

# Dubbo Local Environmental Plan 1997—Rural Areas (1998 EPI 159)

[1998-159]



New South Wales

## Status Information

### Currency of version

Historical version for 1 January 2008 to 14 December 2008 (accessed 8 December 2025 at 7:50)

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

### Provisions in force

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

### Authorisation

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

File last modified 1 January 2008

# Dubbo Local Environmental Plan 1997—Rural Areas (1998 EPI 159)



New South Wales

## Contents

<b>Part 1 Introduction</b>	<b>6</b>
1 Name of plan	6
2 Land to which this plan applies	6
3 Aims and objectives	6
4 Relationship to other environmental planning instruments	7
5 Definitions	8
6 Consent authority	8
<b>Part 2 Provisions applicable to all zones</b>	<b>8</b>
7 Environmental management	8
8 Subdivision generally	9
8A What is exempt development?	10
8B What is complying development?	11
9 Setbacks from roadways	11
10 Transport corridors	12
11 Temporary use of land	13
12 Development near Dubbo Airport	13
13 Property Development Plan	14
13A Property Development Plan—Abridged	16
14 Savings provisions applicable to activities of government instrumentalities	16
15 Additional uses of land	16
15A Covenants, agreements etc	16

15B Advertisements .....	17
16 Consultation with the National Parks and Wildlife Service .....	17
<b>Part 3 Zoning controls .....</b>	<b>17</b>
<b>Division 1 General effect of zoning .....</b>	<b>17</b>
17 Primary zoning controls .....	17
18 Land shown uncoloured .....	18
<b>Division 2 Zone 1 (A) Dryland Agriculture Zone .....</b>	<b>18</b>
19 Primary development controls for Zone 1 (A) .....	18
20 Subdivision .....	20
21 Dwellings .....	20
22 Transport .....	21
23 Tourism .....	21
24 Waterways .....	22
25 Aquifer .....	23
26 Flooding .....	24
27 Erosion .....	25
28 Dryland salinity .....	25
29 Wildlife habitat .....	26
30 Contaminated land .....	27
<b>Division 3 Zone 1 (I) Intensive Agriculture Zone .....</b>	<b>27</b>
31 Primary development controls for Zone 1 (I) .....	27
31A Small scale intensive livestock keeping .....	29
32 Subdivision .....	29
33 Dwellings and additional dwellings .....	30
34 Transport .....	31
35 Waterways .....	32
36 Aquifer .....	32
37 Flooding .....	33
38 Erosion .....	34
38A Dryland salinity .....	35
39 Contaminated land .....	36

<b>Division 4 Zone 1 (S) Small Farm Estates Zone</b>	36
40 Primary development controls for Zone 1 (S)	36
41 Subdivision	38
42 Dwellings	38
43 Transport	40
44 Tourism	40
45 Waterways	41
46 Aquifer	42
47 Flooding	43
48 Erosion	44
49 Dryland salinity	44
50 Contaminated land	45
<b>Division 5 Zone 1 (F) Forestry Zone</b>	45
51 Primary development controls for Zone 1 (F)	45
52 Subdivision	46
<b>Division 6 Zone 2 (V) Village Zone</b>	46
53 Primary development controls for Zone 2 (V)	46
54 Subdivision	47
55 Dwellings	48
56 Transport	48
57 Tourism	48
58 Waterways	49
59 Aquifer	49
60 Flooding	50
61 Erosion	51
61A Dryland salinity	52
62 Contaminated land	53
<b>Division 7 Zone 8 National Parks and Nature Reserves Zone</b>	53
63 Primary development controls for Zone 8	53
<b>Part 4 Conservation of heritage items</b>	54
64 Protection of heritage items and relics, incorporating Aboriginal cultural heritage	54

65 Application for demolition..... 54

66 Conservation incentives relating to heritage items ..... 54

67 Heritage advertisements and notifications ..... 55

**Dictionary ..... 56**

**Schedule 2 Heritage items ..... 56**

**Schedule 3 Waterways ..... 57**

**Schedule 4 Contaminated land ..... 58**

**Schedule 5 Development by public authorities..... 59**

**Schedule 6 Additional uses of land ..... 61**

**Schedule 7 Potential archaeological sites..... 63**

# Dubbo Local Environmental Plan 1997—Rural Areas (1998 EPI 159)



New South Wales

## Part 1 Introduction

### 1 Name of plan

This plan is *Dubbo Local Environmental Plan 1997—Rural Areas*.

### 2 Land to which this plan applies

This plan applies to all land within the local government area of the City of Dubbo shown on the zoning map.

### 3 Aims and objectives

- (1) The primary aim of this plan is to implement the conclusions of the environmental study prepared for the rural areas of Dubbo known as the “*Dubbo Rural Area Development Strategy*”, dated September 1995 and adopted by the Council on 4 December 1995. The secondary aim of this plan is derived from the goal statement of that strategy and is to realise the economic potential of rural land within the Dubbo local government area within the constraints imposed by sustainable natural resource management principles.
- (2) The objectives of this plan are derived from the *Dubbo Rural Area Development Strategy*, and are as follows:

#### Development Opportunity Objectives

##### *Agriculture*

To provide a more secure future for agriculture in Dubbo and to expand its economic value.

##### *Transport*

To ensure safe and efficient transport links between Dubbo and other major centres with capacity for future expansion of those links.

##### *Tourism*

To encourage an expanded rural-based tourism industry in Dubbo.

*Forestry*

To encourage an expanded timber industry in Dubbo.

*Mining*

To allow mines and extractive industries and to prevent the sterilisation of resources.

*Recreation*

To encourage the recreational potential of rural land to be realised.

*Settlement*

To direct closer rural settlement pressures into rural villages and selected areas where land ownership patterns are already fragmented.

*Cultural heritage*

To identify and protect the cultural heritage of the rural area and assist in its promotion as a tourism asset.

Environmental Management Objectives

*Waterways*

To ensure safe, sustainable and multifunctional riverine environments.

*Aquifers*

To protect and improve water levels and water quality in aquifers.

*Flooding*

To manage the flood plain so as to minimise the disruption and hazard of flooding to people and the environment and to allow for water distribution to and from flood dependent environments.

*Erosion*

To prevent the spread of erosion and remedy existing areas of erosion.

*Dryland salinity*

To prevent further spread of dryland salinity and remedy existing areas of salinity.

*Wildlife habitats*

To achieve a network of habitats and corridors able to support the flora and fauna native to land to which this plan applies.

*Contaminated lands*

To minimise and control existing and potential contamination of rural land.

**4 Relationship to other environmental planning instruments**

(1) This Plan amends *Dubbo Local Environmental Plan 1990—Rural Lands* by inserting at

the end of clause 3 the following subclause:

(2) However, this plan does not apply to land to which *Dubbo Local Environmental Plan 1997—Rural Areas* applies.

(2) *Orana Regional Environmental Plan No 1—Siding Springs* prevails to the extent of any inconsistency between that plan and this plan.

## 5 Definitions

(1) Words used in this plan that are defined in the dictionary in Schedule 1 have the meanings set out in the dictionary.

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

(3) The list of contents of this plan and notes in this plan are not part of this plan.

## 6 Consent authority

Dubbo City Council is the consent authority for the purposes of this plan.

## Part 2 Provisions applicable to all zones

### 7 Environmental management

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

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

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

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



which may be potentially contaminated and the potential for the proposed use to cause contamination,

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

## **8 Subdivision generally**

- (1) **Development consent required** Land to which this plan applies must not be subdivided except with the consent of the Council.
- (2) **Minor subdivisions** Nothing in this plan prevents the Council from granting consent to a subdivision for any of the following:
  - (a) widening or opening of a public road,

- (b) rectifying an encroachment upon an allotment,
- (c) creating a public reserve,
- (d) consolidating allotments,
- (e) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bush fire brigade or other emergency service purposes, or public convenience,

but only if the subdivision does not result in the creation of an additional dwelling house entitlement or the loss of an existing dwelling entitlement.

- (3) **Boundary changes** Nothing in this plan prevents the Council from granting consent to a subdivision that changes a boundary between lots if the boundary change is consistent with the objectives of the zone and:

- (a) does not create an additional allotment, and
- (b) does not result in the creation of a vacant lot with the potential for a dwelling by virtue of the size of the lot, and
- (c) does not facilitate the transfer of a second dwelling on to a separate allotment except where the dwelling being transferred is in accordance with the requirements of the zone for the lot upon which it is proposed to be situated, and
- (d) ensures there is sufficient land within each lot, on which a dwelling exists or could exist, for the satisfactory disposal of effluent on each lot, and
- (e) ensures there is a separation between dwellings, dwelling house sites and adjoining property boundaries of at least 150 metres, where possible.

#### **8A What is exempt development?**

- (1) Development of minimal environmental impact listed in column 1 of Schedule 1 to *DCP G4.1—Exempt and Complying Development* as adopted by Council on 28 June 1999 is **exempt development**, subject to subclauses (2) and (3).
- (2) Development is exempt development only if it complies with the development standards and other requirements set out opposite the development concerned on column 2 of Schedule 1 to *DCP G4.1—Exempt and Complying Development* as adopted by the Council on 28 June 1999.
- (3) Development is not exempt development if it is carried out on land that is within Zone 1 (F) or 8:
  - if it is carried out on land that is subject to a recovery plan or threat abatement plan prepared under the [\*Threatened Species Conservation Act 1995\*](#).

- State Protected Land under the [Native Vegetation Conservation Act 1997](#).
- Land which is an aquatic reserve declared under the [Fisheries Management Act 1994](#).
- is an Aboriginal place or is land where an Aboriginal relic(s) are known (under the [National Parks and Wildlife Act 1974](#)).

