

Dungog Local Environmental Plan 1990

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New South Wales

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Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2004](#)

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New South Wales

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Dungog Local Environmental Plan 1990



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Dungog Local Environmental Plan 1990*.

2 Aims, objectives etc

The general aims, objectives, policies and strategies of this plan are set out in Schedule 1, and the particular objectives of each zone are set out in the Table to clause 9.

3 Land to which plan applies

This plan applies to the whole of the land within the Shire of Dungog as shown on the map, with boundaries as indicated on the map.

4 Relationship to other environmental planning instruments

(1) This plan repeals:

(a) *Dungog Local Environmental Plan No 1*, and

(b) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies to the extent to which they applied to that land.

(2) Clauses 6, 9 and 10 of *State Environmental Planning Policy No 4—Development Without Consent* do not apply to the carrying out of certain development in heritage conservation areas in the manner indicated in clause 45.

5 Definitions

(1) In this plan:

agriculture means the cultivation of crops, and the keeping and breeding of livestock, bees or poultry and other birds, for commercial purposes, but does not include an intensive agricultural pursuit.

alter, in relation to a heritage item or to a building or work within a heritage

conservation area, means:

- (a) the making of structural changes to the outside of the heritage item, building or work, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

animal boarding, breeding or training establishment means a building or place used for the purposes of the boarding, nurturing, breeding or training of animals for gain or reward (other than purposes relating to agriculture), and includes riding schools, kennels and the like.

appointed day means the day on which this plan takes effect.

arterial road means:

- (a) a main road indicated on the map,
- (b) Allyn River Road between East Gresford Post Office and Salisbury Gap Road,
- (c) Paterson River Road between Gresford Public School and Spooner Bridge at Lostock,
- (d) Bingleburra Road,
- (e) Sugarloaf Road between Bingleburra Road and Chichester Dam Road,
- (f) Chichester Dam Road, or
- (g) Salisbury Road between Chichester Dam Road and Salisbury Gap Road.

automotive business means a building or place used for any one or more of the following purposes:

- (a) auto electrician's workshop,
- (b) auto spare parts sales,
- (c) car repair station,
- (d) service station,
- (e) tyre and car battery sales,
- (f) tyre retreading workshop.

bed and breakfast means a dwelling:

- (a) at which temporary accommodation is provided for the short-term traveller,
- (b) at which breakfast is the only meal provided for guests,
- (c) which does not contain facilities in rooms for preparation of meals by guests, and
- (d) which is not used for permanent or long-term accommodation by any person other than those persons who manage the accommodation or reside in the dwelling.

builder's yard means a building or place used or designed for use for the storage of plant, equipment or other materials used in the building trade, but does not include a bulk store, junk yard or workshop.

bulky goods means large goods which are of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers after sale,

but does not include food, clothing or produce.

bushfire fighting establishment means a building or place ordinarily used for:

- (a) the storage of fire fighting equipment,
- (b) activities associated with the maintenance or repair of fire fighting equipment,
- (c) the training of fire fighting personnel, and
- (d) the holding of meetings associated with bushfire brigade activities.

bushfire hazard reduction means a reduction or modification of fuel by burning, chemical, mechanical or manual means.

car repair station means a building or place used for the repair of motor vehicles or the fitting of accessories thereto.

caravan park has the same meaning as in the *Caravan Parks and Moveable Dwellings Ordinance* under the [Local Government Act 1919](#).

community centre means a building or place owned or controlled by the Council and used to provide facilities comprising or relating to one or more of the following:

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

- (e) indoor recreation,
- (f) child minding,
- (g) social and welfare functions,
- (h) any other like purpose.

conservation plan means a document establishing the significance of a heritage item and identifying the policies that are appropriate to enable that significance to be retained in its future use and development.

Council means the Council of the Shire of Dungog.

demolition, in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

existing holding means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was as at the appointed day, or
- (b) if, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at the appointed day.

feed lot means a building or place in or on which cattle, sheep or other livestock are held for the purpose of nurturing, either wholly or partly by a feeding method other than natural grazing, but does not include a piggery, a poultry farming establishment or an animal boarding, breeding or training establishment.

general store means a shop, trading principally in groceries, small goods and associated small items (which may include motor fuels and oils) having a retail gross floor area of not more than 150 square metres and which may include the facilities of a post office.

height, in relation to a building, means the vertical distance between the ground level abutting any wall of the building and the topmost point of the building immediately above the point of measurement.

heritage conservation area means an area of heritage significance being the land edged heavy black and marked “Heritage Conservation Area” on the map.

heritage item means a building, work, relic, tree or place of heritage significance to the Dungog Shire described in Schedule 2.

heritage significance means historic, scientific, cultural, social, archaeological,

architectural, natural or aesthetic significance.

holiday cabin means a dwelling used, constructed or adapted to be used for the provision of holiday accommodation only, being one of a group of similar dwellings erected on an allotment of land or allotments of land in the same ownership.

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 does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*, unless registration is required by reason only of the installation and use in the dwelling-house or dwelling of not more than 1 electric motor having a capacity of not more than 370 watts,
- (b) the employment of persons other than those residents,
- (c) interference 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 or grit, oil or otherwise,
- (d) the display of goods, whether in a window or otherwise, or
- (e) 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 resident).

intensive agricultural pursuit means the use of land for agricultural purposes, which include market gardening, mushroom growing, fruit growing, flower growing, viticulture, milking in a shed designed for that purpose, aquaculture or intensive animal husbandry, but does not include an animal boarding or training establishment or the keeping of livestock or poultry for the personal enjoyment or consumption of its produce by the owner or occupier of the land.

intensive animal husbandry means a building or place used for the commercial breeding, boarding or nurturing, by a feeding method other than natural grazing, of cattle, pigs, sheep, goats, poultry or other livestock and includes:

- (a) feed lots containing more than 5 cattle, and
- (b) piggeries containing more than 5 pigs, and
- (c) poultry farming establishments containing more than 20 birds.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum, other inflammable liquid or liquefied petroleum gas.

maintenance in relation to a heritage item or a building or work within a conservation area, means the continuous protective care of the fabric of the item or building or work and its setting.

piggery means a building or place where 3 or more pigs or piglets are kept for breeding or fattening for commercial purposes, but does not include a slaughter house.

plant depot means a building or place used for the parking or servicing of movable plant by the owner or lessee of the building or place in the pursuit of an occupation or business carried on at some other location.

plant nursery means a building or place used for the growing and selling (whether by retail or wholesale) of plants.

poultry farming establishment means a building or place where:

(a) in the case of land being not more than 2,000 square metres in area, more than 10 birds are kept, or

(b) in the case of land being more than 2,000 square metres in area, more than 20 birds are kept, including pigeons, caged birds, geese, turkeys and similar fowl,

for commercial purposes.

prime crop and pasture land means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture and Fisheries (copies of which are deposited in an office of the Department of Agriculture and Fisheries and in the office of the Council) as Class 1, Class 2 or Class 3 land or as land of merit for special agricultural uses, but does not include land which the Director-General has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

reception establishment means a building or place used, for the purposes of gain, for local functions or receptions.

recreation area means:

(a) a children's playground,

(b) an area used for sporting activities or sporting facilities, 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:

(i) the Council, or

(ii) a body of persons associated for the purpose of the physical, cultural or

intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

recreation facility means a building or place used for the purposes of or consisting of:

- (a) a swimming pool having a length greater than 20 metres,
- (b) a bowling green,
- (c) 2 or more tennis courts, or
- (d) a billiard saloon, table tennis centre, squash court, gymnasium, health studio, bowling alley, fun parlour or any other indoor facility of a like character,

whether used for the purposes of gain or not, but does not include a place of assembly.

research establishment means a laboratory or other place where scientific or technological development or research is carried out.

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of the Shire of Dungog which is 50 or more years old.

renovation, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, which may consist of or include changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

residential flat building Class A means a residential flat building containing 2 but not more than 2 dwellings, and includes buildings commonly known as duplex flats, maisonettes or semi-detached cottages.

residential flat building Class B means a residential flat building containing more than 2 dwellings in a group such as are commonly known as group houses, villa homes, town houses, terrace buildings and the like.

reticulated water and sewerage means water and sewerage services which are part of a system provided or operated (or both) by the responsible water or sewerage authority for the particular area (being Dungog Shire Council or Hunter Water Corporation Limited).

riding school means a building or place used for the purpose of teaching horse riding skills or for the hiring of horses for riding, whether or not accommodation is also provided for the riders.

road has the same meaning as it has in section 4 of the [Local Government Act 1919](#).

stable means a building or place used for or designed for use for the purpose of receiving, maintaining, boarding or keeping more than one horse.

stock and sale yard means a building or place used for the purpose of offering animals for sale, including a public cattle market, but does not include a building or place used for the purpose of offering for sale the stock of the farm on which it is erected or where it is situated.

telecommunications facility means any part of the infrastructure of a telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy.

the map means the series of maps marked “*Dungog Local Environmental Plan 1990*” as amended by the following maps:

Dungog Local Environmental Plan 1990 (Amendment No 1)

Dungog Local Environmental Plan 1990 (Amendment No 2)

Dungog Local Environmental Plan 1990 (Amendment No 3)

Dungog Local Environmental Plan 1990 (Amendment No 4)

Dungog Local Environmental Plan 1990 (Amendment No 5)

Dungog Local Environmental Plan 1990 (Amendment No 6)

Dungog Local Environmental Plan 1990 (Amendment No 8)

Dungog Local Environmental Plan 1990 (Amendment No 11)

Dungog Local Environmental Plan 1990 (Amendment No 12)

Dungog Local Environmental Plan 1990 (Amendment No 13)

Dungog Local Environmental Plan (Amendment No 14)

Dungog Local Environmental Plan (Amendment No 15)

Dungog Local Environmental Plan 1990 (Amendment No 16)

Dungog Local Environmental Plan 1990 (Amendment No 17)

Dungog Local Environmental Plan 1990 (Amendment No 18)

Dungog Local Environmental Plan 1990 (Amendment No 20)

Dungog Local Environmental Plan 1990 (Amendment No 21)

Dungog Local Environmental Plan 1990 (Amendment No 22)

Dungog Local Environmental Plan 1990 (Amendment No 23)

Dungog Local Environmental Plan 1990 (Amendment No 25)

Dungog Local Environmental Plan 1990 (Amendment No 31)

Dungog Local Environmental Plan 1990 (Amendment No 32)

Dungog Local Environmental Plan 1990 (Amendment No 41)

Dungog Local Environmental Plan 1990 (Amendment No 48)

Dungog Local Environmental Plan 1990 (Amendment No 52)

Dungog Local Environmental Plan 1990 (Amendment No 58)

tourist facility means a building or place designed or used for rendering services to, or providing accommodation for, travellers, tourists or any persons engaged in recreational pursuits, and includes a caravan park, club, general store, holiday cabin, hotel, motel, picnic ground, playground, refreshment room, service station or water sport facility.

utility installation means a building or work (including a telecommunications facility) used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

vacant land means land devoid of any dwelling-house.

veterinary establishment means a building or place used by a registered veterinary surgeon, and includes an animal hospital, a veterinary surgery or a veterinary clinic.

watercourse means any river and its tributaries (including any creek, stream or land along which water flows permanently or intermittently and which is so shown in respect of the land to which this plan applies on a 1:25 000 topographic map issued by the Department of Land and Water Conservation).

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the Council,
- (c) a reference to land within a zone specified in the Table to clause 9 in a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified, and
- (d) a reference to the 1 in 100 year flood level is in relation to land, a reference to the height above Australian Height Datum to which the Council has determined that a 1 in 100 year flood affecting that land is likely to rise.

6 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* (except the definitions of **agriculture**, **arterial road**, **car repair station**, **general store**, **home occupation**, **liquid fuel depot**, **map**, **recreation facility**, **stock and sale yard**, **tourist facilities** and **utility installation** in clause 4 (1), and clauses 15, 16, 17, 33, 34 and 36) are adopted for the purposes of this plan.

7 Consent authority

The Council shall be the consent authority for the purposes of this plan.

Part 2 General restrictions on development of land

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

Zone No 1 (b) (General Rural Zone)—edged heavy black and lettered “1 (b)”.

Zone No 1 (c) (Rural Residential Zone)—edged heavy black and lettered “1 (c)”.

Zone No 1 (d) (Rural Farmlets Zone)—edged heavy black and lettered “1 (d)”.

Zone No 1 (f) (Rural (Forests) Zone)—edged heavy black and lettered “1 (f)”.

Zone No 2 (a) (Residential “A” Zone)—edged heavy black and lettered “2 (a)”.

Zone No 3 (a) (Local Business Zone)—edged heavy black and lettered “3 (a)”.

