally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment.

**Council** means the Council of the City of Dubbo.

**Demolish** a heritage item, building, relic, tree, place or work means the damaging, defacing, destroying, pulling down, dismantling or the removal of the heritage item, building, relic, tree, place or work, in whole or in part.

**Development** has the meaning ascribed to it in the *Environmental Planning and Assessment Act 1979*. It includes:

- (a) the erection of a building on land, and
- (b) the carrying out of a work in, on, over or under land, and
- (c) the use of land or of a building or work on land, and
- (d) the subdivision of land.

**Drainage** means the management of stormwater via various engineering methods.

**Dryland salinity impact assessment** means an analysis of how development may impact on any identified areas of dryland salinity.

**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.

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***Environmentally sensitive land*** refers to land that is identified as part of the aquifer recharge area (being the sensitive areas adjoining the Macquarie River to the immediate north and south of the city), as erosion susceptible (being lands identified as land capability classifications VII and VIII by the Soil Conservation Service), or as being of habitat value (being areas of Crown land, TSR's etc) on the maps entitled "Aquifer", "Erosion" and "Habitat", respectively, deposited in the office of the Council.

***Extractive material*** means sand, gravel, clay, soil, rock, stone and similar substances.

***Flood affected land*** means land identified on the zoning map as "Flood Affected (indicative)". It includes land that was inundated in 1955 by floodwaters in the locality (or, in the case of land at Eumungerie, that was inundated in 1993), but does not include land that lies above a flood standard adopted for the time being by the Council.

***Health care professional*** means a person who provides professional health services to members of the public and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors and Osteopaths Act 1991*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and
- (d) an optometrist registered under the *Optometrists Act 1930*.

***Heritage item*** means a building, work, place, relic or tree specified in Schedule 2.

***Heritage significance*** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**Land** includes:

- (a) the sea or an arm of the sea,
- (b) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and
- (c) a river, stream or watercourse, whether tidal or non-tidal.

**Large scale earthworks** means ground disturbance involving more than 2,500 square metres of surface area involving either vegetation removal, cut and fill operations or land forming necessary to permit building work or other development to proceed.

**Maintenance**, in relation to a heritage item, means ongoing protective care of the fabric of the heritage item and its setting.

**Native vegetation** means vegetation that is indigenous to the State, including trees, shrubs and understorey plants. For the purposes of this definition, indigenous vegetation is that of a species which existed in the State before European settlement.

**Natural ground level** means the level of land as if no development has taken place.

**On-site waste disposal** means the breaking down of human or animal wastes via natural means on land and then disposal on the same land either through spraying, in trenches or by other means, but only if it is ancillary to an approved use.

**Potential archaeological site** means a site identified in Schedule 7 to this plan and includes a specific site known to the consent authority to have archaeological potential even if it is not so identified.

**Principles of ecologically sustainable development** means the principles derived from the following statements:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a



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reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
  - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
- (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and
  - (ii) the users of goods and services should pay prices based on the costs involved in the full cycle of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
  - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

***Probable maximum flood*** means the largest flood that could conceivably occur in the Macquarie and Talbragar Rivers system. For the purposes of this plan, it is taken to be equivalent to the “Extreme Flood” having a peak discharge of three times that of the 1% AEP (1 in 100 years) event.

***Property Development Plan*** means a plan that has been prepared by an appropriately qualified consultant, and provides details of such of the following as are relevant to the application:

Infrastructure/Plant

- (a) specialised machinery to be used in the proposed agricultural use,
- (b) specialised handling, processing and storage facilities for the proposed agricultural use,
- (c) specialised internal fencing suitable for the proposed agricultural use,
- (d) the adequacy of road access within the allotment for the proposed agricultural use,
- (e) the adequacy of the supply of electricity to the allotment and the arrangements for its distribution for the proposed agricultural use and for its connection to any proposed dwelling house,
- (f) the location intended for any proposed dwelling house,

Economic function

- (g) the current and proposed agricultural use of the allotment,
- (h) budgets relating to the profit and loss of the proposed agricultural use,

Water

- (i) the water allocation that has been obtained and how it is appropriate for the proposed agricultural use,
- (j) the irrigation system and its likely impact on waterways and aquifers,

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- (k) drainage works to contain run-off of effluent or chemical residues, or any other substance or material stored or generated on-site that is likely to result in the contamination of surface or groundwaters,
  - (l) the impact localised flooding has on the land,

Aquifer

- (m) the location of any aquifer, dam, river, creek or other water source situated under or on, or passing through, the allotment,
- (n) the potential impact of the proposed agricultural use on any aquifer, including its impact on groundwater levels and water quality,

Soils

- (o) a soil survey identifying the soil capability of the allotment, likely contamination, affected salinity (both on and off-site), and the soil management practices appropriate for the proposed agricultural use, including soil erosion control measures,
- (p) the risk of soil erosion and its likely impact on groundwater and surface water quality,

Vegetation

- (q) the impact vegetation clearance may have on the existing habitat of native fauna,
- (r) the risk of bushfire and proposed mitigation measures,
- (s) whether the removal of native vegetation will result in irreparable damage to the vegetation system in the locality.

***Property Development Plan—Abridged*** means a plan that has been prepared by an appropriately qualified consultant, and provides details of such of the following as are relevant to the application:

Infrastructure/Plant

- (a) existing and proposed plant and infrastructure used for the operation of the farming enterprise and farmstay establishment,

Economic function

- (b) the current and proposed agricultural use of the allotment,
- (c) budgets relating to the profit and loss of the agricultural enterprise and the farmstay establishment,

Environmental impact

- (d) the potential impact of the development on any aspect of the environment including water, aquifer, soils and vegetation,

Adjoining land uses

- (e) the potential impact of the development on adjoining land uses including the potential for conflict with agricultural uses within the site and on adjoining sites.