#### **8B What is complying development?**

- (1) Development listed in column 1 of Schedule 2 to *DCP G4.1—Exempt and Complying Development* as adopted by the Council on 28 June 1999 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act, subject to subclauses (2) and (3).
- (2) Development is complying development only if it complies with the development standards and other requirements set out opposite the development concerned in column 2 of Schedule 2 to *DCP G4.1—Exempt and Complying Development* as adopted by the Council on 28 June 1999.
- (3) Development is not complying development if it is carried out on land that is within Zone 1 (F) or 8:
  - if it is carried out on land that is subject to a recovery plan or threat abatement plan prepared under the [Threatened Species Conservation Act 1995](#).
  - State Protected Land under the [Native Vegetation Conservation Act 1997](#).
  - Land which is an aquatic reserve declared under the [Fisheries Management Act 1994](#).
  - is an Aboriginal place or is land where an Aboriginal relic(s) are known (under the [National Parks and Wildlife Act 1974](#)).
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *DCP G4.1—Exempt and Complying Development* as adopted by the Council, as in force when the certificate is issued.

#### **9 Setbacks from roadways**

- (1) In zones other than Zone 2 (V) the minimum setback for a building from a public road, other than a road identified on the zoning map as “transport corridor”, is 50 metres.

- (2) In Zone 2 (V) the minimum setback for a building from a public road, other than a road identified on the zoning map as “transport corridor”, is 10 metres.
- (3) However, the Council may consent to development that results in a lesser setback where it can be clearly demonstrated that a lesser setback is consistent with the objectives of the zone and will not:
  - (a) adversely affect the visual amenity of the locality, or
  - (b) adversely affect the safety of the road, or
  - (c) result in a significant traffic impact on the road.

## **10 Transport corridors**

- (1) This clause applies to land adjacent to and within 200 metres of land identified as “transport corridor” on the zoning map.
- (2) The Council must not grant consent to development on land to which this clause applies unless it is satisfied that:
  - (a) where the access to the development is from another road (that is not a transport corridor), that access is located at least 90 metres from the centre line of the road that is the transport corridor, and
  - (b) the development will not prejudice future improvements to, or realignment of, any transport corridor, as may be indicated to the Council from time to time by the relevant rail authority or the Roads and Traffic Authority, as applicable, and
  - (c) the development, by its nature or intensity or the volume and type of traffic likely to be generated by it, is not likely to constitute a traffic hazard or to materially reduce the capacity of the transport corridor, and
  - (d) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on roads that are transport corridors will not be impeded, and
  - (e) the visual impact of the proposed development is minimal, given any measures proposed to ameliorate the impact, and
  - (f) the development will not involve the destruction of vegetation corridors, and
  - (g) the development is of a type that justifies a location in proximity to or access on to a transport corridor or, in the case of dwellings, it is evident that there is no alternative location within the site.
- (3) The following minimum setbacks apply for the buildings proposed to be located adjacent to a transport corridor on land in Zone 1 (A), 1 (I) or 1 (S):

Habitable building	200 metres
Non-habitable structure	100 metres

- (4) Buildings proposed to be located adjacent to a transport corridor on land zoned 2 (V) are to be set back no less than 20 metres from the boundary with that corridor.
- (5) Despite subclauses (3) and (4), the Council may consent to development that results in a lesser setback where it can be clearly demonstrated that this will not result in a detrimental impact on any of the following:
  - (a) the efficiency of the transport corridor,
  - (b) the visual quality of the locality,
  - (c) any objectives of the zone,
  - (d) the use for which the building is intended.

## **11 Temporary use of land**

Despite any other provision of this plan, the Council may grant consent to the carrying out of development on land for any purpose (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

## **12 Development near Dubbo Airport**

- (1) The Council must not grant consent for the carrying out of development on land shown as “Airport—obstacle limitation” on the zoning map unless it has made an assessment of:
  - (a) the effect of aircraft noise on the development, and
  - (b) the effect of the development on aerodrome height limitations and runway surface conditions, and
  - (c) the effect of the lighting associated with carrying out the development on local night time flying operations, and
  - (d) any bird hazard in respect of the airport likely to be generated by carrying out the development.
- (2) A person must not, on land shown “Airport—Obstacle Limitation” on the zoning map:
  - (a) erect a structure to a height that exceeds the Obstacle Limitation Surface as available from the Council, or
  - (b) carry out development for the purpose of:
    - (i) a dam or reservoir, or

- (ii) the handling or storage of grain, or
  - (iii) the disposal of refuse, or
  - (iv) a sewage treatment plant or effluent ponds, or
  - (v) an abattoir, or
  - (vi) a stock yard complex, or
  - (vii) the provision or enhancement of a habitat likely to attract birds which may be a hazard to aircraft, or
  - (viii) any other land use which, as a result of the creation or disposal of waste foodstuffs, could reasonably be expected to constitute an attraction to birds, except with the consent of the Council.
- (3) The Council must refer to the Civil Aviation Safety Authority any application for consent to carry out development referred to in subclause (2) where a building or structure is proposed the height of which would exceed the height of the Obstacle Limitation Surface.
- (4) In considering whether to grant consent to development referred to in subclause (3), the Council must take into consideration any comments furnished by the Civil Aviation Safety Authority to the Council within 30 days after referral of the application to the Authority.
- (5) The Council must advise the Civil Aviation Safety Authority of any structure that it is aware is proposed to be erected on land to which this plan applies that has a height of 110 metres or greater above the natural ground level.

### **13 Property Development Plan**

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

#### Infrastructure/Plant

- (a) specialised machinery to be used in the proposed agricultural use,
- (b) specialised handling, processing and storage facilities for the proposed agricultural use,
- (c) specialised internal fencing suitable for the proposed agricultural use,
- (d) the adequacy of road access within the allotment for the proposed agricultural

use,

- (e) the adequacy of the supply of electricity to the allotment and the arrangements for its distribution for the proposed agricultural use and for its connection to any proposed dwelling-house,
- (f) the location intended for a proposed dwelling-house,

#### Economic function

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

#### Water

- (i) the water allocation that has been obtained and how it is appropriate for the proposed agricultural use,
- (j) the irrigation system and its likely impact on waterways and aquifers,
- (k) drainage works to contain run-off of effluent or chemical residues, or any other substance or material stored or generated on site that is likely to result in the contamination of surface or groundwaters,
- (l) the impact localised flooding has on the land,

#### Aquifer

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

#### Soils

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

#### Vegetation

- (q) the impact vegetation clearance may have on the existing habitat of native fauna,
- (r) the risk of bushfire and proposed mitigation measures,

- (s) whether the removal of native vegetation will result in irreparable damage to the vegetation system in the locality.

### **13A Property Development Plan—Abridged**

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

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

### **14 Savings provisions applicable to activities of government instrumentalities**

Nothing in this Plan restricts or prohibits or enables the Council to restrict or prohibit anything described in Schedule 5.

### **15 Additional uses of land**

- (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 the 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 this clause applies, of such of the provisions of this plan as are consistent with that subclause or with a consent granted by the Council in respect of the development.

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

- (1) If any agreement, covenant or similar instrument prohibits a use of land allowed by this plan, then that agreement, covenant or instrument does not apply to that use to the extent necessary to allow that use.



- (2) Nothing in subclause (1) affects the rights or interests under any registered instrument of the Council or any other public authority.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

#### **15B Advertisements**

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

#### **16 Consultation with the National Parks and Wildlife Service**

The Council must not grant consent to an application to develop land within or adjoining Zone 8 unless it has first given notice of the application to the Director-General of the National Parks and Wildlife Service and taken into consideration any comment made by that person received within 30 days of the date of being given the notice.

### **Part 3 Zoning controls**

#### **Division 1 General effect of zoning**

##### **17 Primary zoning controls**

- (1) Land is within one of the following zones as identified on the zoning map:
  - 1 (A) Dryland Agriculture Zone
  - 1 (I) Intensive Agriculture Zone
  - 1 (F) Forestry Zone
  - 1 (S) Small Farm Estates Zone

## 2 (V) Village Zone

## 8 National Parks and Nature Reserves Zone

- (2) The other Divisions of this Part set out the objectives of zones and specify the development that may be carried out without development consent or only with development consent or that is prohibited within each zone. Other controls for land within the same zone are also specified.
- (3) The Council must not grant consent for development of land within a zone unless it has taken into consideration the aims and objectives of this plan and is satisfied that the development is not inconsistent with the objectives of the zone.

### **18 Land shown uncoloured**

Despite any other clause in this plan, the Council may consent to development of land shown uncoloured on the map if the development is permissible on land adjoining that land.

## **Division 2 Zone 1 (A) Dryland Agriculture Zone**

### **19 Primary development controls for Zone 1 (A)**

- (1) **Objectives of the zone** The objectives of Zone 1 (A) are as follows:
  - (a) to ensure the primary role of land within the zone is for carefully managed agricultural pursuits (including agroforestry) and that land within the zone is not used as an alternative location for residential accommodation,
  - (b) to enhance the economic value of land within the zone for agriculture by promoting consolidation and enlargement of holdings,
  - (c) to protect that land from inefficiencies posed by excessive and non-productive improvements, reduction in holding size, and conflict between land uses,
  - (d) to ensure the use of sustainable natural resource management principles and promote the protection, enhancement and conservation of areas of significance for nature conservation, habitat of threatened species, populations and communities and areas of native vegetation,
  - (e) to permit agriculturally-based land uses and other rural uses that complement the primary role of the zone,
  - (f) to reduce the need for improvements to the provision of services above those required to service the existing rural community,
  - (g) to permit rural industries which do not have a significant adverse impact on existing or potential agricultural production on adjoining land,

(h) to ensure mineral resources are not sterilised by competing land uses.