Zone No 4 (a) (General Industrial Zone)—edged heavy black and lettered “4 (a)”.

Zone No 4 (b) (Light Industrial Zone)—edged heavy black and lettered “4 (b)”.

Zone No 5 (a) (Special Uses “A” Zone)—edged heavy black and lettered “5 (a)”.

Zone No 5 (b) (Special Uses “B” Zone)—edged heavy, black and lettered “5 (b)”.

Zone No 5 (c) (Special Uses (Limited Building Area) Zone)—edged heavy black and lettered “5 (c)”.

Zone No 6 (a) (Open Space (Existing Recreation) Zone)—edged heavy black and lettered “6 (a)”.

Zone No 6 (b) (Open Space (Private Recreation) Zone)—edged heavy black and lettered “6 (b)”.

Zone No 7 (a) (Rural Environmental Protection (Flood Liable Land) Zone)—edged heavy black and lettered “7 (a)”.

Zone No 7 (b) (Rural Environmental Protection (Water Catchment Area) Zone)—edged heavy black and lettered “7 (b)”.

Zone No 7 (c) (Rural Environmental Protection (Habitat) Zone)—edged heavy black and lettered “7 (c)”.

Zone No 8 (National Parks and Nature Reserve Zone)—edged heavy black and lettered “8”.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause:
 - (a) development for a purpose specified under the heading “Without development consent” may be carried out without development consent,
 - (b) development for a purpose specified under the heading “Only with development consent” may be carried out only with development consent,
 - (c) development for a purpose specified under the heading “Advertised development—only with development consent” may be carried out only with development consent granted after the provisions of subclauses (3)–(5) have, except as provided by subclause (6), been complied with, and
 - (d) development for a purpose specified under the heading “Prohibited development” shall not be carried out.
- (3) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development (not being designated development) referred to in subclause (2) (c) in

the same way as those provisions apply to and in respect of designated development.

- (4) A development application to carry out development (not being designated development) referred to in subclause (2) (c) shall be accompanied by an environmental impact report which contains:
 - (a) a full description of the development proposed by the development application,
 - (b) a statement of the objectives of the proposed development, and how those objectives relate to the objectives of the zone,
 - (c) a full description of the existing environment likely to be affected by the proposed development, if carried out,
 - (d) identification and analysis of the likely environmental interactions between the proposed development and the environment,
 - (e) analysis of the likely environmental impact or consequences of carrying out the proposed development,
 - (f) justification of the proposed development in terms of environmental, economic and social considerations,
 - (g) measures to be taken in conjunction with the proposed development to protect the environment and an assessment of the likely effectiveness of those measures,
 - (h) any feasible alternatives to the carrying out of the proposed development and reasons for choosing the latter, and
 - (i) any consequences of not carrying out the proposed development.
- (5) In the preparation of an environmental impact report referred to in subclause (4), the person preparing the report shall consult with the Council and shall, in completing the preparation of the report, have regard to any requirements notified to the person in writing by the Council in respect of the form and content of the report.
- (6) Where development (not being designated development) referred to in subclause (2) (c) involves only alterations or additions to existing development, being alterations of a minor nature which do not to any significant extent change the scale, size or degree of the existing development, subclauses (3)-(5) shall not apply to the development or the application in respect of the development.
- (7) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.
- (8) The Council may decline to grant consent for development until after it has

considered an environmental management plan, if the proposed development is likely to result in increased stormwater run-off, erosion or sedimentation or other significant pollution within the catchment of any watercourse.

- (9) Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land covered by this plan unless the Council is of the opinion that the carrying out of the development will not have a significant adverse effect on the water quality of any watercourse.
- (10) The Council, when determining a development application, must consider the provisions of section 4.1 (Best Management Principles) and section 4.2 (Environmental Planning) of the *Williams River Catchment Regional Planning Strategy*.
- (11) In this clause:

environmental management plan means a plan addressing potential environmental aspects of proposed development (to the extent relevant, in the opinion of the Council, to the particular proposal), including management of potential vegetation, erosion and sedimentation impacts and assessment of land and water capability (adopting a total water cycle management approach to water use and wastewater management).

Williams River Catchment Regional Planning Strategy means the Regional Planning Strategy of the Department of Urban Affairs and Planning for the Williams River catchment (kept in the Newcastle office of the Department of Urban Affairs and Planning, and copies of which are kept in the offices of Dungog Shire Council and Port Stephens Council).

Table

Zone No 1 (b) (General Rural Zone)

1 Objectives of zone

- A The primary objective is to regulate the subdivision and use of land within the zone:
- (a) to discourage the fragmentation of prime crop and pasture land and to reduce the potential for conflict between agriculture and other land uses,
 - (b) to ensure that:
 - (i) land actually used for purposeful agricultural production, or
 - (ii) land having the potential for purposeful agricultural production, is developed in a manner to optimise its production potential, as

advised from time to time by the Director-General of the Department of Agriculture and Fisheries,

- (c) to enable development which is ancillary to the agricultural use of land within the zone (particularly dwelling houses, rural workers' dwellings and rural industries) where such facilities do not significantly reduce the production potential of the subject land or other land in the locality,
- (d) to permit a range of uses which are compatible with the rural character of the land, particularly tourist oriented developments and recreation establishments and recreation facilities, and
- (e) to permit closer rural settlement on land which an applicant has demonstrated as being suitable for this land use by compliance with the requirements of clause 23.

B The secondary objective is to ensure that development within the zone:

- (a) maintains the rural character of the locality, and
- (b) does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.

C The exceptions to these objectives are:

- (a) development of land within the zone for public works and services, outside the parameters specified in the primary and secondary objectives, subject to the impact on agricultural resources being minimised, where practical,
- (b) development of land for extractive resource purposes, and
- (c) development of an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

2 Without development consent

Agriculture; forestry.

3 Only with development consent

Any purpose which, in the opinion of the Council, is consistent with the objectives of this zone, other than a purpose specified in item 2, 4 or 5; bed

and breakfast.

4 Advertised development—only with development consent

Bulk stores; bus depots; extractive industries; intensive agricultural pursuit; mines; motor showrooms; offensive or hazardous industries; recreation establishments; recreation facilities; sawmills; service stations; tourist facilities; transport terminals; warehouses; waste disposal.

5 Prohibited development

Industries (other than rural industries); residential buildings (other than dwelling-houses); shops (other than general stores).

Zone No 1 (c) (Rural Residential Zone)

1 Objectives of zone

The objectives are:

- (a) to permit the development of rural residential lots generally within a 10 kilometre radius of existing urban areas and which are accessible to services such as electricity, telephone and tar-sealed roads,
- (b) to permit only low density residential and related activities in order to protect the residential amenity and semi-rural character of the zone,
- (c) to ensure that allotments created in the zone do not hinder the proper and orderly development of future urban areas, and
- (d) to provide for the creation of rural residential allotments ranging in size from 8,000 square metres to 10 hectares.

2 Without development consent

Agriculture (other than bee-keeping); dwelling-houses more than 30 metres from a bank of a watercourse; forestry.

3 Only with development consent

Bed and breakfast; dwelling-houses within 30 metres of a bank of a watercourse; intensive agricultural pursuits; open space; plant nurseries; roads; roadside stalls; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Animal boarding, breeding or training establishments; home industries; stables.

5 Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

Zone No 1 (d) (Rural Farmlets Zone)

1 Objectives of zone

The objectives are:

- (a) to permit development of rural farmlets accessible to the urban areas within the Dungog Shire which are suitable for small scale hobby farming,
- (b) to encourage the planning of the size and shape of rural farmlets or hobby farms with regard to views, soils, topography, vegetation, winds and the location of services,
- (c) ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and to agricultural productivity,
- (d) to ensure that development does not adversely affect rural and residential amenity within “hobby farm” estates,
- (e) to make provision for a reasonable range of suitable activities associated with residential occupation of the land, and
- (f) to provide for the creation of rural farmlets having areas of not less than 10 hectares.

2 Without development consent

Agriculture; dwelling-houses more than 30 metres from a bank of a watercourse; forestry.

3 Only with development consent

Advertising structures; bed and breakfast; drainage; dwelling-houses within 30 metres of a bank of a watercourse; home industries; intensive agricultural pursuits; open space; plant nurseries; riding schools; roads; roadside stalls; stables; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Animal boarding, breeding or training establishments; educational establishments; extractive industries; tourist facilities.

5 Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

Zone No 1 (f) (Rural (Forests) Zone)

1 Objectives of zone

The objectives are:

- (a) to enable the development of land within the zone for forestry purposes, and
- (b) to enable the development of land for other purposes that will not adversely affect the usefulness of the land for the purposes of forestry.

2 Without development consent

Any purpose authorised under the *Forestry Act 1916*; any purpose ancillary or incidental to such a purpose.

3 Only with development consent

Any purpose where it can be demonstrated by the applicant that suitable land or buildings for the proposed purpose are not available elsewhere and that such a use will not detrimentally affect forestry operations on nearby lands.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose which, in the opinion of the Council, is inconsistent with the objectives of this zone other than a purpose specified in item 2 or 3.

Zone No 2 (a) (Residential 'A' Zone)

1 Objectives of zone

The objectives are:

- (a) to preserve the predominantly single dwelling characteristics of existing residential areas,
- (b) to enable sensitive in-fill development of the housing types,
- (c) to allow people to carry out a reasonable range of activities from their homes where such activities do not adversely effect the living environment of neighbours,
- (d) to permit development which serves the needs of residential areas, and
- (e) to ensure that the range of other development permitted in a residential area is compatible with the residential environment.

2 Without development consent

Dwelling-houses.

3 Only with development consent

Agriculture; drainage.

4 Advertised development—only with development consent

Bed and breakfast; boarding-houses; child care centres; general stores; plant nurseries; residential flat buildings; utility installations (other than gas holders or generating works).

5 Prohibited development

Any purpose other than a purpose specified in item 2, 3, or 4.

Zone No 3 (a) (Local Business Zone)

1 Objectives of zone

The objectives are:

- (a) to maintain the status and encourage the future growth of the Dungog business centre as a retail service, commercial and administrative centre while maintaining the centre's compact form,
- (b) to maintain the status and encourage the future growth of the other business centres in the Shire of Dungog as district service centres,
- (c) to encourage the provision of shopping and other services to the residents of the Shire of Dungog,

- (d) to enable a wide range of land uses that are associated with, ancillary to or supportive of the retail and service functions of business centres,
- (e) to maintain the existing character of all the existing business centres, and
- (f) to support business development by way of the provision of parking and other civic facilities.

2 Without development consent

Nil.

3 Only with development consent

Any purpose which, in the opinion of the Council, is consistent with the objectives of this zone, other than a purpose specified in item 4 or 5; bed and breakfast.

4 Advertised development—only with development consent

Fun parlours.

5 Prohibited development

Amusement parks; bus depots; caravan parks; dwelling-houses (other than those used in conjunction with shops or commercial premises); industries; junk yards; liquid fuel depots; mines; sawmills; stables; stock and sale yards; transport terminals.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to cater for industries that cannot be accommodated within the urban areas of the Shire of Dungog because of their size or requirements to be isolated from other buildings, but not to cater for normal service type industries which can be located in the urban areas of the Shire,
- (b) to accommodate larger industries or those which potentially could create a nuisance in locations separated from residential areas but accessible to the workforce,
- (c) to enable development that is associated with, ancillary to or supportive

of, industry or industrial employees, and

- (d) to allow commercial, retail or other development only where it is:
- (i) ancillary to the use of land within this zone for industrial, service or storage purposes,
 - (ii) primarily intended to provide personal services to persons occupied or employed in activities otherwise permitted in this zone,
 - (iii) associated with an industrial environment,
 - (iv) unlikely to prejudice the viability of existing commercial centres, and
 - (v) not prejudicial to the objectives specified in paragraph (a).

2 Without development consent

Nil.

3 Only with development consent

Any purpose which, in the opinion of the Council, is consistent with the objectives of this zone, other than a purpose specified in item 5.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Bed and breakfast; boarding-houses; caravan parks; dwellings or dwelling-houses (other than those used in conjunction with a permissible purpose within the zone); educational establishments; extractive industries; hospitals; hotels; institutions; mines; motels; places of assembly; places of public worship; roadside stalls; stock and sale yards; tourist facilities.

Zone No 4 (b) (Light Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to recognise existing industries and to accommodate new industries which by their nature are not compatible with any residential development in the locality,

- (b) to allow commercial, retail or other development only where it is:
 - (i) ancillary to the use of land within the zone for industrial, service or storage purposes,
 - (ii) compatible with an industrial environment,
 - (iii) unlikely to prejudice the viability of existing commercial centres, and
 - (iv) not prejudicial to the objectives specified in paragraph (a),or is primarily to provide personal services to persons occupied or employed in activities otherwise permitted in this zone,
- (c) to encourage new industry which will reinforce the economic base of the Shire of Dungog, and
- (d) to provide for a wide range of light industrial development including warehousing, processing and general light industries but to prohibit offensive or hazardous industries.