***Qualified consultant*** means a person who possesses tertiary qualifications in agricultural science or land management (or both), has at least 2 years practical experience in that field, and is a member of a professional agricultural, natural resources management or land use planning association that has a code of ethics.

***Relic*** means any deposit, object or material evidence (not being a handicraft made for sale, but which may consist of human remains) relating to:

- (a) the use or settlement of the land within the City of Dubbo, being a deposit, object or material evidence that is more than 50 years old, or
- (b) indigenous or non-European habitation of land within the City of Dubbo, being habitation, either prior to or concurrent with the occupation of that land by persons of European extraction.

***Remediation plan*** means a plan, prepared by a consultant accredited by the Environment Protection Authority, which details works required to be undertaken for the restoration of contaminated land.

***Road*** means a public thoroughfare used for the passage of humans, vehicles or animals.

***Setbacks*** for the purpose of this plan are measured from the property boundary abutting the relevant road.

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***Soil erosion assessment*** means an analysis of the impact proposed development may have on existing erosion patterns and of the measures that are required to minimise soil erosion.

***Sustainable*** in the context of this plan refers to existing and proposed activities that, in the Council's opinion, formed after considering advice provided to the Council by relevant government agencies, satisfy the environmental objectives of this plan.

***Sustainable natural resource management*** means ensuring that the health, diversity and productivity of the nation's natural resources are maintained or enhanced for the benefit of future generations through the conservation of biological diversity and the integrity of ecosystems and for the purpose of this plan requires that development be assessed with regard to the principles of ecologically sustainable development.

***Temporary use*** or ***temporary structure*** means a use or structure that is intended to operate or be erected only for a specific period of time or in specific circumstances and that is not intended to continue or remain in place on a permanent basis. Where it involves the erection of any new structure, the structure must be designed, erected and maintained so as to be able to be quickly relocated or dismantled.

***The Act*** means the *Environmental Planning and Assessment Act 1979*.

***Transport corridor*** means the road and rail corridors (including land up to the adjoining property boundaries) identified as:

- (a) Mitchell Highway,
- (b) Newell Highway,
- (c) Dubbo-Mendooran Road,
- (d) Dunedoo Road,
- (e) Eumungerie-Narromine Road,
- (f) Bunglegumbie Road from the Mitchell Highway to the intersection at Troy Bridge Road,
- (g) Troy Bridge Road,
- (h) Main Western Railway Line,
- (i) Molong Railway Line,

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Schedule 1

Amendments

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- (j) Coonamble Railway Line,
- (k) Merrygoen Railway Line,

on the zoning map.

**Utility undertaking** means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities, or
- (e) firefighting facilities, or
- (f) paramedical facilities.

**Water quality management plan** means a plan that explains strategies aimed at protecting and enhancing the quality of local surface watercourses by managing the quality and quantity of effluent or contaminated run-off likely to be produced from proposed development, both during and after the construction phase.

**Waterway** means land that is located within 40 metres of the highbank of a river or stream listed in Schedule 3.

**Wetland** means land that is inundated with shallow water that may be slow moving or stationary, fresh, brackish or saline, for a long enough period (either temporarily or permanently) so that the plants and animals living on or within the land are adapted to, and often dependent on, living in a wet condition for at least part of their life cycle.

**Wildlife habitat impact assessment** means an analysis of how development may impact on existing areas of wildlife habitat and existing corridors between those areas.

*Zoning map* means the sheets of the map marked “Dubbo Local Environmental Plan 1997—Rural Areas”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 3)

**[27] Schedule 6, heading**

Omit the heading. Insert instead:

**Schedule 6 Additional uses of land**

(Clause 15)

**[28] Schedule 6**

Omit the first item. Insert instead:

- Development for the purpose of a landfill site, waste management facility and/or for passive recreational uses not involving the erection of a building on Lot 1125 DP 880898, known as the Whylandra Waste Disposal depot.

**[29] Schedule 6**

Insert at the end:

- Development for the purpose of bed and breakfast accommodation and/or 2 self contained cabins for the short term accommodation of tourists and a wine tasting/refreshment area on land comprising the consolidation of Lot 1 Section 3 DP 758201, Lot 233 DP 822451 and Lot 331 DP 754308, but only if the development is ancillary to the use of the sites as a vineyard and winery, respectively.

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**[30] Schedule 7**

Insert after Schedule 6:

**Schedule 7    Potential archeological sites**

(Schedule 1)



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## Schedule 2 Amendment of zoning map

(Clause 5)

### [1] Sheets 1–6

Omit from the key on sheets 1–6:

Dryland Agriculture	1 (A)
Intensive Agriculture	1 (I)
Forestry	1 (F)
Small Farm Estate	1 (S)
Village	2 (V)
National Parks & Nature Reserve	8

Insert instead:

1 (A) Dryland Agriculture Zone
1 (I) Intensive Agriculture Zone
1 (F) Forestry Zone
1 (S) Small Farm Estates Zone
2 (V) Village Zone
8 National Parks and Nature Reserves Zone

### [2] Sheet 5

Omit from sheet 5 the words “Scale 1:100 000”.

Insert instead “Scale 1:8,000”.

### [3] Sheet 5 scale bar

Replace the scale bar on sheet 5 with a bar that corresponds to the scale of 1:8,000.