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

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

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

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

- (4) **Prohibited development** Development for the purpose of the following is prohibited on land within Zone 1 (A):

assisted accommodation; brothels; bulky goods sales rooms or showrooms; business premises; car wrecking yards; community service centres; convenience service stations; corner stores; cultural centres; dry cleaners; dual occupancies; entertainment facilities; exhibition homes; funeral establishments; hospitals; hotels; industries; landfill sites; laundromats; light industries; machinery dealerships; major retail attractors; materials recycling depots; medical consulting rooms; medium density housing; motor and recreational vehicle dealerships; offensive or hazardous industries; office premises; passenger transport terminals; places of assembly; places of worship; public buildings; recreation facilities; restaurants; restricted premises; roadside stalls (where fronting the Newell or Mitchell Highway); road transport terminals; semi-detached housing; service stations; shops; taverns; transport depots; vehicle repair stations; warehouses or distribution centres; waste management facilities.

## 20 Subdivision

- (1) Land within Zone 1 (A) may be subdivided, but only with development consent.
- (2) The Council may consent to a subdivision of land within Zone 1 (A) to create allotments the Council is satisfied will be used for an agricultural purpose only if each such lot created has an area of at least 800 hectares.
- (3) However, the Council may consent to such a subdivision that creates allotments with areas of less than 800 hectares if:
  - (a) the Council is satisfied, by a Property Development Plan for each such allotment, that the proposed subdivision will not be detrimental to agricultural production, or
  - (b) consent has been granted for the use of each such allotment (but not for its use for the purpose of agriculture, intensive agriculture or a dwelling house) and the size of the proposed allotment is appropriate for that use.

## 21 Dwellings

- (1) **Dwellings require consent** A dwelling may be erected on land within Zone 1 (A) only with the consent of the Council and only if it is a dwelling house.
- (2) **Lot sizes for dwellings**
  - (a) The Council may consent to the erection of a dwelling house on land within Zone 1 (A) only if:
    - (i) the land is, or will be consolidated into, a single lot that has an area of at least 800 hectares and the use of the dwelling house will be ancillary to an agricultural use of the land and will be necessary for the continuation of agriculture, or
    - (ii) the land comprises a lot that the Council is satisfied was created for the purpose of a dwelling house by a subdivision for which consent was granted before the appointed day, being an allotment on which a dwelling house could have been lawfully erected immediately before the appointed day, or
    - (iii) the land comprises an allotment on which, but for the completion of a minor subdivision under clause 8 (2) or boundary change under clause 8 (3), a dwelling house would be able to be erected pursuant to a consent granted in accordance with subparagraph (ii),
  - (b) Despite paragraph (a), the Council may consent to the erection of a dwelling house on land where:
    - (i) the land is being used for the purpose of agriculture, and
    - (ii) the Council is satisfied by a Property Development Plan that the agricultural

use is sustainable and cannot be fully realised without the presence on the land of a dwelling house,

- (c) Consent for a dwelling house may be granted only if there is no existing dwelling on the land and the Council is satisfied that effluent can be disposed of on-site having regard to sustainable resource management principles.

(3) **Additional dwelling** The Council may consent to the erection on land within Zone 1 (A) of an additional dwelling house that is to be occupied by a rural worker or of a temporary dwelling for a member of the landowner's family if:

- (a) the land on which the dwelling will be erected will not be capable of being excised by way of transfer of a new or existing title, and
- (b) the dwellings share a common access to a public road, and
- (c) the dwellings are located no further than 50 metres apart where no physical constraints to meeting this requirement exist, and
- (d) the Council is satisfied:
  - (i) by a Property Development Plan that the nature of the agricultural activity being undertaken on the land requires the rural worker to be on-site as a permanent resident, or
  - (ii) that the dwelling is temporary and transportable and will be inhabited by a relative of the owner.

(4) **Dwellings ancillary to other productive uses** The Council may consent to the erection on land within Zone 1 (A) of a dwelling house the use of which will be ancillary to a productive land use for which consent has been granted, not being agriculture, which has been established on the land, but only if the Council is satisfied that the use of the dwelling house will be consistent with the objectives of the zone and necessary to sustain that land use.

## 22 Transport

- (1) The transport objective of this plan is to ensure safe and efficient transport links between Dubbo and other major centres with capacity for future expansion.
- (2) The provisions of clause 10 apply in respect of development proposed to be undertaken on land within Zone 1 (A) and located within 200 metres of a transport corridor.

## 23 Tourism

- (1) The tourism objective of this plan (and the objective of this clause) is to promote an expanded rural-based tourism industry in the City of Dubbo.

- (2) In considering applications for the purpose of farmstay establishments, tourist accommodation or tourist facilities on land within Zone 1 (A), the Council must have regard to:
  - (a) the objective of this clause, and
  - (b) the potential for conflict between the proposed land use and the conduct of existing agricultural enterprises or other productive uses, and
  - (c) whether the proposed land use and any buildings involved in it can be adequately serviced.
- (3) Consent must not be granted for development for the purpose of farmstays unless the Council has considered a Property Development Plan—Abridged for the land concerned that addresses the matters in subclause (2).

## **24 Waterways**

- (1) The environmental management objective of this plan for waterways (and the objective of this clause) is to ensure safe, sustainable and multifunctional riverine environments.
- (2) This clause applies to waterways that are within Zone 1 (A).
- (3) A person must not, except with the consent of the Council, carry out any development within a waterway to which this clause applies that involves any one or more of the following:
  - (a) removing or destroying native vegetation,
  - (b) altering the profile of the waterway by 300mm or more or dredging the waterway,
  - (c) the pollution of surface water or ground water, or
  - (d) the installation of an on-site waste disposal system.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a water quality management plan that demonstrates how the proposed development is consistent with the objective of this clause. The water quality management plan must address the following matters:
  - (a) the risk of soil erosion resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,

- (b) whether any loss of vegetation caused by the proposed development is likely to result in irreparable damage to the vegetation system in the locality,
- (c) the risk of destabilisation of the waterway,
- (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwaters,
- (e) any mitigation measures proposed to be undertaken.

## **25 Aquifer**

- (1) The environmental management objectives of this plan for aquifers (and the objectives of this clause) are to protect and improve water levels and water quality in aquifers.
- (2) This clause applies to land within Zone 1 (A) that is identified on the zoning map as Environmentally Sensitive and also identified as Aquifer Recharge Area on the map labelled “Rural Aquifers”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the installation of an on-site waste disposal system,
  - (b) the removal or destruction of native vegetation,
  - (c) any work that could reasonably be expected to result in pollution of the aquifer.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered an aquifer impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The aquifer impact assessment must address the following matters:
  - (a) the risk of soil erosion or leaching resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any changes to the vegetation system caused by the proposed development are likely to result in detrimental changes to water levels in the aquifer,
  - (c) whether any building or work resulting from carrying out the proposed development can be connected to a sewerage system or uses an approved effluent disposal system that reuses effluent by maximising evapotranspiration

with minimal absorption into the soil,

- (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface water or groundwater, and
- (e) any mitigation measures proposed to be undertaken.

## **26 Flooding**

- (1) The environmental management objectives of this plan for flooding (and the objectives of this clause) are to manage the flood plain so as to minimise the disruption and hazard of flooding to people and the environment and to allow for water distribution to and from flood dependent environments.

- (2) This clause applies to flood affected land within Zone 1 (A).

### **Note—**

The flood hatching on the map is indicative only of the 1955 flood event and does not necessarily represent the real limit of flooding at the time. Further investigation of flood levels may be appropriate at development application stage.

- (3) A dwelling may be erected on flood affected land only with the consent of the Council, and only if there is no alternative site for the dwelling on the holding that is not flood affected land.
- (4) The floor level of each habitable part of a building erected on flood affected land must be at least 500mm above the highest recorded flood level in the locality.
- (5) A person must not deposit fill in excess of 50 cubic metres on flood affected land without the consent of the Council.
- (6) Consent must not be granted for development on land to which this clause applies unless the Council has considered details that demonstrate how the proposed development is consistent with the objectives of this clause. They must include details of the following:
  - (a) any detrimental changes to the flow of floodwater which may potentially result from carrying out the proposed development,
  - (b) any possible harm to human life, animal welfare, or property,
  - (c) the potential impact the proposed development may have on the character of floodwaters in the event of a major flood, such as threats to the habitats of native fauna, and
  - (d) any flood free access route between a public road and the site of the proposed development.



## **27 Erosion**

- (1) The environmental management objectives of this plan for erosion (and the objectives of this clause) are to reduce the spread of soil erosion and to remedy existing areas of erosion.
- (2) This clause applies to land within Zone 1 (A) that is identified on the zoning map as Environmentally Sensitive and also identified as Erosion Susceptible on the map labelled “Erosion”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the removal or destruction of native vegetation,
  - (b) large scale earthworks, being where there is disturbance to an area of land in excess of 2,500m<sup>2</sup>,
  - (c) any development which could reasonably be expected to result in serious soil erosion if appropriate erosion mitigation measures were not undertaken.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a soil erosion assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The soil erosion assessment must address the following matters:
  - (a) the risk of soil erosion and sedimentation resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any loss of vegetation caused by the proposed development could potentially result in irreparable damage to the vegetation system in the locality,
  - (c) any mitigation measures proposed to be undertaken.