2 Without development consent

Nil.

3 Only with development consent

Any purpose which, in the opinion of the Council, is consistent with the objectives of this zone other than a purpose included in item 5.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Bed and breakfast; boarding-houses; caravan parks; child care centres; clubs; commercial premises; dwellings or dwelling-houses (other than those used in conjunction with a permissible purpose within the zone); educational establishments; hospitals; hotels; institutions; junk yards; mines; motels; offensive or hazardous industries; piggeries; places of assembly; places of public worship; poultry farming establishments; roadside stalls; shops (other than those referred to in Schedule 3); stock and sale yards.

Zone No 5 (a) (Special Uses “A” Zone)

1 Objectives of zone

The objective is to recognise the existing public and community land uses and to enable their continued operation, growth or expansion to accommodate associated, ancillary or otherwise related uses.

2 Without development consent

Nil.

3 Only with development consent

Drainage; roads; the particular purpose indicated by lettering on the map and any purpose ordinarily incidental or subsidiary to that purpose.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 3.

Zone No 5 (b) (Special Uses “B” Zone)

1 Objectives of zone

The objective is to identify land for railway purposes and to allow railway related development authorised under the [Transport Administration Act 1988](#) and for certain other compatible land uses to be carried out with the consent of the Council.

2 Without development consent

Nil.

3 Only with development consent

Railway purposes, including any railway related purposes authorised under the [Transport Administration Act 1988](#).

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 3.

Zone No 5 (c) (Special Uses (Limited Building Area) Zone)

1 Objectives of zone

The objective is to control the development of flood prone land within residential areas.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; drainage; dwelling-houses; plant nurseries; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 3.

Zone No 6 (a) (Open Space (Existing Recreation) Zone)

1 Objectives of zone

The objectives are:

- (a) to recognise existing land that is used or capable of being used for active or passive recreation purposes (the traditional concept of a public reserve),
- (b) to encourage the development of public open spaces in a manner which maximises the satisfaction of the community's diverse recreation needs,
- (c) to enable development associated with, ancillary to or supportive of public recreation use, and
- (d) to encourage the development of open space as major urban landscape elements.

2 Without development consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3 Only with development consent

Agriculture; buildings for the purposes of landscaping, gardening or bushfire hazard reduction; drainage; forestry; recreation areas; roads; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Racecourses; showgrounds; tourist facilities.

5 Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

Zone No 6 (b) (Open Space (Private Recreation) Zone)

1 Objectives of zone

The objective is to identify private land which is set aside for recreational purposes.

2 Without development consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3 Only with development consent

Buildings for the purpose of landscaping, gardening or bushfire hazard reduction; clubs; recreation areas; refreshment rooms; roads; tourist facilities; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Recreation facilities; tourist facilities.

5 Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

Zone No 7 (a) (Rural Environmental Protection (Flood Liable Land) Zone)

1 Objectives of zone

The objective is to identify flood liable land generally within or adjacent to existing urban areas.

2 Without development consent

Agriculture; forestry.

3 Only with development consent

Intensive agricultural pursuits; open space; plant nurseries; recreation areas; roads; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Extractive industries; mines.

5 Prohibited development

Any purpose other than a purpose specified in item 2, 3 or 4.

Zone No 7 (b) (Rural Environmental Protection (Water Catchment Area) Zone)

1 Objectives of zone

The objective is to identify and protect land forming part of the catchment areas within the Dungog Shire.

2 Without development consent

Any purpose authorised under the [Hunter Water Board Act 1988](#).

3 Only with development consent

Nil.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 2.

Zone No 7 (c) (Rural Environmental Protection (Habitat) Zone)

1 Objectives of zone

A The primary objective is to identify and protect land in the Dungog Shire known to possess a high wildlife habitat value.

B The particular objectives are:

- (a) to promote the preservation, conservation and enhancement of indigenous fauna and flora in the Dungog Shire,
- (b) to prohibit development within the zone that is likely to have a detrimental effect on the wildlife habitats which exist, and
- (c) to enable the carrying out of development which would not have a significant detrimental effect on the wildlife habitats.

2 Without development consent

Nil.

3 Only with development consent

Agriculture (other than animal boarding, breeding or training establishments, intensive animal husbandry or clear felling); bushfire hazard reduction; forestry; recreation facilities; roads; utility installations (other than gas holders or generating works).

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 3.

Zone No 8 (National Parks and Nature Reserve Zone)

1 Objectives of zone

The objective is to identify, preserve and manage national parks and nature reserves for the purposes of conservation and recreation.

2 Without development consent

Any purpose authorised under the *National Parks and Wildlife Act 1974*.

3 Only with development consent

Nil.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose specified in item 2.

Part 3 Special provisions

Division 1 Development generally

10 Development along arterial roads

- (1) A person shall not carry out development on land which has frontage to an arterial road except with the consent of the Council.
- (2) The Council shall not consent to an application to carry out development on land which has frontage to an arterial road, unless:
 - (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
 - (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
 - (i) the design of the access to the proposed development,
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (3) The Council shall not consent to the development of land within Zone No 1 (b), 1 (c) or 1 (d) for any purpose stated in Schedule 4 if the development of the land for the purpose will have direct access to:
 - (a) an arterial road, or
 - (b) a road connecting with an arterial road, and the access to that road is within 400 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

11 Roadside service areas

Despite any other provision of this plan, the Council may consent to the carrying out of development on land having frontage to an arterial road for the purposes of providing services to motorists, tourists and the travelling public, including development for the purposes of tourist facilities, if:

- (a) the Council is satisfied that demand for the development exists, having regard to:
 - (i) the nature and volume of traffic using the road,
 - (ii) the location of, and distance from, existing development of a similar type, and
 - (iii) the location of, and distance from, other land on which development of a similar type may be carried out, and
- (b) the development comprises or is part of a planned roadside service area that has been located and designed so as to minimise interference with the free flow of traffic on the road and to minimise traffic hazards.

12 General considerations for development within rural zones

- (1) The Council shall not consent to an application to carry out development on land within Zone No 1 (b), 1 (c) or 1 (d) unless it has taken into consideration, if relevant, the effect of the carrying out of that development on:
 - (a) the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production,
 - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
 - (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
 - (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including Aboriginal relics and places,
 - (e) the cost of providing, extending and maintaining public amenities and services to the development, and
 - (f) future expansion of settlements in the locality.
- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land or on other land in the locality.

- (3) Subclause (1) does not apply to development, being:
 - (a) an addition to a building or work,
 - (b) development ancillary to a purpose for which development may be carried out with the consent of the Council, or
 - (c) the erection of a dwelling-house on an allotment of land created in accordance with this plan for the purposes of a dwelling.
- (4) The Council may grant consent for a subdivision that will create an allotment of land in a rural zone that the Council is satisfied will be used for the purpose of erecting a dwelling only if:
 - (a) the allotment has an adequate area of suitable soils available for on-site septic effluent disposal located away from drainage lines and shallow or impervious soils, or
 - (b) arrangements that the Council considers adequate have been made for the land to be connected to reticulated water and sewerage services.

12A Development near river banks

- (1) Despite any other provision of this plan, a person must not, except with the consent of the Council, on land within 30 metres of a bank of a watercourse:
 - (a) erect a building (or alter or add to a building so as to enlarge or extend it), or
 - (b) destroy any tree (whether or not a native tree) that has a diameter of 15 centimetres or more at a height of 1.5 metres above the ground or that has crown spreads of 3 metres or more, unless the tree is dying or dead or has become dangerous, or
 - (c) construct dams, drainage works, levee banks or water storage areas, or
 - (d) carry out any other development.
- (2) Despite any other provision of this plan, a person must not, except with the consent of the Council, subdivide land within 30 metres of a bank of a watercourse.
- (3) The Council must not grant consent as referred to in subclause (1) or (2) unless, in the opinion of the Council, the destruction of any trees, or the subdivision or other development of the land, will be carried out in a manner which, in respect of that land and the adjacent land, does not result in a significantly increased risk of:
 - (a) soil erosion or other environmental degradation, or
 - (b) loss of vegetation or habitat, or

- (c) disturbance of sodic or dispersive soils, or
 - (d) degradation of water quality or the quality of groundwater supplies.
- (4) This clause does not apply to development for the purpose of fencing, revegetation or river management works.
- (5) In this clause, **river management works** means works carried out for the purpose of improving the river corridor of a watercourse in accordance with:
- (a) the conditions subject to which funding has been provided for the works by the Department of Land and Water Conservation, or
 - (b) a permit or other approval granted by the Director-General of that Department, or
 - (c) a Rivercare or Landcare plan or the like administered by the Hunter Catchment Management Trust.

13 Subdivision of land generally

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) The Council shall not consent to the subdivision of land within Zone No 1 (b), 1 (c) or 1 (d) unless the applicant for development consent:
- (a) states, in relation to each allotment to be created by the subdivision, the primary purpose for which that allotment is intended to be used,
 - (b) identifies any allotment to be so created which is intended to be used primarily for the purposes of agriculture,
 - (c) identifies any to be so created allotment which is intended to be used primarily for the purposes of a dwelling,
 - (d) identifies any allotment to be so created on which it is intended to erect a dwelling and states whether or not the dwelling in the primary purpose for which the allotment is being created, and
 - (e) shows the approximate location of any dwelling erected on the land at the date of the application.
- (3) The Council shall not consent to an application to subdivide land within Zone No 1 (b), 1 (c) or 1 (d) to be used for a purpose other than agriculture unless in the opinion of the Council:
- (a) the allotment proposed to be created for that purpose could not be used for a form of agriculture common in the area,

- (b) the allotment to be created, and any subsequent development thereon, will not be likely to have the effect of creating a demand for the uneconomic provision of services by the Council, and
 - (c) the size of the allotment to be created is not more than is reasonably necessary for the purpose for which it is intended to be used and is adequate to enable the appropriate location of buildings, if any.
- (4) Clause 9 (3)–(5) apply to a subdivision of land within Zone No 1 (b) in the same way as those subclauses apply to development referred to in clause 9 (2) (c) (known as advertised development).

14 Subdivisions for which consent is not required

The consent of the Council to the subdivision of land to which this plan applies is not required if the subdivision is for any one of more of the following purposes:

- (a) to open a public road or to widen a public road,
- (b) to make minor adjustments to common property boundaries,
- (c) to enlarge the area of an existing holding by amalgamating that holding with one or more adjoining existing holdings of part thereof,
- (d) to rectify an encroachment upon an existing holding.

15 Tourist accommodation

- (1) This clause applies to development for the purposes of tourist accommodation on any land other than land within Zone No 2 (a) or 3 (a).
- (2) The Council shall not consent to the carrying out of development for a purpose specified in Column 1 of the Table to this subclause:
 - (a) so as to permit the erection or use of more sites, units or cabins, as the case may be, than the number permitted by Column 2 of that Table, and
 - (b) if the allotment of land on which the development is to be carried out has an area less than the area specified in Column 3 of that Table, shown opposite that purpose.

Table

Column 1	Column 2	Column 3
Caravan parks	25 sites per hectare	5 hectares
Hotels/motels	10 units per hectare	2 hectares
Holiday cabins	3 cabins per hectare	5 hectares

- (3) The Council may consent to an application to carry out development to which this clause applies only where an environmental impact report has been lodged with the application containing the matters referred to in clause 9 (4).
- (4) In the preparation of the environmental impact report referred to in subclause (3), the person preparing the report shall consult with the Council and shall, in completing the preparation of the report, have regard to any requirements notified to the person in writing by the Council in respect of the form and content of the report.

16 Scenic Protection Area

- (1) This clause applies to the land shown on the map by black diagonal hatching and marked "Scenic Protection Area".
- (2) A person shall not carry out development on land to which this clause applies except with the consent of the Council.
- (3) The Council shall not consent to development under subclause (2) unless it has made an assessment of:
 - (a) the height of any proposed development and any effect this might have on views or vistas,
 - (b) the colours of materials to be used,
 - (c) the effect which the carrying out of the proposed development will have on, and, in particular, its visual impact on, approaches to the urban areas of the Dungog Shire, places of visual significance, views and parklands,
 - (d) the visual impact which the carrying out of the proposed development will have on the environment generally, and
 - (e) whether adequate provision has been made for the preservation of existing trees and landscaping of the site on which the development will be carried out.