## **28 Dryland salinity**

- (1) The environmental management objectives of this plan for dryland salinity (and the objectives of this clause) are to prevent further spread of dryland salinity and remedy existing areas of salinity.
- (2) This clause applies to land within Zone 1 (A) that is identified as “salt outbreak” on the map entitled “*Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000*”

*Dubbo” and “Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Narromine”.*

- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies which involves the removal or destruction of native vegetation.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a dryland salinity impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The dryland salinity impact assessment must address the following matters:
  - (a) whether the loss of the vegetation will potentially result in increasing soil salinity,
  - (b) any comments furnished by the Department of Land and Water Conservation,
  - (c) any mitigation measures proposed to be undertaken.

## **29 Wildlife habitat**

- (1) The environmental management objective of this plan for wildlife habitat (and the objective of this clause) is to achieve a network of habitats able to support the flora and fauna native to land to which this plan applies.
- (2) This clause applies to land within Zone 1 (A) and identified on the zoning map as Environmentally Sensitive and as Habitat on the map entitled “Habitat”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies which involves the removal or destruction of native vegetation.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a wildlife habitat impact assessment that demonstrates how the development is consistent with the objective of this clause. The wildlife impact habitat assessment must address the following matters:
  - (a) the potential impact of the proposed development on fauna habitat,

- (b) any mitigation measures proposed to be undertaken.

### **30 Contaminated land**

- (1) The environmental management objectives of this plan for contaminated land (and the objectives of this clause) are to minimise and control existing and potential contamination of land.
- (2) This clause applies to land within Zone 1 (A) listed in Schedule 4, and to land which adjoins or is adjacent to that land and that could reasonably be expected to be contaminated or potentially contaminated.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies.
- (4) Council consent must not be granted for any such development unless the Council is satisfied that the level of contamination is compatible with the intended use.
- (5) In considering its assessment, the Council must take into account any matter that is submitted in accordance with the contaminated land planning guidelines notified in accordance with section 145C of the Act.

## **Division 3 Zone 1 (I) Intensive Agriculture Zone**

### **31 Primary development controls for Zone 1 (I)**

- (1) **Objectives of the zone** The objectives of Zone 1 (I) are as follows:
  - (a) to conserve prime crop and pasture land which is suitable for intensive agriculture pursuits,
  - (b) to encourage the development of intensive commercial agriculture enterprises which meet sustainable natural resource management principles,
  - (c) to protect intensive agriculture enterprises from operational restraints caused by land use conflicts, especially those arising from pressure to maintain a level of amenity more appropriate in a residential or hobby farming area,
  - (d) to prevent the use of land with high potential agricultural productivity for inappropriate development (such as that for rural residential and hobby farm purposes),
  - (e) to ensure that holdings used for the purpose of intensive agriculture are of a suitable size for that use,
  - (f) to protect land within the zone from inefficiencies posed by excessive and non-productive improvements, fragmentation of holdings and conflict between land uses,

(g) to permit supporting, small scale and compatible value-adding industries in intensive agricultural areas where they are ancillary to agriculture.

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

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

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

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

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

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

### **31A Small scale intensive livestock keeping**

The Council may grant development consent to the use of land within Zone 1 (I) for intensive livestock keeping, animal establishments or kennels, only if it is satisfied that:

- (a) the land on which the use is to be sited is categorised as being of Class 4 or 5 land suitability by the Director-General of the Department of Agriculture, and
- (b) the requirements made by this plan for the protection of the environment will be met when that use is carried out on the land, and
- (c) the proposed use will be consistent with the objectives of the zone.

### **32 Subdivision**

- (1) **Consent required** Land within Zone 1 (I) may be subdivided, but only with development consent.
- (2) **Compulsory requirements** The Council must not consent to a subdivision of a holding of land within Zone 1 (I) unless the Council is satisfied that:
  - (a) the primary land use that will be carried out on each allotment will be sustainable intensive agriculture, and
  - (b) the area of each allotment is not less than 20 hectares, and
  - (c) a licence under the [Water Act 1912](#) relating to the land to be subdivided and authorising the construction and use of a work on that land for the purpose of irrigation, and the taking (by means of, or from, the work) and using of at least 8 megalitres of water per hectare of irrigable land per year, or as otherwise demonstrated as sufficient for sustainable intensive agriculture on the site, will be available at the time of the subdivision and will ensure that irrigation will be available to the allotment, and
  - (d) each allotment has a frontage of not less than 10 metres to a fully constructed public road, and
  - (e) there is an adequate supply of electricity to each allotment.
- (3) Notwithstanding subclause (2), the Council may consent to the excision of one allotment that is to be used for agriculture where the Council is satisfied that the subdivision is consistent with a Property Development Plan prepared for the allotment.
- (4) **Consultation required** The Council must not consent to the subdivision of land within Zone 1 (I) unless the Council has given notice of the proposed subdivision to each of the following persons and taken into consideration any comment made by the person to the Council on the relevant issue for that person within 30 days of being given the notice:

- (a) the Director-General of the Department of Agriculture—the relevant issue is whether the shape and boundaries of each proposed allotment are suitable for intensive agricultural use of the land,
- (b) the Director-General of the Department of Land and Water Conservation and the Director-General of the Environment Protection Authority—the relevant issue is whether satisfactory water quality protection measures are in place to protect aquifer and river water from pollution due to effluent and agricultural chemical contamination,
- (c) the Director-General of the Department of Land and Water Conservation—the relevant issue is whether satisfactory soil conservation measures are in place to assist sustainable use of the land for intensive agriculture,
- (d) the Minister administering the [Water Act 1912](#)—the relevant issue is whether the creation of each proposed allotment is consistent with legislation administered by that Minister and conforms to the policy requirements of that Minister relating to riparian protection.

### 33 Dwellings and additional dwellings

- (1) A dwelling may be erected on land within zone 1 (I) but only with consent and only if it is a dwelling house.

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

- (2) **Primary requirements** The Council must not consent to the erection of a dwelling-house on an allotment of land within Zone 1 (I) unless it is satisfied that:
  - (a) the allotment is being, or is intended to be, used for the purpose of sustainable intensive agriculture consistent with a Property Development Plan, and
  - (b) use of the dwelling-house will be ancillary to the use of the allotment for that purpose, and
  - (c) the dwelling-house will be occupied by persons employed or engaged in that intensive agriculture on the allotment, and
  - (d) the dwelling-house will be the only dwelling on the allotment, and
  - (e) the dwelling-house will be erected within a building envelope approved by the Council and in a location that:
    - (i) has been approved by the Council for the disposal of household effluent,
    - (ii) is above the adopted flood standard, and
    - (iii) has reasonable access to a road and to a power supply, and

- (iv) will minimise adverse effects on the efficient use of the allotment and adjoining allotments for the purpose of intensive agriculture, and
  - (v) has a setback to a public road of at least 20 metres, and
  - (f) an irrigation system is in place for use in the intensive agriculture proposed to be carried out on the land, or
  - (g) the land comprises an allotment on which, but for the completion of a minor subdivision under clause 8 (2) or boundary change under clause 8 (3), a dwelling house would be able to be erected pursuant to a consent granted in accordance with other provisions of this subclause or with subclause (4).
- (3) **Supplementary requirements** The Council must not consent to the erection of a dwelling-house on an allotment of land within Zone 1 (I) unless it is satisfied that at least three of the following have already been or will be provided in conformity with a Property Development Plan for the allotment:
- (a) specialised machinery suitable for the proposed agricultural use,
  - (b) specialised handling, processing and storage facilities available for the proposed agricultural use,
  - (c) specialised internal fencing on the allotment suitable for the proposed agricultural use,
  - (d) adequate road access to and within the allotment, taking into account its use for intensive agriculture and for the proposed dwelling-house,
  - (e) an adequate electrical distribution system providing electricity for the proposed agricultural use.
- (4) Notwithstanding subclauses (2) and (3), the Council may consent to the erection of a dwelling house on land within Zone 1 (I) if the land comprises a lot that the Council is satisfied was created for the purpose of a dwelling house by a subdivision for which consent was granted before the appointed day, being an allotment on which a dwelling house could have been lawfully erected immediately before the appointed day.
- (5) **Sunset clause** Subclause (4) does not apply to applications lodged after the second anniversary of the appointed day.

## 34 Transport

- (1) The transport objective of this plan is to ensure safe and efficient transport links between Dubbo and other major centres with capacity for future expansion.
- (2) The provisions of clause 10 apply in respect of development proposed to be

undertaken on land within Zone 1 (I) and located within 200 metres of a transport corridor.

### **35 Waterways**

- (1) The environmental management objective of this plan for waterways (and the objective of this clause) is to ensure safe, sustainable and multifunctional riverine environments.
- (2) This clause applies to waterways that are within Zone 1 (I).
- (3) A person must not, except with the consent of the Council, carry out any development within a waterway to which this clause applies that involves any one or more of the following:
  - (a) removing or destroying native vegetation,
  - (b) altering the profile of the waterway by 300mm or more or dredging the waterway,
  - (c) the pollution of surface water or ground water, or
  - (d) the installation of an on-site waste disposal system.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a water quality management plan that demonstrates how the proposed development is consistent with the objective of this clause. The water quality management plan must address the following matters:
  - (a) the risk of soil erosion resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any loss of vegetation caused by the proposed development is likely to result in irreparable damage to the vegetation system in the locality,
  - (c) the risk of destabilisation of the waterway,
  - (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwaters, and
  - (e) any mitigation measures proposed to be undertaken.

### **36 Aquifer**

- (1) The environmental management objectives of this plan for aquifers (and the



objectives of this clause) are to protect and improve water levels and water quality in aquifers.

- (2) This clause applies to land within Zone 1 (I) that is identified on the zoning map as Environmentally Sensitive and also identified as Aquifer Recharge Area on the map labelled “Rural Aquifers”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the installation of an on-site waste disposal system,
  - (b) the removal or destruction of native vegetation,
  - (c) any work that could reasonably be expected to result in pollution of the aquifer.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the *Environmental Planning and Assessment Act 1979* for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered an aquifer impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The aquifer impact assessment must address the following matters:
  - (a) the risk of soil erosion or leaching resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any changes to the vegetation system caused by the proposed development are likely to result in detrimental changes to water levels in the aquifer,
  - (c) whether any building or work resulting from carrying out the proposed development can be connected to a sewerage system or uses an approved effluent disposal system that reuses effluent by maximising evapotranspiration with minimal absorption into the soil,
  - (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwater, and
  - (e) any mitigation measures proposed to be undertaken.

### **37 Flooding**

- (1) The environmental management objectives of this plan for flooding (and the objectives of this clause) are to manage the flood plain so as to minimise the disruption and hazard of flooding to people and the environment and to allow for

water distribution to and from flood dependent environments.

(2) This clause applies to flood affected land within Zone 1 (I).

**Note—**

The hatching on the map is indicative only of the 1955 flood event and does not necessarily represent the real limit of flooding at the time. Further investigation of flood levels may be appropriate at development applications stage.

- (3) A dwelling may be erected on flood affected land only with the consent of the Council, and only if there is no alternative site for the dwelling on the holding that is not flood affected land.
- (4) The floor level of each habitable part of a building erected on flood affected land must be at least 500mm above the highest recorded flood level in the locality.
- (5) A person must not deposit fill in excess of 50 cubic metres on flood affected land without the consent of the Council.
- (6) Consent must not be granted for development on land to which this clause applies unless the Council has considered details that demonstrate how the proposed development is consistent with the objectives of this clause. They must include details of the following:
  - (a) any detrimental changes to the flow of floodwater which may potentially result from carrying out the proposed development,
  - (b) any possible harm to human life, animal welfare, or property,
  - (c) the potential impact the proposed development may have on the character of floodwaters in the event of a major flood, such as threats to the habitats of native fauna, and
  - (d) any flood free access route between a public road and the site of the proposed development.

### **38 Erosion**

- (1) The environmental management objectives of this plan for erosion (and the objectives of this clause) are to prevent the spread of soil erosion and to remedy areas of erosion.
- (2) This clause applies to land within Zone 1 (I) that is identified on the zoning map as Environmentally Sensitive and also identified as Erosion Susceptible on the map labelled “Erosion”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:

- (a) the removal or destruction of native vegetation,
  - (b) large scale earthworks, being where there is disturbance to an area of land in excess of 2,500m,
  - (c) any development which could reasonably be expected to result in serious soil erosion if appropriate erosion mitigation measures were not undertaken.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a soil erosion assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The soil erosion assessment must address the following matters:
- (a) the risk of soil erosion and sedimentation resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any loss of vegetation caused by the proposed development could potentially result in irreparable damage to the vegetation system in the locality,
  - (c) any mitigation measures proposed to be undertaken.

### **38A Dryland salinity**

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

considered a dryland salinity impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The dryland salinity impact assessment must address the following matters:

- (a) whether the loss of the vegetation will potentially result in increasing soil salinity,
- (b) any comment furnished by the Department of Land and Water Conservation,
- (c) any mitigation measures proposed to be undertaken.

### **39 Contaminated land**

- (1) The environmental management objectives of this plan for contaminated land (and the objectives of this clause) are to minimise and control existing and potential contamination of land.
- (2) This clause applies to land within Zone 1 (I) listed in Schedule 4, and to land which adjoins or is adjacent to that land and that could reasonably be expected to be contaminated or potentially contaminated.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies.
- (4) Council consent must not be granted for any such development unless the Council is satisfied that the level of contamination is compatible with the intended use.
- (5) In considering its assessment, the Council must take into account any matter that is submitted in accordance with the contaminated land planning guidelines notified in accordance with section 145C of the Act.

## **Division 4 Zone 1 (S) Small Farm Estates Zone**

### **40 Primary development controls for Zone 1 (S)**

- (1) **Objectives of the zone** The objectives of Zone 1 (S) are as follows:
  - (a) to provide for small-scale farming in defined areas of fragmentation where the potential for conflict with sustainable natural resource management principles and with agricultural and other productive uses can be minimised,
  - (b) to promote a sense of community and rural character within each locality with an understanding and acceptance of adjoining agricultural practices,
  - (c) to discourage the expectation of an urban standard of amenity or level of services,
  - (d) to prevent expansion of the small farm estates into adjoining larger scale agricultural areas,
  - (e) to provide for limited infill within selected estates where conflict with adjoining

commercial agricultural enterprises can be managed,

- (f) to ensure the use of sustainable natural resource management principles and promote the protection, enhancement and conservation of areas of significance for nature conservation, habitat of threatened species, populations and communities and areas of native vegetation,
- (g) to promote recognition that agricultural production, undertaken in a manner consistent with sustainable resource management principles, will not be restrained due to activities being undertaken within this zone,
- (h) to provide for other uses that complement the agricultural purpose of the zone.

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

agriculture; environmental conservation; home based child care establishments.

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

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

- (4) **Prohibited development** Development for the purpose of the following is prohibited on land within Zone 1 (S):

abattoirs; additional dwellings (where not for members of the landowners' families); aerodromes; assisted accommodation; biosolid waste applications; boarding houses; brothels; bulky goods sales rooms or showrooms; business premises; cabin or caravan sites; car wrecking yards; cemeteries; clubs; club houses; community service centres; composting; convenience service stations; corner stores; correctional centres; cotton farming; crushing, grinding or separating works; cultural centres; depots; dry cleaners; dual occupancies; entertainment facilities; funeral establishments; helipads; hospitals; hotels; industries; intensive livestock keeping establishments; kennels; landfill sites; laundromats; light industries; machinery dealerships; major retail attractors;

materials recycling depots; medical consulting rooms; medium density housing; motor and recreational vehicle dealerships; offensive or hazardous industries; office premises; passenger transport terminals; places of assembly; places of worship; public buildings; recreation facilities; refreshment areas; restaurants; restricted premises; roadside stalls (where fronting the Newell or Mitchell Highway); road transport terminals; sawmills; semi-detached housing; service stations; shops; stock and sale yards; taverns; transport depots; treated waste applications; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres; waste management facilities.

#### **41 Subdivision**

- (1) Land within Zone 1 (S) may be subdivided, but only with development consent.
- (2) The Council may consent to the subdivision of land within Zone 1 (S) only if each lot created by the subdivision that, that is to be used for the purpose of agriculture, has an area of not less than:
  - (a) 8 hectares, where the land subdivided is described in clause 42 (2) (c), or
  - (b) 35 hectares, where the land subdivided is described in clause 42 (2) (d) or (e),and there is an adequate supply of electricity to each allotment.
- (3) However, land within Zone 1 (S) may, with the consent of Council, be subdivided so as to create an allotment of any size where the Council is satisfied that consent has been granted for the use of each such allotment (but not for its use for the purpose of agriculture, intensive agriculture or a dwelling house) and the size of the proposed allotment is appropriate for that use where the use is consistent with the objectives of the zone.

#### **42 Dwellings**

- (1) **Dwellings require consent** A dwelling may be erected on land within Zone 1 (S) only with development consent and only if it is a dwelling house.
- (2) **Lot sizes for dwellings** The Council may consent to the erection of a dwelling house on land within Zone 1 (S) only if:
  - (a) the land comprises a lot that the Council is satisfied was created for the purpose of a dwelling house by a subdivision for which consent was granted before the appointed day, being an allotment on which a dwelling house could have been lawfully erected immediately before the appointed day, or
  - (b) the dwelling house will replace an existing dwelling house, or
  - (c) the land is an original parcel comprising an area in excess of 8 hectares and identified as a small farm estate on the zoning map with the name of:

Aggregate Road

Angle Park

Belgravia

Bencubbin

Ganarin

Dulcidene Road

Minore

Newbury Park

Oakdene

Panai A

Raymonds Hill/Bulwarra

Rocky Road

Wongarbon "A"

Woodstock, or

- (d) the land is an original parcel comprising an area in excess of 35 hectares and identified as a small farm estate on the zoning map with the name of:

Emu Park

Jones Creek

Panai B

Wandarra,

Bunglegumbie, or

- (e) the land is an original parcel and identified on the zoning map as:

Ballimore

Eumungerie

Wongarbon "B"

Mogriguy, or

- (f) the land comprises a lot that was created in accordance with clause 41 (2).

- (3) The Council may consent to the erection of a dwelling in Zone 1 (S) only if it is satisfied that the dwelling and associated habitable buildings:
- (a) will be located no closer than 150 metres from land within Zone 1 (A) or 1 (I), and
  - (b) will be erected on land capable of supporting on-site effluent disposal, and
  - (c) will not be likely to result in conflicts with adjoining agricultural land uses, and
  - (d) will not reduce any existing vegetated buffer between land on which competing land uses are carried on, and
  - (e) will be consistent with sustainable natural resource management principles, and
  - (f) has reasonable access to a road and to a power supply.
- (4) **Additional dwelling** The Council may consent to the erection of an additional dwelling house that is to be occupied by a member of the landowner's family on land within Zone 1 (S) if:
- (a) the land on which the dwelling will be erected is not capable of being excised by way of transfer of a new or existing title, and
  - (b) the dwellings will share a common access to a public road, and
  - (c) the dwellings are located no further than 50 metres apart where no physical constraints to meeting this requirement exist, and
  - (d) the Council is satisfied that the dwelling is temporary, transportable and for a relative of the owner.
- (5) In this clause, **original parcel** means an allotment of land, or the aggregation of two or more adjoining or adjacent allotments of land being allotments within the same zone created under this plan, that was or were in existence and (in the case of such an aggregation of allotments) were in the same ownership on 16 June 1997.