17 Consultation

- (1) The Council shall not consent to an application to carry out development on any land designated as prime crop and pasture land or to carry out development for the purposes of an intensive agricultural pursuit unless:
 - (a) the Council has forwarded a copy of the application to the Director-General of the Department of Agriculture and Fisheries, and
 - (b) the Council is satisfied that the carrying out of the development would not adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.
- (2) Where a copy of the development application has been forwarded to the Director-

General of the Department of Agriculture and Fisheries, the Council shall not determine the application until:

- (a) it has received and considered a representation with respect to the application from the Director-General,
- (b) the Director-General has informed the Council that the Director-General does not wish to make any representation with respect to the application, or
- (c) 21 days have elapsed after the date on which a copy of the application was forwarded to the Director-General,

whichever occurs first.

- (3) In assessing a development proposal involving a second or subsequent dwelling-house, the Director-General of the Department of Agriculture and Fisheries may take into consideration the following matters:
 - (a) whether an established viable and commercial enterprise exists on the land,
 - (b) whether the property can support more than one family.

Division 2 Development in General Rural Zone

18 Subdivision for purposes of agriculture within Zone No 1 (b)

- (1) This clause applies to land within Zone No 1 (b).
- (2) Subject to subclause (3), the Council may consent to the creation of an allotment of any area for the purposes of agriculture.
- (3) The Council shall not consent to the creation of an allotment intended to be used for the purposes of agriculture if the allotment has an area of less than 60 hectares and there is a dwelling-house on that allotment.

19 Subdivision for purposes of intensive agricultural pursuits within Zone No 1 (b)

The Council shall not consent to an application to subdivide land within Zone No 1 (b) if any allotment to be created is intended to be used primarily for the purposes of an intensive agricultural pursuit unless:

- (a) each allotment to be created will have an area of 20 hectares or more, and
- (b) in the opinion of the Council:
 - (i) each allotment to be created will be capable of sustaining a range of intensive agricultural pursuits, and
 - (ii) an adequate water supply is available to service the intensive agricultural pursuit to be carried out on each allotment.

20 Subdivision for purposes of a dwelling-house within Zone No 1 (b)

- (1) Except as provided by subclause (2) and clause 23, the Council shall not consent to an application to subdivide land intended to be used primarily for the purposes of a dwelling-house unless the area of each allotment to be created is not less than 60 hectares.
- (2) The Council may consent to the creation of one, but not more than one, allotment intended to be used for the purposes of a dwelling-house from an existing holding within Zone No 1 (b) but only if the allotment:
 - (a) will have an area of less than 5 hectares but not less than 3 hectares,
 - (b) forms part of an existing holding of not less than 63 hectares,
 - (c) does not comprise prime crop and pasture land,
 - (d) is, by its creation, unlikely to adversely affect the existing and potential capability of the land and adjacent land to produce food or fibre, and
 - (e) does not comprise land which formed part of an allotment created in a subdivision approved by the Council after 29 May 1981.
- (3) An existing holding that has been subdivided in accordance with subclause (2) shall not be subdivided again under that subclause.

21 Consolidation of rural land

- (1) Nothing in this plan prevents the subdivision of land within a rural zone on which a dwelling-house has been lawfully erected provided that:
 - (a) one allotment to be created has an area of not less than 2 hectares and will be the allotment on which that dwelling-house is erected, and
 - (b) any other allotment created is consolidated with another adjoining allotment and used for the purposes of agriculture or forestry with the allotment with which it is consolidated.
- (2) Land that has been subdivided in accordance with subclause (1) shall not be subdivided again under that subclause.

22 Subdivision for purposes other than agriculture or a dwelling-house

- (1) Subject to subclause (2), the Council shall not consent to an application to subdivide land within Zone No 1 (b) if any allotment to be created by the subdivision is intended to be used primarily for a purpose other than agriculture or a dwelling-house unless, in the opinion of the Council:
 - (a) the land does not comprise any land that is or could be used for a form of

agriculture common in the area, and

(b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.

(2) The Council may consent to an application to subdivide land within Zone No 1 (b) to create an allotment to be used for a purpose other than agriculture or a dwelling-house if, in the opinion of the Council:

(a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality,

(b) no other land in the locality could reasonably be used for that purpose, and

(c) the level of demand for goods or services which are to be supplied from the allotment justifies the creation of the allotment notwithstanding its agricultural value.

(3) The Council shall not consent to an application to a subdivide land within Zone No 1 (b) for a purpose other than a dwelling-house unless the Council has made an assessment of whether a condition should be imposed in connection with any future application to erect a dwelling-house on the allotment or whether a dwelling-house should be prohibited.

23 Closer rural settlement

(1) This clause applies to a development application:

(a) to subdivide land within Zone No 1 (b), and

(b) to erect on that land more than one dwelling-house.

(2) Subject to subclauses (3) and (4), the Council may grant consent to a development application to which this clause applies only where:

(a) the land is identified as a candidate area for small holdings as designated on the map,

(b) the land is serviced by a sealed road of at least 2 lane width,

(c) the minimum size of the allotments to be created will be not less than:

(i) in respect of land to which a reticulated water supply will be available—3 hectares, or

(ii) in respect of land to which a reticulated water supply will not be available—4 hectares, or

(d) the total area of the allotments so excised does not exceed one-quarter of the

area of the existing holding,

- (e) the applicant demonstrates to the satisfaction of the Council that the development complies with the development standards specified in Schedule 5, and
 - (f) an environmental impact report has been lodged with the development application containing the matter referred to in clause 9 (4), together with a concept plan showing the ultimate resubdivision and redevelopment of the holding.
- (3) In the preparation of the environmental impact report referred to in subclause 2 (f), the person preparing the report shall consult with the Council and shall, in completing the preparation of the report, have regard to any requirements notified to the person in writing by the Council in respect of the form and content of the report.
- (4) In deciding whether to grant consent in pursuance of subclause (2), the Council shall take into consideration the following matters:
- (a) the area and quality of the land and its potential agricultural productivity,
 - (b) the likely effects, both economic and otherwise, that the proposed subdivision will have on agricultural industries in the area and the resources employed by or in connection with those industries,
 - (c) the likely effects, both economic and otherwise, that the proposed subdivision will have on the use and development of other land and resources in the area,
 - (d) whether there are any reasonable alternatives to the proposed subdivision in the circumstances,
 - (e) the effect of the existence of, or potential to erect, a dwelling-house,
 - (f) the cumulative effect of similar proposals if concurrence is granted,
 - (g) the likelihood of the proposed allotments remaining available for agricultural use.

24 Erection of dwelling-houses within Zone No 1 (b)

- (1) A person shall not erect a dwelling-house on land within Zone No 1 (b) except with the consent of the Council.
- (2) Subject to subclause (3), the Council shall not consent to the erection of a dwelling-house on vacant land within Zone No 1 (b) unless the land comprises:
 - (a) an allotment created in accordance with this plan, (not being an allotment created under clause 18 (2), or 22), a State environmental planning policy or a regional environmental plan,
 - (b) an allotment created before the appointed day having an area of not less than 60

hectares.

- (c) the whole of an existing holding or of an existing holding affected only by a subdivision made on or after the appointed day for one or more of the purposes referred to in clause 14, the area of which is less than 60 hectares but not less than 3 hectares, and on which no dwelling-house is erected, but only if the Council is satisfied that:
 - (i) there will be adequate vehicular access to the dwelling-house,
 - (ii) the erection of the dwelling-house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate public utility services are or will be available to the existing holding, or
- (d) an allotment lawfully created under a planning instrument after 12 May 1967 and upon which the erection of a dwelling-house was permissible under than instrument.

- (3) The Council may consent to the erection of a dwelling-house on land within Zone No 1 (b) if:

- (a) the dwelling-house is ancillary to the use of the land for another purpose, and
- (b) the Council is satisfied that:

- (i) the land could not reasonably be used for that primary purpose without the erection of the dwelling-house, and
- (ii) the dwelling-house is to be located so as to minimise any adverse effect on the use of the land for that primary purpose.

25 Erection of additional dwelling-houses

- (1) The Council may consent to the erection of one, but not more than one, additional dwelling-house on an allotment of land within Zone No 1 (b) (including the alteration of an existing dwelling-house so as to create 2 dwellings) only if:
 - (a) a dwelling-house could be erected on the land in accordance with this plan if that land were vacant land,
 - (b) no additional access to a public road is required from the land,
 - (c) separate ownership of the proposed dwelling-house could only be achieved by a subdivision of the land,
 - (d) in the opinion of the Council, the dwelling-house to be erected on the land will not interfere with the purpose for which the land is being used,

- (e) the purpose for which the allotment is to be used may not be fully realised without the presence on that land of an additional residence, and
 - (f) the Council is satisfied that any such additional dwelling-house will be actually occupied by
 - (a) the owner of the land,
 - (b) a relative of that owner, or
 - (c) a person employed or engaged by the owner of the land in the use, for the purpose of agriculture, of that land or land belonging to the owner which adjoins or is adjacent to that land.
- (2) The Council shall not consent to the subdivision of land on which one or more additional dwelling-houses are erected in pursuance of this clause except in accordance with this plan.

26 Motels

- (1) A person shall not erect a motel on an allotment of land:
- (a) within 400 metres of an arterial road unless the allotment has an area of not less than 4 hectares and, where the allotment has frontage to an arterial road, a frontage to that road of not less than 200 metres, or
 - (b) in any other case, unless the allotment has an area of not less than 2 hectares.
- (2) A person shall not erect a motel on an allotment of land where it would occupy:
- (a) where the building contains one storey, more than 40 per cent of the land, or
 - (b) where the building contains 2 or more storeys, more than 30 per cent of the land.

27 Caravan parks

A person shall not carry out development for the purposes of a caravan park on any allotment of land unless the area of the allotment is not less than 4 hectares and, where the allotment has frontage to an arterial road, the frontage to that road is not less than 200 metres.

28 Holiday cabins

A person shall not carry out development on any land for the purposes of holiday cabins if the land has more than one means of vehicular access to a public road.

29 Hotels

A person shall not erect a hotel on an allotment of land within Zone No 1 (b) unless the allotment has an area of not less than 2 hectares.

Division 3 Development in Rural Residential and Rural Farmlets Zones

30 Subdivision of land within Zones Nos 1 (c) and 1 (d)

- (1) The Council shall not grant consent to an application to subdivide land intended to be used within Zone No 1 (c) or 1 (d) primarily for the purposes of a dwelling-house unless:
 - (a) in the case of an allotment within Zone No 1 (c):
 - (i) where a reticulated water supply is provided, or arrangements satisfactory to the Council have been made to provide such a supply, each allotment to be created will have a minimum area of 8,000 square metres and the average area of the allotments created by the subdivision will be not less than 1.5 hectares, or
 - (ii) where a reticulated water supply is not provided, each allotment to be created will have a minimum area of 2 hectares and the average area of the allotments created by the subdivision will be not less than 5 hectares, or
 - (b) in the case of an allotment within Zone No 1 (d)—the area of each allotment to be created will be not less than 10 hectares.
- (2) For the purpose of calculating the average area of allotments of land as referred to in subclause (1) (a) (i), any allotment of land which has an area of more than 4 hectares shall be disregarded.
- (3) For the purpose of calculating the average size of allotments referred to in subclause (1) (a) (ii), any allotment of land which has an area of 10 hectares or more shall be disregarded.
- (4) The Council shall not consent to a subdivision of land within Zone No 1 (c) or 1 (d) unless it has made an assessment of:
 - (a) the availability of reticulated water services to the land, and if unavailable, the capacity of the land to provide an adequate domestic water supply,
 - (b) the ability of the land to accommodate septic disposal of household waste,
 - (c) the standard and capacity of public roads serving the land, having regard to the likely volume of traffic to be generated as a consequence of the density of the subdivision and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated,
 - (d) the availability of other utility services and social services, having regard to the likely demand for those services and the costs of their provision,
 - (e) the size of the proposed allotments, having regard to what is, in the Council's

- opinion, the desirable sequence of the development of land within Zones Nos 1 (c) and 1 (d),
- (f) the likely impact the development will have on other land and, in particular, on land located between the land to be subdivided and major public roads and utility services,
 - (g) the nature and topography of the land, having regard to the density of subdivision,
 - (h) the desirability of maintaining a low density of development in the primary catchments of lakes and waterways, areas of relatively high agricultural production potential or other areas where intensive subdivision may create a significant risk of soil erosion or pollution of the environment,
 - (i) the desirability of providing a range and mix of allotment sizes,
 - (j) the need to maintain a semi-rural character in the area, and
 - (k) the purpose for which the land is intended to be used after subdivision.
- (5) In considering the proposed subdivision of land within Zone No 1 (c) or 1 (d), the Council shall have regard to:
- (a) where the land may, in the opinion of the Council, be suitable for long-term urban development, whether the subdivision has been designed to facilitate its possible future resubdivision,
 - (b) whether it is necessary to construct a dam on each proposed allotment,
 - (c) whether the subdivision enables the subsequent erection of dwelling-houses in a manner that appropriately relates dwellings to each other and to the topography of the land, and
 - (d) the risk of bushfires.
- (6) The Council shall not consent to the subdivision of land within Zone No 1 (c) or 1 (d) which has frontage to an arterial road unless:
- (a) vehicular access to each proposed allotment is provided by a road (including a frontage road) other than the arterial road, or
 - (b) if vehicular access to a proposed allotment is provided by the arterial road:
 - (i) an existing vehicular access point to the arterial road is able to be retained or relocated to serve no more than 2 proposed allotments, or
 - (ii) it is unreasonable or impracticable to provide alternative access,

and in either case, vehicular access points are located and designed so as to minimise potential traffic hazards.