### 43 Transport

- (1) The transport objective of this plan is to ensure safe and efficient transport links between Dubbo and other major centres with capacity for future expansion.
- (2) The provisions of clause 10 apply in respect of development proposed to be undertaken on land within Zone 1 (S) and located within 200 metres of a transport corridor.

### 44 Tourism

- (1) The tourism objective of this plan (and the objective of this clause) is to promote an expanded rural-based tourism industry in the City of Dubbo.



- (2) In considering applications for the purpose of farmstay establishments, tourist accommodation or tourist facilities on land within Zone 1 (S), the Council must have regard to:
  - (a) the objective of this clause, and
  - (b) the potential for conflict between the proposed land use and the conduct of existing agricultural enterprises, and
  - (c) whether the proposed land use and any buildings involved in it can be adequately serviced.
- (3) Consent must not be granted for development for the purpose of farmstays unless the Council has considered a Property Development Plan—Abridged for the land concerned that addresses the matters in subclause (2).

#### **45 Waterways**

- (1) The environmental management objective of this plan for waterways (and the objective of this clause) is to ensure safe, sustainable and multifunctional riverine environments.
- (2) This clause applies to waterways that are within Zone 1 (S).
- (3) A person must not, except with the consent of the Council, carry out any development within a waterway to which this clause applies that involves any one or more of the following:
  - (a) removing or destroying native vegetation,
  - (b) altering the profile of the waterway by 300mm or more or dredging a waterway,
  - (c) the pollution of surface water or ground water, or
  - (d) the installation of an on-site waste disposal system.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a water quality management plan that demonstrates how the proposed development is consistent with the objective of this clause. The water quality management plan must address the following matters:
  - (a) the risk of soil erosion resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,

- (b) whether any loss of vegetation caused by the proposed development is likely to result in irreparable damage to the vegetation system in the locality,
- (c) the risk of destabilisation of the waterway,
- (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwaters,
- (e) any mitigation measures proposed to be undertaken.

#### **46 Aquifer**

- (1) The environmental management objectives of this plan for aquifers (and the objectives of this clause) are to protect and improve water levels and water quality in aquifers.
- (2) This clause applies to land within Zone 1 (S) that is identified on the zoning map as Environmentally Sensitive and also identified as Aquifer Recharge Area on the map labelled “Rural Aquifers”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the installation of an on-site waste disposal system,
  - (b) the removal or destruction of native vegetation,
  - (c) any work that could reasonably be expected to result in pollution of the aquifer.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered an aquifer impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The aquifer impact assessment must address the following matters:
  - (a) the risk of soil erosion or leaching resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any changes to the vegetation system caused by the proposed development are likely to result in detrimental changes to water levels in the aquifer,
  - (c) whether any building or work resulting from carrying out the proposed development can be connected to a sewerage system or uses an approved effluent disposal system that reuses effluent by maximising evapotranspiration

with minimal absorption into the soil, and

- (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwater, and
- (e) any mitigation measures proposed to be undertaken.

#### **47 Flooding**

- (1) The environmental management objectives of this plan for flooding (and the objectives of this clause) are to manage the flood plain so as to minimise the disruption and hazard of flooding to people and the environment and to allow for water distribution to and from flood dependent environments.

- (2) This clause applies to flood affected land within Zone 1 (S).

**Note—**

The hatching on the map is indicative only of the 1955 flood event and does not necessarily represent the real limit of flooding at the time. Further investigation of flood levels may be appropriate at Development Application stage.

- (3) A dwelling may be erected on flood affected land only with the consent of the Council, and only if there is no alternative site for the dwelling on the holding that is not flood affected land.
- (4) The floor level of each habitable part of a building erected on flood affected land must be at least 500mm above the highest recorded flood level in the locality.
- (5) A person must not deposit fill in excess of 50 cubic metres on flood affected land without the consent of the Council.
- (6) Consent must not be granted for development on land to which this clause applies unless the Council has considered details that demonstrate how the proposed development is consistent with the objectives of this clause. They must include details of the following:
  - (a) any detrimental changes to the flow of floodwater which may potentially result from carrying out the proposed development,
  - (b) any possible harm to human life, animal welfare, or property,
  - (c) the potential impact the proposed development may have on the character of floodwaters in the event of a major flood, such as threats to the habitats of native fauna, and
  - (d) any flood free access route between a public road and the site of the proposed development.

#### **48 Erosion**

- (1) The environmental management objectives of this plan for erosion (and the objectives of this clause) are to prevent the spread of soil erosion and to remedy areas of erosion.
- (2) This clause applies to land within Zone 1 (S) that is identified on the zoning map as Environmentally Sensitive and also identified as Erosion Susceptible on the map labelled “Erosion”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the removal or destruction of native vegetation,
  - (b) large scale earthworks, being where there is disturbance to an area of land in excess of 2,500m<sup>2</sup>,
  - (c) any development which could reasonably be expected to result in serious soil erosion if appropriate erosion mitigation measures were not undertaken.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a soil erosion assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The soil erosion assessment must address the following matters:
  - (a) the risk of soil erosion and sedimentation resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any loss of vegetation caused by the proposed development could potentially result in irreparable damage to the vegetation system in the locality,
  - (c) any mitigation measures proposed to be undertaken.

#### **49 Dryland salinity**

- (1) The environmental management objectives of this plan for dryland salinity (and the objectives of this clause) are to prevent further spread of dryland salinity and remedy existing areas of salinity.
- (2) This clause applies to land within Zone 1 (S) that is identified as “salt outbreak” on the map entitled “*Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000*”

*Dubbo” and “Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Narromine”.*

- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies which involves the removal or destruction of native vegetation.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a dryland salinity impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The dryland salinity impact assessment must address the following matters:
  - (a) whether the loss of the vegetation will potentially result in increasing soil salinity,
  - (b) any comments furnished by the Department of Land and Water Conservation,
  - (c) any mitigation measures proposed to be undertaken.

## **50 Contaminated land**

- (1) The environmental management objectives of this plan for contaminated land (and the objectives of this clause) are to minimise and control existing and potential contamination of land.
- (2) This clause applies to land within Zone 1 (S) listed in Schedule 4, and to land which adjoins or is adjacent to that land and that could reasonably be expected to be contaminated or potentially contaminated.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies.
- (4) Council consent must not be granted for any such development unless the Council is satisfied that the level of contamination is compatible with the intended use.
- (5) In considering its assessment, the Council must take into account any matter that is submitted in accordance with the contaminated land planning guidelines notified in accordance with section 145C of the Act.

## **Division 5 Zone 1 (F) Forestry Zone**

### **51 Primary development controls for Zone 1 (F)**

- (1) **Objectives of the zone** The objectives of Zone 1 (F) are as follows:

- (a) to protect existing forestry from uses which may impact adversely on the maintenance of a sustainable forest industry, and
  - (b) to encourage the further development of a sustainable forest industry in the City of Dubbo, and
  - (c) to ensure development proposals are based upon sustainable natural resource management principles.
- (2) **Development without development consent** Development for the purpose of the following may be carried out on land within Zone 1 (F) without development consent:
- biosolid waste applications; environmental conservation; land uses authorised by or under the [Forestry Act 1916](#); water treatment sludge applications.
- (3) **Development only with development consent** Development for the purpose of the following may be carried out on land within Zone 1 (F) only with development consent:
- cabin or caravan sites; communications facilities; recreation areas.
- (4) **Prohibited development** Development that is not included in subclause (2) or (3) is prohibited on land within Zone 1 (F).

## 52 Subdivision

Land within Zone 1 (F) may be subdivided, but only with development consent.

## Division 6 Zone 2 (V) Village Zone

### 53 Primary development controls for Zone 2 (V)

- (1) **Objectives of the zone** The objectives of Zone 2 (V) are as follows:
- (a) to promote development in existing villages in a manner which is consistent with the role of serving the needs of the rural district,
  - (b) to discourage the expectation of a full urban standard of amenity or additional provision of services,
  - (c) to ensure development proposals are based upon sustainable natural resource management principles,
  - (d) to maintain a low urban density and ensure buildings and works are designed to be in sympathy with the character of the village,
  - (e) to permit service activities which meet the recreational, cultural and commercial needs of the local community,
  - (f) to assist in meeting the needs of the tourist industry.

- (2) **Development without development consent** Development for the purpose of the following may be carried out on land within Zone 2 (V) without development consent:

environmental conservation; home based child care establishments.

- (3) **Development only with development consent** Development for the purpose of the following may be carried out on land within Zone 2 (V) only with development consent:

agriculture; animal cemeteries; artificial water bodies; assisted accommodation; bed and breakfast accommodation; boarding houses; bulk fuel stores; bulky goods sales rooms or showrooms; business premises; cabin or caravan sites; camp sites; car parks; cemeteries; child care centres; clubs; club houses; communications facilities; community centres; community service centres; convenience service stations; corner stores; cultural centres; dairies; depots; dry cleaners; dwelling houses; educational establishments; entertainment facilities; exhibition homes; forestry; funeral establishments; group homes; guest houses or hostels; helipads; home businesses; home industries; home occupations; hospitals; hotels; laundromats; light industries; machinery dealerships; medical consulting rooms; mining; motor and recreational vehicle dealerships; office premises; places of assembly; places of worship; plant nurseries; public buildings; recreation areas; recreation facilities; refreshment areas; restaurants; roadside stalls; rural industries; service stations; shops; taverns; tourist accommodation; tourist facilities; transfer stations; transport depots; turf farming; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; water treatment sludge applications; any other buildings, works, places or land uses that are not included in subclause (2) or (4).

- (4) **Prohibited development** Development for the purpose of the following is prohibited on land within Zone 2 (V):

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

## 54 Subdivision

- (1) Land within Zone 2 (V) may be subdivided, but only with development consent.

- (2) The Council must not consent to a subdivision that creates an allotment of land within Zone 2 (V) that the Council is satisfied will be used for the erection of a dwelling unless the allotment has an area of at least 2,000 square metres and there is an adequate supply of electricity to the allotment.

## **55 Dwellings**

The Council may consent to the erection of a dwelling house on land within Zone 2 (V) only if the Council is satisfied that:

- (a) adequate provision can be made for the on-site disposal of effluent, and
- (b) there is reasonable access to a road and to a power supply, and
- (c) the design of the dwelling will make a positive contribution to the streetscape, and
- (d) either the allotment has an area of at least 2000 square metres or the land comprises a lot that was created for the purpose of a dwelling house by a subdivision for which consent was granted before the appointed day, being an allotment on which a dwelling house could have been lawfully erected immediately before the appointed day.

## **56 Transport**

- (1) The transport objective of this plan is to ensure safe and efficient transport links between Dubbo and other major centres with capacity for future expansion.
- (2) The provisions of clause 10 apply in respect of development proposed to be undertaken on land within Zone 2 (V) and located within 200 metres of a transport corridor.

## **57 Tourism**

- (1) The tourism objective of this plan (and the objective of this clause) is to promote an expanded rural-based tourism industry in the City of Dubbo.
- (2) In considering applications for the purpose of tourist accommodation or tourist facilities on land within Zone 2 (V), the Council must have regard to:
  - (a) the objective of this clause, and
  - (b) the potential for conflict between the proposed land use and the conduct of existing agricultural enterprises, and
  - (c) whether the proposed land use and any buildings involved in it can be adequately serviced.
- (3) (Repealed)



## **58 Waterways**

- (1) The environmental management objective of this plan for waterways (and the objective of this clause) is to ensure safe, sustainable and multifunctional riverine environments.
- (2) This clause applies to waterways that are within Zone 2 (V).
- (3) A person must not, except with the consent of the Council, carry out any development within a waterway to which this clause applies that involves any one or more of the following:
  - (a) removing or destroying native vegetation,
  - (b) altering the profile of the waterway by 300mm or more or dredging the waterway,
  - (c) the pollution of surface water or ground water, or
  - (d) the installation of an on-site waste disposal system.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [\*Environmental Planning and Assessment Act 1979\*](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered a water quality management plan that demonstrates how the proposed development is consistent with the objective of this clause. The water quality management plan must address the following matters:
  - (a) the risk of soil erosion resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any loss of vegetation caused by the proposed development is likely to result in irreparable damage to the vegetation system in the locality,
  - (c) the risk of destabilisation of the waterway,
  - (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwaters,
  - (e) any mitigation measures proposed to be undertaken.

## **59 Aquifer**

- (1) The environmental management objectives of this plan for aquifers (and the objectives of this clause) are to protect and improve water levels and water quality in aquifers.

- (2) This clause applies to land within Zone 2 (V) that is identified on the zoning map as Environmentally Sensitive and also identified as Aquifer Recharge Area on the map labelled “Rural Aquifers”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the installation of an on-site waste disposal system,
  - (b) the removal or destruction of native vegetation,
  - (c) any work that could reasonably be expected to result in pollution of the aquifer.
- (4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.
- (5) Consent must not be granted for any such development unless the Council has considered an aquifer impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The aquifer impact assessment must address the following matters:
  - (a) the risk of soil erosion or leaching resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,
  - (b) whether any changes to the vegetation system caused by the proposed development are likely to result in detrimental changes to water levels in the aquifer,
  - (c) whether any building or work resulting from carrying out the proposed development can be connected to a sewerage system or uses an approved effluent disposal system that reuses effluent by maximising evapotranspiration with minimal absorption into the soil,
  - (d) the management of materials or substances generated or stored on-site that are likely to result in the contamination of surface or groundwater, and
  - (e) any mitigation measures proposed to be undertaken.

## **60 Flooding**

- (1) The environmental management objectives of this plan for flooding (and the objectives of this clause) are to manage the flood plain so as to minimise the disruption and hazard of flooding to people and the environment and to allow for water distribution to and from flood dependent environments.
- (2) This clause applies to flood affected land within Zone 2 (V).

**Note—**

The flood hatching on the map is indicative only of the 1955 flood event and does not necessarily represent the real limit of flooding at the time. Further investigation of flood levels may be appropriate at development application stage.

- (3) A dwelling may be erected on flood affected land only with the consent of the Council, and only if there is no alternative site for the dwelling on the holding that is not flood affected land.
- (4) The floor level of each habitable part of a building erected on flood affected land must be at least 500mm above the highest recorded flood level in the locality.
- (5) A person must not deposit fill in excess of 50 cubic metres on flood affected land without the consent of the Council.
- (6) Consent must not be granted for development on land to which this clause applies unless the Council has considered details that demonstrate how the proposed development is consistent with the objectives of this clause. They must include details of the following:
  - (a) any detrimental changes to the flow of floodwater which may potentially result from carrying out the proposed development,
  - (b) any possible harm to human life, animal welfare, or property,
  - (c) the potential impact the proposed development may have on the character of floodwaters in the event of a major flood, such as threats to the habitats of native fauna, and
  - (d) any flood free access route between a public road and the site of the proposed development.

## **61 Erosion**

- (1) The environmental management objectives of this plan for erosion (and the objectives of this clause) are to prevent the spread of soil erosion and to remedy existing areas of erosion.
- (2) This clause applies to land within Zone 2 (V) that is identified on the zoning map as Environmentally Sensitive and also identified as Erosion Susceptible on the map labelled “Erosion”, dated January 1997.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies that involves any one or more of the following:
  - (a) the removal or destruction of native vegetation,
  - (b) large scale earthworks, being where there is disturbance to an area of land in

excess of 2,500m<sup>2</sup>,

(c) any development which could reasonably be expected to result in serious soil erosion if appropriate erosion mitigation measures were not undertaken.

(4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licensed or approved by a public authority other than the Council.

(5) Consent must not be granted for any such development unless the Council has considered a soil erosion assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The soil erosion assessment must address the following matters:

(a) the risk of soil erosion and sedimentation resulting from the proposed development and its potential impact on ground water quality and, if relevant, surface water quality,

(b) whether any loss of vegetation caused by the proposed development could potentially result in irreparable damage to the vegetation system in the locality,

(c) any mitigation measures proposed to be undertaken.

#### **61A Dryland salinity**

(1) The environmental management objectives of this plan for dryland salinity (and the objectives of this clause) are to prevent spread of dryland salinity and remedy existing areas of salinity.

(2) This clause applies to land within Zone 2 (V) that is identified as “salt outbreak” on the maps entitled “*Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Dubbo*” and “*Soil Conservation Service of NSW: Soil Erosion Survey—1:100,000 Narromine*”.

(3) A person must not, except with the consent of the Council, carry out development on land to which this clause applies which involves the removal or destruction of native vegetation.

(4) This clause does not require consent for any such development if there is a requirement made by or under an Act other than the [Environmental Planning and Assessment Act 1979](#) for the development to be licenced or approved by a public authority other than the Council.

(5) Consent must not be granted for any such development unless the Council has considered a dryland salinity impact assessment that demonstrates how the proposed development is consistent with the objectives of this clause. The dryland salinity

impact assessment must address the following matters:

- (a) whether the loss of the vegetation will potentially result in increasing soil salinity,
- (b) any comment furnished by the Department of Land and Water Conservation,
- (c) any mitigation measures proposed to be undertaken.

## **62 Contaminated land**

- (1) The environmental management objectives of this plan for contaminated land (and the objectives of this clause) are to minimise and control existing and potential contamination of land.
- (2) This clause applies to land within Zone 2 (V) listed in Schedule 4, and to land which adjoins or is adjacent to that land and that could reasonably be expected to be contaminated or potentially contaminated.
- (3) A person must not, except with the consent of the Council, carry out any development on land to which this clause applies.
- (4) Council consent must not be granted for any such development unless the Council is satisfied that the level of contamination is compatible with the intended use.
- (5) In considering its assessment, the Council must take into account any matter that is submitted in accordance with the contaminated land planning guidelines notified in accordance with section 145C of the Act.

## **Division 7 Zone 8 National Parks and Nature Reserves Zone**

### **63 Primary development controls for Zone 8**

- (1) **Objectives of the zone** The objectives of Zone 8 are as follows:
  - (a) to identify land which is dedicated under the [National Parks and Wildlife Act 1974](#) as a nature reserve,
  - (b) to allow for the management and appropriate use of that land as provided for, by and under that Act.
- (2) **Development without development consent** Any development authorised by or under the [National Parks and Wildlife Act 1974](#) may be carried out on land within Zone 8 without development consent.
- (3) **Development only with development consent** Nil.
- (4) **Prohibited development** Development that is not included in subclause (2) is prohibited on land within Zone 8.

## **Part 4 Conservation of heritage items**

### **64 Protection of heritage items and relics, incorporating Aboriginal cultural heritage**

- (1) The following development may be carried out only with the consent of the Council:
  - (a) demolishing, defacing, damaging or moving a heritage item,
  - (b) altering a heritage item by making structural changes to its exterior,
  - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic,
  - (e) erecting a building on, or subdividing, land on which a heritage item is located.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or relic concerned.
- (3) The Council must not grant consent to a development application required by 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 item.
- (4) The Council may decline to grant consent to a development application required by subclause (1) in respect of a heritage item, if it has not considered a conservation plan explaining the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.