31 Erection of dwelling-houses within Zones Nos 1 (c) and 1 (d)

- (1) A person must not erect a dwelling-house on land within Zone No 1 (c) or 1 (d) unless the land complies with the requirements of subdivision contained in clause 30.
- (2) A person must not erect a dwelling-house on an allotment of land with Zone No 1 (c) or 1 (d) unless the Council is satisfied that there will be an all-weather all-vehicle access to the dwelling-house.
- (3) Despite subclause (1), a dwelling-house may be erected on land within Zone No 1 (c) or 1 (d) if the land comprises a portion or lot existing at the appointed day.

Division 4 Development in Residential “A” Zone

32 Subdivision of land within Zone No 2 (a)

- (1) Except as provided by subclause (4), land within Zone No 2 (a) shall not be subdivided except with the consent of the Council.
- (2) Despite any other provision of this plan, the Council may grant consent for a subdivision that will create an allotment of land within Zone No 2 (a) that the Council is satisfied will be used for the purpose of erecting a dwelling only if:
 - (a) the allotment will have an area of not less than 600 square metres and a frontage to a public road of not less than 20 metres, and
 - (b) arrangements that the Council considers adequate have been made for the land to be connected to reticulated water and sewerage services.
- (2A) (Repealed)
- (3) The Council may consent to an application to subdivide land within Zone No 2 (a) so as to create an allotment which does not comply with subclause (2) where:
 - (a) the Council is satisfied that the allotment is intended to be used for a purpose (other than dwelling-houses) for which the consent of the Council is required, and
 - (b) the ratio of depth to frontage of the allotment is satisfactory to the Council having regard to the purpose for which the allotment is or is intended to be used.
- (4) The consent of the Council to the subdivision of land within Zone No 2 (a) is not required if the subdivision is for any one or more of the following purposes:
 - (a) to open a public road or to widen a public road,
 - (b) to make minor adjustments to common property boundaries,

(c) to enlarge the area of an allotment by amalgamating that allotment with one or more allotments,

(d) to rectify an encroachment upon an allotment.

(5) For the purposes of subclause (2), the area of an access corridor shall not be taken into account in computing the area of a hatchet-shaped allotment.

33 Dwelling-houses within Zone No 2 (a)

(1) Except as provided by subclause (2), the Council shall not consent to the erection of a dwelling-house on an allotment of land within Zone No 2 (a) unless:

(a) where a reticulated sewerage service is available to the land—the land has an area and a frontage of not less than the area and frontage required by clause 32 (2) (a), or

(b) (Repealed)

(c) where no reticulated sewerage service is available to the land—the land has an adequate area of suitable soils available for on-site septic effluent disposal located away from drainage lines and shallow or impervious soils.

(2) Subclause (1) (a) does not apply to an allotment of land in existence as a separate allotment at the appointed day.

34 Siting of dwelling-houses, residential flat buildings and boarding houses

(1) Except as provided by subclause (2), a person shall not erect a building on land within Zone No 2 (a) for the purposes of a dwelling-house closer than 7.6 metres to the nearest alignment of a public road or for the purposes of a residential flat building or boarding house closer than 9 metres to the nearest alignment of a public road.

(2) If the land referred to in subclause (1) is a corner allotment, a building may, with the consent of the Council, be erected closer than a distance specified in subclause (1) but not closer than 4.6 metres to the nearest alignment of one road to which the allotment has a frontage.

34A Multiple dwellings within Zone No 2 (a)

Despite any other provision of this plan, the Council must not consent to development for the purpose of two or more dwellings (whether attached or detached) on a single allotment of land within Zone No 2 (a) unless arrangements have been made that the Council considers adequate for the land to be connected to reticulated water and sewerage services.

35 Units for aged persons

A person shall not erect units for aged persons on an allotment of land within Zone No 2

(a) unless the allotment has:

(a) an area of not less than 840 square metres, and

(b) a width of the front alignment of the building of not less than 27 metres.

Division 5 Development in Local Business Zone

36 Subdivision of land within Zone No 3 (a)

- (1) A person shall not subdivide land within Zone No 3 (a) except with the consent of the Council.
- (2) The Council may consent to the subdivision of land within Zone No 3 (a) only where each allotment of land to be created by the subdivision will have a ratio of depth to frontage satisfactory to the Council, having regard to the purpose for which the allotment is intended to be used.

37 Automotive business

- (1) Land shall not be developed for the purposes of an automotive business unless:
 - (a) the site is more than 90 metres from the junction or intersection of a main road with another road,
 - (b) the site has sufficient area, shape and dimensions so as to provide adequate on-site parking and turning facilities for such vehicles as are to be serviced on the site, as may be determined by the Council,
 - (c) where the site has frontage to an arterial road:
 - (i) the Council's Traffic Committee has been consulted,
 - (ii) the width of any vehicular crossing over a footpath is not more than 9 metres,
 - (iii) any vehicular crossing over a footpath is not closer than 6 metres to a road intersection,
 - (iv) separate entrances to and exits from the site are provided and those entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering upon or leaving the site, and
 - (v) where the site is a corner lot and the Council so requires, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site must, when leaving it, use an exit leading only to the road from which the entrance was gained.

Division 6 Development in General Industrial and Light Industrial

Zones

38 Subdivision of land within Zones Nos 4 (a) and 4 (b)

- (1) A person shall not subdivide land within Zone No 4 (a) or 4 (b) except with the consent of the Council.
- (2) The Council may consent to the subdivision of land within Zone No 4 (a) or 4 (b) only where each allotment of land to be created by the subdivision will have a ratio of depth to frontage satisfactory to the Council, having regard to the purposes for which the allotment is intended to be used.

39 Retailing of bulky goods in light industrial zone

- (1) Subject to subclause (2), nothing in this plan shall prevent a person, with the consent of the Council, from carrying out development for the purposes of the retail sale of bulky goods on land within Zone No 4 (b) from a building or site on which those goods are stored, manufactured, displayed or processed.
- (2) The Council shall not consent to an application made under subclause (1) unless it is satisfied that:
 - (a) suitable land for the development is unavailable in any nearby business centre, and
 - (b) the proposed development will not affect:
 - (i) the existing and future industrial development within the zone in which the development is being carried out, and
 - (ii) the range of services offered by existing retail outlets located within any nearby business centre.

Division 7 Development in Special Uses Zones

39A Development within Zone No 5 (a)

- (1) This clause applies to all land within Zone No 5 (a), with the exception of land known as Part Portion 14, Parish of Lewinsbrook, situated off Allyn River Road, Allynbrook, as shown edged heavy black on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 34)*".
- (2) Despite any other provision of this plan, nothing prevents the Council from consenting to any use of land within Zone No 5 (a) that is permitted, either with or without consent, within any zone adjoining the land zoned 5 (a).

40 Zone Development within Zone No 5 (c)

- (1) The Council shall not consent to the carrying out of development on land within Zone

No 5 (c) unless the Council has made an assessment of:

- (a) the likely effect of flooding on the land on which the development will be carried out and the likely effect of the proposed development on the movement of floodwaters,
- (b) the nature of the proposed development, and
- (c) whether any material, plant or vehicle proposed to be stored on the land will be able to be readily removed in times of flood.

- (2) The Council shall not consent to the carrying out of development on land within Zone No 5 (c) involving the erection of buildings intended to be used or capable of being used as a residence unless the floor level of the building is not less than one metre above the 1 in 100 year flood level and a flood free means of access is available.

Division 8 Development in Open Space Zones

41 Development within Zone No 6 (a)

The Council shall not consent to the carrying out of development on land within Zone No 6 (a), being land owned or controlled by the Council, unless consideration has been given to:

- (a) the need for the proposed development on the land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

42 Caravan parks within Zones Nos 6 (a) and 6 (b)

A person shall not carry out development for the purposes of a caravan park on any allotment of land within Zone No 6 (a) or 6 (b) unless the area of the allotment is not less than 4 hectares and, if the allotment has frontage to an arterial road, the frontage to that road is not less than 200 metres.

Division 9 Heritage provisions

43 Heritage items

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish or alter the building or work,
 - (b) damage or move the relic, including excavation for the purpose of exposing the relic,

- (c) damage or despoil the place or tree,
 - (d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
 - (e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,
- except with the consent of the Council.

- (2) The Council shall not consent to a development application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features and its setting.
- (3) The Council may require that a conservation plan accompany a development application under subclause (1) to enable the Council to fully consider the heritage significance of the heritage item and the impact of the proposed development on the significance of the item and its setting.

44 Development in the vicinity of heritage items

The Council shall not consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

45 Heritage conservation areas

- (1) A person shall not, in respect of a heritage conservation area:
 - (a) demolish or alter a building or work within the area,
 - (b) damage or move a relic, including excavation for the purpose of exposing or removing a relic, within the area,
 - (c) damage or despoil a place within the area, or
 - (d) erect a building on or subdivide land within the area,except with the consent of the Council.
- (2) The Council shall not consent to an application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.
- (3) The Council shall not consent to an application made in pursuance of subclause (1), being an application to erect a new building or to alter an existing building, unless the Council has made an assessment of:

- (a) the pitch and form of the roof,
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area.
- (4) Nothing in clauses 6, 9 or 10 of *State Environmental Planning Policy No 4—Development Without Consent* authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.

46 Conservation incentives

- (1) Nothing in this plan prevents the Council from granting consent to an application to:
- (a) the use, for any purpose, of a building that in a heritage item or the land on which the building is erected, or
 - (b) the use, for any purpose, of a building within a heritage conservation area or of the land on which the building is erected,
- if it is satisfied that:
- (c) the proposed use would have little or no adverse effect on the amenity of the area, and
 - (d) the conservation of the building depends on the Council granting consent under this clause.
- (2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the Council may:
- (a) for the purpose of determining the floor space ratio, and
 - (b) for the purposes of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends on the Council granting consent under this clause.

47 Heritage advertisements and notifications

- (1) Except as provided by this clause:
- (a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
 - (i) the demolition of a building or work that is a heritage item,

- (ii) the demolition of a building or work within a heritage conservation area, and
- (iii) the use of a building or land referred to in clause 48 for the purpose which, but for that clause, would be prohibited under this plan,

in the same way as those provisions apply to and in respect of designated development, and

- (b) where a person makes a development application to demolish a building or work that is a heritage item, the Council shall not grant consent to that application until 28 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.

- (2) This clause does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the Dungog Shire.

48 Heritage items covered by a conservation instrument

Clauses 43, 45 and 46 shall not apply where the building, work, relic, place or tree that is a heritage item or is within a heritage conservation area is the subject of an interim conservation order or a permanent conservation order under the [Heritage Act 1977](#).

49 Historical archaeological sites

Where the Council receives an application to carry out development on land which comprises a heritage item of historical archaeological significance, the Council shall not grant consent until it has received from the applicant and considered:

- (a) a conservation plan which includes an assessment of how the proposed development would affect the conservation of the item, and
- (b) written evidence that the applicant has complied with the provisions of Division 9 of Part 6, of the [Heritage Act 1977](#) in relation to any proposed excavation arrangements on the site.

Division 10 Miscellaneous

50 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 6 for a purpose specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent

with that subclause or with a consent given by the Council in respect of any such development.

51 Advertising of certain applications

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for the purposes of piggeries and poultry farming establishments in the same manner as those provisions apply to and in respect of designated development.

52 Land subject to flooding

- (1) A person shall not carry out any development on land subject to flooding except with the consent of the Council.
- (2) The Council shall not consent to the erection of a new building on land subject to flooding unless the building is located on high land not subject to flooding and flood-free access is available.
- (3) When a development application is made under this clause to erect a building or work or to carry out any alteration or addition to existing buildings, or both, the Council may, as a condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the Council, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.
- (4) Development consent shall not be granted to development on land subject to flooding if, in the opinion of the Council, such development would:
 - (a) adversely affect the efficiency of, or unduly restrict the capacity of, a floodway,
 - (b) affect the safety of the development in time of flood,
 - (c) cause erosion, siltation or unnecessary destruction of riparian vegetation in the area, or
 - (d) affect the water table on any adjoining land.
- (5) The Council shall consult with the Department of Water Resources or the Public Works Department before granting consent as referred to in this clause.
- (6) In this clause, **land subject to flooding** means land below the 1 in 100 year flood level.

53 Dual occupancy buildings

- (1) This clause applies to land upon which the erection of a dwelling-house is permissible either with or without the necessity for development consent being obtained.
- (2) In this clause:

dual occupancy building means a building containing 2 dwellings only.

floor space ratio, in relation to a building, means the ratio of the gross floor area of the building, exclusive of the area of any carport or garage, to the area of the allotment on which the building is erected.

- (3) On an allotment of land to which this clause applies, a person may, with development consent:
- (a) where only one dwelling-house exists on that allotment, alter or add to the dwelling-house so as to create a dual occupancy building, or
 - (b) where a dwelling-house does not exist on that allotment, erect a dual occupancy building on that allotment.
- (4) Development consent shall not be granted as referred to in subclause (3) unless:
- (a) where a reticulated sewage disposal service is available to the land to which the application relates, the area of the allotment on which the dwelling-house is erected is not less than 600 square metres,
 - (b) where no reticulated sewage disposal service is available to the land to which the application relates, the area of the allotment on which the dwelling-house is erected is not less than 800 square metres,
 - (c) in respect of a dwelling-house on land not being within Zone No 2 (a), the floor space ratio of the dwelling-house as altered or added to will not be greater than:
 - (i) where the floor space ratio of the dwelling house before it is altered or added to exceeds 0.5:1—the floor space ratio of the dwelling house before it is altered or added to, or
 - (ii) where the floor space ratio of the dwelling-house before it is altered or added to does not exceed 0.5:1—0.5:1.
 - (d) in respect of a dwelling-house on land not being within Zone No 2 (a), the gross floor area of the dwelling-house, as altered or added to, will not be greater than one and a half times the gross floor area of the dwelling-house before it is altered or added to, and the gross floor area of neither dwelling is less than 31 square metres,
 - (e) arrangements satisfactory to the Council have been made for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling, and
 - (f) in the case of the erection of a dual occupancy building within Zone No 2 (a), the building is sited not less than 900 millimetres from any side or rear boundary of the allotment, or conforms with the minimum siting requirements for the

respective zone in the case of a building not within Zone No 2 (a).

- (5) A person shall not occupy a dwelling created in accordance with subclause (3) unless the owner of the allotment on which the dwelling is erected occupies one of the dwellings erected on the allotment.
- (6) The provisions of this plan (other than subclause (7) relating to residential flat buildings do not apply to a dwelling-house altered or added to, or proposed to be altered or added to, in accordance with this clause.
- (7) Where a dwelling-house is altered or added to, or is proposed to be altered or added to, in accordance with this clause, being a dwelling-house erected on land in respect of which development for the purpose of a residential flat building is prohibited, the separate occupation of the several lots illustrated by a proposed strata plan relating to that dwelling-house is prohibited.
- (8) For the purpose of enabling development to be carried out in accordance with this clause (as in force at the time the development is carried out) or in accordance with a consent granted under the Act in relation to development carried out in accordance with this clause (as so in force):
 - (a) clause 50.3 (3) of *Ordinance 70* ("Building") made under the *Local Government Act 1919*,
 - (b) section 37 of the *Strata Titles Act 1973*, and
 - (c) any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes, or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to the development.
- (9) Pursuant to section 28 of the Act, before making of this clause:
 - (a) the Governor approved of subclause (8),
 - (b) the Minister for the time being administering the provisions of the Ordinance referred to in that subclause concurred in writing, in the recommendations for the approval of the Governor of subclause (8), and
 - (c) the Minister for the time being administering the provisions of the *Strata Titles Act 1973* referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (8).

54 Community use of school sites etc

- (1) This clause applies to all land on which development for the purposes of schools, colleges or other educational establishments may be carried out.
- (2) Despite any other provision of this plan, the Council may consent to:

- (a) the community use of the facilities and sites of schools, colleges and other educational establishments,
 - (b) the commercial operation of those facilities and sites, and
 - (c) the carrying out of development for community purposes on land used for the purposes of schools, colleges or other educational establishments, whether or not the development is ancillary to any such purpose,
- on land to which this clause applies.

55 Exhibition homes

A dwelling-house erected on any land within Zone No 1 (c) or 2 (a) may, with the consent of the Council, be used as an exhibition home.

56 Advertising structures

- (1) A person shall not, except with the consent of the Council, erect an advertising structure or display an advertisement on any land to which this plan applies.
- (2) The Council shall not grant consent as referred to in subclause (1) if it is satisfied that an advertising structure will interfere with the amenity of the area in which it is proposed to be erected or will cause undue distraction to motorists.
- (3) The Council may consent to the erection of a single advertising structure for the purpose of displaying:
 - (a) a notice relating to the purpose for which any land is used, or
 - (b) an advertisement indicating the location of facilities or services available to the public.
- (4) Nothing in this clause prohibits the Council from erecting, or approving the erection of, an advertising structure for the purposes of indicating the location of tourist facilities or places of scientific, historic or scenic interest.

57 Replacement of existing dwelling-house

A dwelling-house may, with the consent of the Council, be erected on an allotment of land on which another dwelling-house is lawfully erected if the first mentioned dwelling-house is intended to wholly replace the second mentioned dwelling-house and is not occupied until the second mentioned dwelling-house is demolished or its occupancy has permanently ceased.

58 Development under the [Forestry Act 1916](#)

- (1) This clause applies to land within Zone No 1 (b), 1 (c), 1 (d) or 1 (f).

- (2) Nothing in this plan prevents development from being carried out on land to which this clause applies without development consent:
 - (a) by the Forestry Commission, if the development is authorised by the *Forestry Act 1916*, or
 - (b) by any person, if the development is authorised by an authority granted or issued by the Forestry Commission under that Act.

59 Clearing

- (1) In this clause, **clearing** means the removal of trees and other vegetation (not including any noxious or undesirable tree, shrub or bush), but does not include the removal of incomplete regrowth from land previously cleared for agricultural use, or the cutting down of individual trees for farm purposes such as fencing.
- (2) Nothing in this plan authorises the clearing of land in contravention of any other Act or instrument made under an Act concerned with soil erosion, protection of catchment areas, or river bank vegetation or the like.

60 Minor variations of zoning boundaries

- (1) This clause applies to land which is within 20 metres of a boundary between any 2 zones.
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.
- (3) The Council shall not consent to development referred to in subclause (2) unless the development is desirable, in the opinion of the Council, due to planning, design, ownership, servicing or similar requirements relating to the optimum development of the land to which this plan applies.
- (4) The Council may require that an area of land, sufficient and suitable in the opinion of the Council, be provided in the adjoining zone referred to in subclause (2) for the purposes for which the land subject of the development application is zoned.

61 Land subject to bushfire hazards

- (1) The Council shall not consent to any development on land to which this plan applies which is subject to bushfire hazards until it has been satisfied:
 - (a) as to the nature and degree of the hazard and the appropriate measures proposed to reduce the hazard to a minimum acceptable level,
 - (b) in the case of a subdivision of land:

- (i) that the subdivision has been designed to enable the siting of any subsequent buildings in areas of least risk,
 - (ii) that a perimeter road or other satisfactory provision exists or otherwise has been provided in the subdivision or on land adjoining the subdivision for the purpose of providing a fire break and access for fire fighting vehicles,
 - (iii) as to the adequacy of the depth of allotments adjoining land which may be the source of a fire radiation zone, and
 - (iv) that adequate provision for road egress from bushfire prone areas is made,
- (c) in the case of buildings:
- (i) as to the layout and siting of dwelling houses and the siting of swimming pools, water reserves and communications,
 - (ii) as to the provision of cleared and landscaped areas, and
 - (iii) that the nature of the construction materials are consistent with rural bushfire safety,
- (d) that the provision and the means of access for fire fighting vehicles are adequate, and
- (e) that means are available to ensure that fire protection measures, including fire radiation zones and hazard reduction, are appropriately maintained.
- (2) Notwithstanding subclause (1), the Council may refuse consent to a development application where it is of the opinion that the development is inappropriate having regard to the bushfire hazard affecting the land the subject of the application.

61A Development on land containing acid sulfate soils

- (1) The objective of this clause is to require special assessment of, and better management of, certain works on land identified as being subject to acid sulfate soils.
- (2) A person must not, without the consent of the Council, carry out works described in the following table on land of the class or classes specified for those works in that table and shown on the *Acid Sulfate Soils Planning Map*, except as otherwise provided by this clause.

Table

Class of land as shown on *Acid Sulfate Soils Planning Maps* Works

1	Any works
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2	Works below the natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface Works by which the watertable is likely to be lowered to any point beyond 1 metre below the natural ground surface
4	Works beyond 2 metres below the natural ground surface Works by which the watertable is likely to be lowered to any point beyond 2 metres below the natural ground surface
5	Works which are likely to lower the watertable in adjacent Class 1, 2, 3 or 4 land to any point below 1 metre AHD

- (3) Notwithstanding any other provision of this plan, a person must not, without development consent, carry out development that involves the placing of any acid sulfate soil on or under any land.
- (4) The Council must not grant consent required by this clause unless it has considered:
- (a) a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* (unless the applicant agrees that acid sulfate soils are present within the area of the proposed works), and
 - (b) where the preliminary assessment ascertains, or the applicant agrees, that acid sulfate soils are present—the adequacy of the acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Management Guidelines*, and
 - (c) the likelihood of the proposed works resulting in the oxidation of acid sulfate soils and the discharge of acid water from the area of the proposed works, and
 - (d) any comments received from any relevant public authority that the Council has consulted with in respect of the development application.
- (5) Despite subclause (2), development consent is not required for the carrying out of works described in that subclause if:
- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed

works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Management Guidelines*.

- (6) This clause requires consent for development to be carried out by Dungog Shire Council, other councils, county councils or drainage unions despite:
- (a) clause 35 of, and items 2 and 11 of Schedule 1 to, the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan, and
 - (b) clause 10 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development*.
- (7) Despite subclauses (2) and (6), the following types of development may be carried out without consent if carried out by the Council or a county council:
- (a) development consisting of routine maintenance,
 - (b) development consisting of emergency work, that is, the repair or replacement of any part of any works owned or controlled by the Council or by a county council:
 - (i) because the works have been (or are being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, or
 - (ii) because the works have ceased to function or suddenly ceased to function adequately,including work reasonably necessary to prevent or limit any further damage or malfunction,
 - (c) development consisting of minor work, that is new work (other than drainage work) that is carried out by, or on behalf of, the Council or a county council and that has a value of less than \$20,000,
 - (d) development ancillary to development described in paragraphs (a)–(c), including, for example, the carrying out of excavation work, the construction of access ways and the provision of power supplies.
- (8) Despite subclause (7), development consisting of routine maintenance or minor work may be carried out only with consent if the development is on the site of a heritage item.
- (9) If the Council or a county council carries out development described in subclause (7) and encounters, or is reasonably likely to encounter, acid sulphate soils, the Council or county council must manage any disturbance of those acid sulphate soils in accordance with the *Acid Sulfate Soils Management Guidelines* so as to minimise the actual or potential impact to the environment arising from disturbance of the soils.
- (10) In this clause:

acid sulfate soils means actual acid sulfate soils or potential acid sulfate soils.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director-General.

Acid Sulfate Soils Management Guidelines means the *Acid Sulphate Soils Management Guidelines* as published from time to time by the NSW Acid Sulphate Soils Management Advisory Committee and adopted by the Director-General.

Acid Sulfate Soils Planning Maps means the series of maps marked “*Dungog Local Environmental Plan 1990 (Amendment No 51)—Acid Sulfate Soils Planning Maps*”.

actual acid sulfate soils means soils:

- (a) that contain highly acidic soil horizons or layers resulting from the aeration of soil materials, and
- (b) that are rich in iron sulfides, primarily pyrite, and
- (c) that have a pH of less than 4.0 when measured in dry season conditions.

county council has the same meaning as in the [Local Government Act 1993](#).

engineering works means works carried out under the supervision of a suitably qualified engineer and using equipment or plant, being work that may consist of or include any of the following:

- (a) construction of roads, bridges, buildings, levees, dams, railways or drains,
- (b) laying of pipes, cables or conduits,
- (c) levelling of the ground,
- (d) extractive industries or mining,
- (e) dewatering,
- (f) flood mitigation works,
- (g) an agriculture-related work.

potential acid sulfate soils means soils:

- (a) that contain iron sulfides or sulfidic material that have not been exposed to air, and
- (b) that become severely acidic when exposed to air and oxidised, and
- (c) the field pH of which, in their undisturbed state, is pH 4 or more or may be neutral

or slightly alkaline.

routine maintenance means the periodic inspection, cleaning, repair and replacement of works owned or controlled by the Council or by a county council but does not include work that would result in an increase in the designed capacity of any part of those works or necessitate increasing the capacity of existing works, except where one tonne, or less, of soil is disturbed.

works means:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, agriculture-related works, the construction of drains, the maintenance of existing drains, engineering works, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins), the construction of foundations or flood mitigation works), and
 - (b) any other works that may alter ground water levels, and
 - (c) any landform alteration that results in the disturbance of acid sulphate soils,
- but does not include ploughing, scarifying, tilling or deep ripping associated with agriculture on land of Classes 3, 4 and 5.

62 Building line

- (1) A building erected on any land to which this plan applies shall be set back from the nearest alignment of a road boundary and from the nearest point of all other boundaries at not less than the distance determined by the Council in relation to the land.
- (2) In determining a distance for the purpose of this clause, the Council shall have regard to:
 - (a) the nature, scale and function of the building,
 - (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road,
 - (c) the minimisation of distractions to drivers using the road,
 - (d) any possible future need to alter the road alignment,
 - (e) the need to retain the rural outlook of the Dungog Shire generally,
 - (f) the privacy of individuals and the amenity of the area, and
 - (g) the provision of fire breaks and other fire suppression means.

63 Home occupations

Despite any other provision of this plan, consent is not required for the carrying out of a home occupation from a dwelling-house.

Schedule 1 Aims, objectives etc

(Clause 2)

1 General

The aims, objectives, policies and strategies of this plan are:

(a) generally:

- (i) to provide for the orderly and balanced allocation of rural land resources in the Dungog Shire,
- (ii) to maintain the best agricultural land in commercial production and to prevent its fragmentation into small and uneconomic lots,
- (iii) to encourage the efficient use of all agricultural land and to maintain the integrity of all agricultural activities,
- (iv) to permit rural subdivision in areas which support the use of existing services in an economic and efficient manner whilst preserving and encouraging the growth of rural-residential areas with good access and high residential amenity;
- (v) to provide a range of holdings to meet the changing needs and demands of rural dwellers,
- (vi) to protect areas worthy of conservation for their natural, scenic, scientific, archaeological, cultural or historic significance,
- (vii) to protect regional and local water catchment areas and groundwater reserves,
- (viii) to protect the Shire's resource base in timber, mineral and extractive materials,
- (ix) to prevent subdivision in areas liable to hazard, whether bushfire, geological, soil erosion, flooding or other hazards,
- (x) to maintain planning constraints consistent with the relevant legislative requirements,
- (xi) to take account of the physical nature of the local environment so that development is in harmony with that local environment, and
- (xii) to maintain the rural atmosphere of the Shire and to maintain privacy and fire protection for buildings within the Shire by placing restrictions on the siting of buildings, and

(b) more specifically:

- (i) to permit the subdivision of non-prime agricultural land subject to environmental suitability, cost effectiveness and economic demand,
- (ii) to permit development subject to its being in the overall social and economic interest of the community and the Shire, rather than just an individual or small group vested interest,
- (iii) to maximise the use of existing services,
- (iv) to minimise further social and economic costs to the community associated with isolated rural-residential holdings,
- (v) to provide for equitable cost-sharing of public services and facilities,
- (vi) to implement a “user pays” principle for development generally, in terms of the provision or upgrading of public utilities and services and the increased hazard factors from soil erosion, waste disposal, geological hazard, bushfires and the like, so that existing landowners are not disadvantaged by, nor subsidising, new developments,
- (vii) to minimise the administrative costs of the Council in relation to dealing with development applications, and
- (viii) to encourage economic growth.

2 Utilities

The policies of this plan in relation to public utilities are:

- (a) to provide for appropriate and efficient utility systems,
- (b) to encourage development in areas which support the use of existing utility services, and
- (c) to ensure that future developments provide or contain all the utility services that are required by or may reasonably be required by such developments or resulting developments.

3 Housing

The policies of this plan in relation to housing are:

- (a) to encourage sufficient variety of residential lot sizes and locations so that choice in the area is possible within the limitations of market forces,
- (b) to ensure that the physical design of residential development is appropriate to the needs and values of the community,

- (c) to consider opportunities for innovative and experimental housing and living styles, and
- (d) to ensure adequate and convenient vehicular access from dwellings to destinations outside the area and to all necessary resources within the area.

4 Drainage

The policies of this plan in relation to drainage are:

- (a) to ensure the provision of an adequate, safe and environmentally sound stormwater disposal system within existing and proposed new developments,
- (b) to minimise the instance of any inconvenience resulting from flooding, and
- (c) to minimise the impact of stormwater runoff from all developments on existing drainage patterns, and, in particular, on the magnitude and character of downstream flows.

5 Groundwater

The policies of this plan in relation to groundwater are:

- (a) to protect the quality and quantity of groundwater resources within the Shire, and
- (b) to regulate the impact of further demand on existing groundwater users.

6 Land resources

The policies of this plan in relation to land resources are:

- (a) to ensure that the principles of erosion control apply to all intensive and extensive farming practices, active and passive land use, and to all developments on or under the surface of the land,
- (b) to allow landholders to manage cropping and grazing land to maintain productivity, minimise environmental degradation and to protect non-agricultural resources,
- (c) to ensure that all development reduces or does not worsen the effects of the erosion processes occurring before the development occurred,
- (d) to ensure the protection of land resources on marginal lands while allowing for sustainable development of those lands,
- (e) to permit forestry operations where environmental protection measures are employed to prevent landscape, soil, floral and faunistic degradation, and
- (f) to protect the quality and yield of water supplies whilst ensuring an acceptable degree of drought resistance through better management practices.

7 Environmental protection

The policies of this plan in relation to environmental protection are:

- (a) to enhance the scientific, floristic, faunistic, cultural, archaeological and heritage resources of the Shire,
- (b) to enhance the local environment, minimise the loss of protection given to native flora and fauna and to conserve the essential ecological processes on which the community depends,
- (c) to encourage tree preservation to provide wildlife refuges and wildlife corridors and preserve the scenic quality of the Shire,
- (d) to maintain road easements as wildlife corridors and vegetation reserves consistent with the function of providing access,
- (e) to control recreational uses of the Shire to protect the environment,
- (f) to ensure a high standard of rehabilitation is undertaken in association with mining and extractive industries,
- (g) to ensure that public utilities are located so as to minimise the loss of the ecological resources of the Shire,
- (h) to protect the aquatic environment from pollution or resource degradation, and
- (i) to control pests and weeds within the Shire so that non-target organisms are not affected.

8 Reticulated water and sewerage facilities

The policies of this plan in relation to reticulated water and sewerage facilities are:

- (a) to encourage development which maximises the efficient and economic use of the existing reticulated water and sewerage facilities,
- (b) to encourage further development as referred to in paragraph (a) in areas which can be economically served by an augmentation of the existing reticulated water and sewerage schemes,
- (c) to discourage extensions of the reticulated water supply scheme into areas which cannot economically or efficiently utilise the existing or an augmentation of the reticulated sewerage scheme unless satisfactory alternative means are provided for sewage disposal, and
- (d) to ensure that all the costs associated with the provision of reticulated water and sewerage or alternative sewage disposal facilities, including the costs of all the necessary upgrading of the existing facilities, are met by the developer.

9 On-site effluent disposal

(1) The policies of this plan in relation to on-site effluent disposal are:

(a) for domestic effluent disposal:

- (i) where only one household disposes of greywater or blackwater, or both, the effluent disposal must conform to the guidelines and standards set by the relevant statutory authority for such disposal,
- (ii) where more than one household disposes of greywater or blackwater, or both, then either:
 - (a) the guidelines and standards set under paragraph (a) (i) will apply, or
 - (b) when the standards set under paragraph (a) (i) cannot be met, an approved package sewage treatment plant must be used for on-site disposal according to the guidelines and standards set under paragraph (a) (i), and
- (b) if the guidelines and standards set under paragraph (a) (i) are met appropriate technological alternatives for disposal of greywater and blackwater may be undertaken.

(2) Toxic and industrial effluent wastes are to be disposed of according to the standards and guidelines of the relevant statutory authority.

10 Rural domestic water supplies

The policies of this plan in relation to rural domestic water supplies are:

- (a) that water-using appliances and fixtures should be based upon the application of appropriate technology to minimise water usage,
- (b) that adequate rainwater collection and storage capacity is provided consistent with domestic and bushfire fighting requirements, and
- (c) that the Council may accept an alternative means of complying with the requirements of paragraph (b) provided satisfactory evidence is provided to support that alternative.

11 Bushfire protection

The objectives and policies of this plan in relation to bushfire protection are:

- (a) to encourage long term policies for the protection of new developments from the hazards of bushfires, including:
 - (i) the evaluation of the bushfire hazard, and
 - (ii) the installation of adequate water supplies for the purpose of bushfire fighting,

- (b) to permit intensification of development only in areas of medium or low bushfire risk,
- (c) to ensure safety and efficiency in rural development by requiring developers and intending residents to fully consider rural bushfire safety, and
- (d) to require the developer to meet all costs associated with determining bushfire hazard ratings and the costs associated with the reduction or modification in hazard rating due to appropriate development.

12 Environmental heritage conservation

The objectives and policies of this plan in relation to environmental heritage conservation are:

- (a) to conserve the environmental heritage of the Dungog Shire,
- (b) to integrate heritage conservation into the planning and development control processes,
- (c) to provide for public involvement in the matters relating to the conservation of Dungog Shire’s environmental heritage, and
- (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of the items and their settings, as well as street-scapes and landscapes and the distinctive character that they impart to the Dungog Shire.

Schedule 2 Heritage items

(Clause 5)

Town/locality	Item and locality	Map ref
Clarence Town	1. “Erringhi” Hotel, 21 Gray Street	
	2. Former Court House, 49 Grey Street	
	3. Post Office, 32 Grey Street	
	4. Residence “Hua Tsa”, 132 King Street	
	5. Residence “Roseneath”, King Street	
	6. St. David’s Church, Marshall Street	
	7. Former “Commercial Inn”, 62 Rifle Street	
	8. Residence “Hollydene”, 40 Russell Street	
Dungog	9. Residence, 112 Abelard Street	
	10. Showground Pavillions, Abelard Street	
	11. “Court House” Hotel, 45 Brown Street	

12. Residence, 8 Brown Street
13. Residence, 88 Hooks Street
14. Residence, 29 Dowling Street
15. School of Arts, 105 Dowling Street
16. Hiram Lodge, Dowling Street
17. Christ Church, Dowling and Chapman Streets
18. St. Andrew's Church, Dowling and Chapman Streets
19. "Westpac" Bank, 115 Dowling Street
20. Residence, 137 Dowling Street
21. Former Inn, 211 Dowling Street
22. "National Australia Bank" and former Stables, 249 Dowling Street
23. Obelisk with direction signs at intersection of Dowling and Hooks Streets
24. Residence, 20 Dowling Street
25. Residence, "Coimbra", 72 Dowling Street
26. "J.A. Rose" Building, 146-150 Dowling Street
27. "H.C. Dark's" Building, 180-188 Dowling Street
28. Shops, 224-232 Dowling Street
29. Uniting Church, 238 Dowling Street
30. "Bank" Hotel, 268 Dowling Street
31. Residence "Oomabah", 26 Lord Street
32. Court House, Lord Street
33. Police Residence, Lord Street
34. Police Lock-up, Lord Street
35. Residence, 108 Lord Street
36. Residence, 55 Mary Street
37. Residence, 57 Mary Street
38. Residence, 68 Mary Street

- Paterson
- 39. Residence, 57 Rens Street
 - 40. Residence "Yooringa",
23 Albert Street
 - 41. "Oddfellows" Hall,
10 Church Street
 - 42. St. Paul's Church and Cemetery, Duke
Street
 - 43. St. Anne's Church,
Johnstone Street
 - 44. Former Court House,
Johnstone Street
 - 45. Former CBC Bank, corner King and Duke
Streets
 - 46. Post Office, corner King and Duke Streets
 - 47. "Court House" Hotel, King Street
 - 48. Residence "Annandale",
2 King Street
 - 49. Former "Royal Oak Arms" Hotel, King Street
 - 50. Residence, 35 Maitland Road
 - 51. Cornstaddle, Maitland Road
 - 52. Paterson Tavern, 25 Prince Street
 - 53. Former Rectory, 20 Prince Street
 - 54. War Memorial at intersection of Railway,
Main and Victoria Streets
- East Gresford
- 55. Residence, 15 Durham Road
 - 56. Residence, 21 Durham Road
 - 57. St. Helen's Church and Cemetery, Park
Street
 - 58. "Hotel Beatty", 52 Park Street
 - 59. Residence, 54 Park Street
 - 60. Residence, 78 Park Street
- Gresford
- 61. St. Anne's Church, Church Street
 - 62. Suspension footbridge west of Church Street
 - 63. Parish Hall, Church Street
- Martins Creek
- 64. St. James' Anglican Church, Cook Street

Vacy	65. St. John's Church Gresford Road	
Allynbrook	66. St. Mary's-on-Allyn, Church	Allynbrook 629183
	67. Residence "Maryville"	Allynbrook 631177
	68. Residence "Orange Grove"	Allynbrook 634175
	69. Residence "Caergrwle" and outbuildings	Allynbrook 619189
Bandon Grove	70. Former Public School	Allynbrook 787259
	71. General Cemetery	Allynbrook 795254
	72. "Canningalla"	Allynbrook 781246
	73. Residence "Milroy"	Allynbrook 791247
Bendolba	74. St. Peter's Anglican Church	Allynbrook 799232
Chichester	75. Chichester River Footbridge	Chichester 704359
Clarence Town	76. Residence "Fotheringaye"	Clarence Town 847914
	77. Marshall and Lowe Deptford Shipyard site	Clarence Town 852929
	78. Clarence Town Bridge, Williams River	Clarence Town 855944
	79. General Cemetery	Clarence Town 835935
	80. Walba Park, Clarence Town Road—Slaughterhouse	Clarence Town 829929
Dungog	81. Residence "Cangon" and outbuildings	Gresford 822108
	82. Residence "Dingadee"	Dungog 843171
	83. Residence "Figtree"	Stroud Road 831207
	84. Residence "Melbee" and outbuildings	Dungog 835125
	85. Residence "Nulla Nulla"	Dungog 831153
	86. General Cemetery, Cemetery Road	Gresford 812122
East Gresford	87. Clements Road Timber Bridge	Gresford 651084
Eccleston	88. Suspension bridge over Allyn River	Carrowbrook 586303
Gresford	89. Residence "Ard-Na-Hane"	Gresford 618110
	90. Residence "Cawarra"	Gresford 607115
	91. Residence "Lewinsbrook"	Gresford 673095
Lostock	92. St. John's Anglican Church and Cemetery	Carrowbrook 551221
Munni	93. Residence "Munni"	Allynbrook 745265

Upper Allyn	94. Lister Village	Carrabolla 575404
Paterson	95. Residence "Bona Vista"	Paterson 689906
	96. Residence "Gostwyck"	Paterson 692958
	97. Gostwyck Bridge, Paterson River	Paterson 689958
	98. Paterson Bridge, Paterson Road	Paterson 696905
	99. Residence "Tocal"	Paterson 676896
Salisbury	100. Barrington Guest House	Chichester 606417
	101. Church, Salisbury Road	Chichester 643344
Salisbury	102. Residence "Malbury"	Chichester 645339
	103. Williams River footbridge	Chichester 655333
	104. General Cemetery	Chichester 647336
Vacy	105. Vacy Bridge, Paterson River	Paterson 662989
Wirragulla	106. Residence "Crooks Park"	Gresford 823085
	107. Pumping Station	Gresford 818081
	108. Hooke Family Cemetery	Gresford 823091

Schedule 3

(Clause 9)

Agency offices
Banks
Bread, cakes or pastry shop
Butcher's shop
Chemist's shop
Clothing shop
Confectionery shop
Crockery shop
Delicatessen
Drapery shop
Electrical appliances shop
Finance and property company premises
Florist's shop
Footwear shop
Friendly or benefit society premises
Fruit and vegetable shop
Furniture shop
Gas appliances shop
Beauty Salon
Boot and shoe repairing
Dressmaking

Dry cleaning and dyeing agency
Hairdressing salon
Home industry
Lending library
Maintenance and repair of electrical appliances or fittings
Extractive industry
Gift shop
Grocery and health food shop
Hardware shop
Insurance offices
Jewellery and watchmaker's shop
Leathergoods and travel goods shop
Musical instruments shop
Optical goods shop
Philatelist's shop
Photographic apparatus and material shop
Professional chambers
Small arms and ammunition shop
Smallgoods shop
Sports requisites shop
Stationery shop (books and newspapers)
Tobacconist's and hairdresser's shop
Wine and spirit merchant's shop
Photographic studio
Professional chambers
Professional consulting rooms
Refreshment rooms
Self-service coin-operated laundry
Service Station
Tailoring
Totalizator Agency Board branch and agency premises

Schedule 4

(Clause 10)

Bulk stores
Caravan parks
Car repair stations
Clubs
Commercial premises
Educational establishments
Hospitals
Hotels
Industries (other than home or rural industries)
Institutions
Junk yards
Liquid fuel depots
Mines

Places of public assembly
Places of public worship
Plant nurseries
Recreation establishments
Recreation facilities
Saw mills
Stock and sale yards
Transport terminals
Warehouses

Schedule 5

(Clause 23)

- 1** Adequate facilities shall exist on the land for the disposal of sewage and domestic waste and for the supply of water for domestic and fire-fighting purposes.
- 2** Adequate electricity, telephone, postal and garbage disposal services shall be available to the land.
- 3** The development shall not create a demand for the unreasonable or uneconomic provision or extension of public amenities or public services, whether by the council or by another public authority.
- 4** The development shall not generate traffic volumes which are excessive in relation to the engineering standards of roads leading to urban and service centres.
- 5** The development shall not create or increase ribbon development or adversely affect road safety.
- 6** The risk of bushfire damage to dwellings and surrounding land shall be minimised.
- 7** The development shall not detract from the existing rural or scenic character of the locality.
- 8** Dwellings shall be sited in a manner to ensure that a concentration of dwellings does not occur in a locality at such a density as to constitute a rural village settlement.
- 9** Dwellings shall not be erected on land which is, or is likely to be, adversely affected by flooding, soil erosion or landslip.
- 10** Drainage works carried out on the land shall not have a detrimental impact on adjoining land.
- 11** Site features of major historical, cultural, scenic or ecological significance shall be retained within the development.
- 12** Road access ways within the development site shall be sited and designed to be efficient and practical having regard to anticipated traffic volumes while maintaining a rural character and minimising environmental impact.
- 13** Development shall be carried out so as to maintain and extend, where possible, the existing amount, diversity and form of native vegetation and natural habitat areas.
- 14** Development shall not have the effect of significantly reducing the long-term agricultural

production potential of the subject or adjoining land.

Schedule 6 Development for certain purposes

(Clause 50)

Lot 150 in DP 574413, Allyn River Road, East Gresford—the erection and use of a dwelling-house and an art studio.

Portions 256 and 257 Parish of Uffington; lots 1-4, Section 13, Grey street, Clarence Town—erection and use of a dwelling-house on each of the 6 allotments.

Portions 22 to 29 (inclusive) and 65, Parish of Uffington and lots 2 and 3 in DP 578957, Russell Street, Clarence Town—subdivision into 4 allotments where 3 of the allotments so created each has an area of not less than 4,000 square metres and the erection of a dwelling-house thereon.

Portion 67, Parish of Wallarobba, County of Durham—the erection of a dwelling-house.

Lot 240 in DP 526572, Dungog Road, Wirragulla—sawmill and timber yard.

Lot 26 in DP 712070, Wakaya Close, off Horns Crossing Road—erection of stables, dressage area and lunging yard.

Part lot 1 in DP 251430 and part lot D in DP 158384, Allyn River Road, East Gresford, Parish of Gresford, County of Durham—resubdivision into allotments each of which has an area not less than 1,200 square metres and a frontage of not less than 20 metres and the erection of a dwelling-house on each of those allotments.

Lot 6 in DP 238631, Limeburners Creek Road, east of Clarence Town Parish of Wilmot, County of Gloucester—establishment and operation of a recreation facility catering for tennis coaching within the area immediately adjoining the Limeburners Creek Road.

Part lot 1 in DP 552582; lot A in DP 381715 and lot B in DP 205689 Parish of Uffington, County of Durham—subdivision into lots each having an area of not less than 2 hectares for rural residential building sites.

Lot 11 in DP 701562 Limeburners Creek Road, Parish Horton County Gloucester—subdivision into a maximum of 2 lots having approximate equal areas and dimensions and the development and use of each such lot as a rural small holding in accordance with clause 31.

Lot 90 in DP 705476, Parish of Fingal, County of Durham—subdivision into 2 lots having areas of not less than 2 hectares for rural residential building sites.

Lot B in DP 316194, and known as No 133 Prince Street, Clarence Town—the establishment and operation of a veterinary establishment.

Lot 5 in DP 37244, Parish of Gresford, County of Durham—subdivision into 2 lots having areas not less than 2 hectares each and the erection of a dwelling-house on each of those allotments.

Lot 3 in DP 249257, Parish of Barford, County of Durham—subdivision into 2 lots, each having an area of not less than 4 hectares and the erection of a dwelling-house on each of those allotments.

Lot 382 in DP 715518, Parish of Horton, County of Gloucester Glen Martin Road—resubdivision into 3 lots one of which shall have an area of not less than 1.7 hectares and one of which shall have an area of not less than 4,000 square metres, and the erection of a dwelling-house on each lot.

Portion 158, Parish of Uffington, County of Durham, fronting Fotheringaye Road, south of Clarence Town—resubdivision into 8 lots, with each lot having an area of not less than 3 hectares and averaging not less than 5 hectares, and the erection of a dwelling-house on each lot so created.

Lot 13, DP 242210, Parish of Barford, County of Durham, fronting Merchants Road, Martin's Creek—subdivision into 2 lots for rural residential development, each having an area of not less than 2 hectares.

Lot 5, DP 258513 and Lot 1531, DP 793047, Parish of Barford, County of Durham being bounded by either Martins Creek Road or Black Rock Road, Martins Creek—subdivision into 7 lots each having an area of not less than 3 hectares and the erection of a dwelling house on each lot created.

Portion 13, Black Rock Road, Martins Creek, Parish of Barford, County of Durham—resubdivision into 2 lots, each having areas approximately equal.

Part portion 75, Parish of Houghton, County of Durham, as shown on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 5)*"—the erection of a dwelling-house.

Part portion 34, Parish of Houghton, County of Durham, on the south-western side of Dungog Road, as shown on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 5)*"—resubdivision into a maximum of 6 allotments and the erection of a dwelling-house on each of those allotments.

R 75,058 for Future Public Requirements (notified in Government Gazette No 124 of 13 June 1952, at page 2054), bounded by Common Road and Burton Street, Dungog—the establishment and operation of a tourist facility (caravan park).

Part lot 14 in DP 113089, portion 49, and part portions 33 and 34 Parish of Houghton, County of Durham, as shown edged heavy black on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 8)*"—resubdivision into a maximum of 28 lots each having an area of not less than 2 hectares and averaging not less than 4.5 hectares, and the erection of a dwelling-house on each lot so created within a building envelope to the satisfaction of the Council.

Portion 39 Parish of Lewinsbrook at Allynbrook—the erection of a rural dwelling-house.

Portions 25, 37, 44, 103 and 113, Parish of Tillegra, County of Gloucester:

- (a) resubdivision into lots of smaller areas than would otherwise be permitted by this plan provided the subdivision is in accordance with the [Community Land Development Act 1989](#), and
- (b) the erection of a dwelling-house on each lot created.

Lot 10 in DP 242210, fronting Dungog Road, Martins Creek, Parish of Barford, County of Durham—resubdivision into 2 lots, one of which has an area of not less than 1 hectare, and the erection of a dwelling-house on each lot created.

Lot 52 in DP 602609, Glen William Road, Glen William, Parish of Wallarobba, County of Durham, as

shown edged heaving black on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 20)*" resubdivision into two lots, each having an area of not less than 4 hectares, and the erection of a dwelling-house on each allotment so created.

lots 2A, & 2B DP 15187 and Lot 1 DP 329767, Parish of Houghton, county of Durham, as shown edged heavy on black on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 16)*"—resubdivision into lots each having an area of not less that 2 hectares and the erection of a dwelling house on each lot so created.

Part Portion 43, Parish of Avenal and Part Portion 13, Parish of Lewinsbrook, County of Durham, as shown edged heavy black on the map marked "*Dungog Local Environmental Plan 1990 (Amendment No 26)*"—resubdivision into two lots, one of which is not greater than 3 hectares in area.

Lot 123 in DP 810014, corner of Sugarloaf Road and Chichester Dam Road, Dungog—erection of a tourist facility containing not more than 3 cabins.

Lot 3 in DP 835100, Parish of St Julian and County of Durham—the erection of one dwelling-house.

Lot 45 in DP 791217, Parish of Wilmot, and County of Gloucester, fronting Limeburners Creek Road Clarence Town—the bulk storage and sale of landscaping and ancillary materials.