### **65 Application for demolition**

The Council must not grant a consent for the demolition of a building required by clause 64 unless it has taken into consideration a plan or description of any building which is proposed to take the place of the building to be demolished.

### **66 Conservation incentives relating to heritage items**

- (1) Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is a heritage item or of the land on which any such building is erected, if the Council is satisfied that:
  - (a) the proposed use would have little or no adverse effect on the use of adjoining or adjacent land, and

(b) the conservation of the building depends on the Council granting consent as referred to in this clause.

(2) When considering an application for consent for the erection of a building on a site on which there is a building which is a heritage item, the Council may:

(a) exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land for the purpose of determining the number of parking spaces to be provided on the land, or

(b) reduce the minimum site area requirements for the purpose of determining the number of dwellings permissible on the land,

but only if the Council is satisfied that the conservation of the building depends on the Council excluding the floor space of the item or reducing the minimum site area requirements.

## **67 Heritage advertisements and notifications**

(1) Except as provided by this clause, the provisions of sections 84 (except subsection (1) (b)), 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

(a) the demolition of a building or work that is a heritage item, and

(b) the use of a building or land referred to in clause 66 for a purpose which, but for that clause, would not be consistent with the relevant zone objectives for the land concerned,

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

(2) The Council must not grant consent for the demolition of a building or work that is a heritage item unless the Council:

(a) has notified the Heritage Council of its intention to grant consent, and

(b) has taken into consideration any objection notified to it by the Heritage Council not later than 30 days after the Heritage Council received notice of the Council's intention to grant consent.

(3) This clause does not apply to the partial demolition of a heritage item if, in the opinion of the Council, the partial demolition:

(a) will be of a minor nature, and

(b) will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the City of Dubbo, and

(c) is likely to facilitate the sympathetic redevelopment of the remainder of the

heritage item or its site.

## Dictionary

(Clause 5)

## Schedule 2 Heritage items

(Schedule 1)

### Ballimore

“Ballimore Inn”, Federation Street

### Eumungerie

Church, Balladoran Street

Shop and cottage, Lincoln Street

Cottage, Lincoln Street (corner Coolbaggie Street)

### Wongarbon

House, Boberah Street

Cottage, Boberah Street (corner Gundong Street)

“Crown Store”, Gundong Street

“Post Office”, Gundong Street

“Craft Shop”, Gundong Street (corner Boberah Street)

“Wongarbon Public School”, Railway Street

### Rural

“Barbigal”, Dunedoo Road (near Ballimore)

“Cockleshell Corner”, The Springs Road

“Cumboogle”, Benelong Road

“Dicky Gundy Inn”, Narromine Road, Minore

“Dulcidene”, Dulcidene Road, Coolbaggie

“Eulandool”, The Springs Road

“Mountain View”, Barbigal Road, Beni

“Oxlea”, Narromine Road, Whylandra Crossing

“Pine Avon”, River Road, Wongarbon

“Terramungamine”

“The Meadows”, Obley Road, Meadows Creek

“The Springs”, Paddys Creek Road, Toongi

### Cemeteries

Ballimore

Old Dubbo Pioneer Cemetery

Rawsonville

Serisier Vault

Wongarbon

### Historical Archaeological Sites

Barbigal, woolshed

Boothenba, woolshed



Boothenba, silo  
Bunglegumbie, shed  
Cumboogle, woolshed  
Terramungamine, woolshed

## **Schedule 3 Waterways**

(Schedule 1)

Back Creek  
Back Creek (Chaney Ponds Creek)  
Ballimore Creek  
Baragonumbel Creek  
Bellymeyer Creek  
Belowrie Creek  
Beni Creek (Deep Creek)  
Blind Creek  
Boundary Creek  
Box Creek  
Branch Creek/Gully  
Brummogen Creek  
Bugle Guble Creek (Cumboogle Creek)  
Caledonia Creek  
Chain of Ponds Creek  
Cockabroo Creek  
Coolbaggie Creek  
Cooners Creek (Medway Creek)  
Crooked Creek (Gol Gol Creek)  
Denmire Creek  
Dog Trap Creek  
Donelly's Creek  
Drill Creek  
Drillwarrina Creek  
Emmagool Creek  
Eulomogo Creek  
Eumunden Creek  
Forest Creek  
Gibraltar Creek  
Goan Creek  
Goondy Creek  
Gullengambel Creek  
Hyandra Creek  
Jones Creek  
Kangaroo Creek  
Lagoon Creek  
Lindley's Creek  
Marthaguy Creek  
Meadows Creek  
Mitchell's Creek

Mogriguy Creek  
Mountain Creek (Mountain Gully)  
Mountain Creek—tributary of Little River  
Mountain Creek—tributary of Bugle Guble Creek (Cumboogle Creek)  
Mountain Creek—tributary of Hyandra Creek  
Mudgingar Creek Mumble Creek  
Narrabrough Creek  
Paddy's Creek  
Peters Creek  
Plain Creek  
Plum Pudding Creek  
Quart Pot Creek  
Ranter's Creek  
Red Creek  
Rocky Creek  
Sandy Creek—tributary of Macquarie River  
Sandy Creek—tributary of Coolbaggie Creek  
Sandy Creek—tributary of Mogriguy Creek  
Sandy Creek—tributary of Plain Creek  
Scrubby Creek  
Small Blind Creek  
Spicer's Creek  
Spring Creek  
Tanner's Creek  
Troy Creek  
Twelve Mile Creek  
Wambangalang Creek (Dilladerry Creek)  
Whylandra Creek (Wambangalang Creek)  
Woolandra Creek  
Yarraba Creek  
Yarracreen Creek (Yellow Creek)  
Youngs Creek  
Little River  
Macquarie River  
Talbragar River

## **Schedule 4 Contaminated land**

(Clauses 30, 39, 50 and 62)

Whylandra Garbage Disposal Depot

Lot 3 DP 586427

Mungamine Garbage Disposal Depot

Lots 161 & 162 DP 705214

Wongarbon Garbage Disposal Depot

Lots 101 & 195 DP 754321

Ballimore Garbage Disposal Depot

Portion 124

Eumungerie Garbage Disposal Depot

Lot 9 Parish of Eumungerie

## **Schedule 5 Development by public authorities**

(Clause 14)

- 1** The use of existing buildings of the Crown by the Crown.
- 2** The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
  - (c) the construction of new railways, railway stations and bridges over roads, and
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect their design of railway stations or bridges, and
  - (e) the formation or alteration of any means of access to a road, and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- 3** The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
  - (a) development of any description at or below the surface of the ground, and
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the commencement of this plan of any plant or other structures or erections required in connection with the station or substation, and
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks, and

- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity, and
  - (e) the erection of service reservoirs on land acquired or in process of being acquired for the purpose before the commencement of this plan, provided reasonable notice of the proposed erection is given to the Council, and
  - (f) any other development, except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
    - (ii) the formation or alteration of any means of access to a road.
- 4** The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 5** The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, live-stock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 6** The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings, within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 7** The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection

with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 8** The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- 9** The carrying out of any forestry work by the Forestry Commission or a school forest trust empowered under relevant Acts to undertake afforestation, road building, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#).
- 10** The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
  - (b) any development designed to change the use or purpose of any such reserve.
- 11** The carrying out or causing to be carried out by a Council engaged in flood mitigation works or by officers of the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Soil Conservation Act 1938](#), the [Native Vegetation Conservation Act 1997](#), the [Farm Water Supplies Act 1946](#) or the [Rivers and Foreshores Improvement Act 1948](#), except:
- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 12** The use of land for the purpose of construction and development of roads, drainage and public infrastructure services.

## Schedule 6 Additional uses of land

(Clause 15)

- Development for the purpose of a landfill site, waste management facility and/or for passive recreational uses not involving the erection of a building on Lot 1125 DP 880898, known as the Whylandra Waste Disposal depot.
- Development for the purpose of subdivision may be carried out on Lot 27, DP 707658 so as to excise the land shown on the map as zone 1 (S) from the balance of the allotment shown on the map as zone 1 (A).

- Development for the purpose of bed and breakfast accommodation and/or 2 self contained cabins for the short term accommodation of tourists and a wine tasting/refreshment area on land comprising the consolidation of Lot 1 Section 3 DP 758201, Lot 233 DP 822451 and Lot 331 DP 754308, but only if the development is ancillary to the use of the sites as a vineyard and winery, respectively.
- Development consisting of subdivision of the land comprised in Lots 80, 125 and 146 DP 754328 and Lot 1 DP 822455 into two lots, one lot for use for the purposes of a drag racing facility and the other lot for use for the purposes of agriculture and development for the purposes of a drag racing facility (and an ancillary caretaker's cottage) on the former of those two lots, subject to the following:
  - (a) Consent must not be granted to creation of the lot to be used for the purpose of a drag racing facility unless the consent authority is satisfied that the lot is suitable for that use.
  - (b) Consent must not be granted to use of the drag racing facility for drag racing unless the consent authority is satisfied, whether because of conditions of the development consent or otherwise, that operation of the drag racing facility will be undertaken in accordance with the following criteria:
    - (i) subject to subparagraph (ii), noise measured at the most noise-affected location within 30 metres of the 8 nearest residences (other than the caretaker's cottage) will be no greater than  $L_{Aeq (15min)}$  55 dB(A) between 7 am–10 pm (Monday to Saturday) and 8 am–10 pm (Sunday and public holidays),
    - (ii) noise measured at that location will be no greater than  $L_{Aeq (15min)}$  45 dB(A) between 10 pm (Monday to Saturday)–7 am on the next day and between 10 pm on Sunday and public holidays–8 am on the next day,
    - (iii) all events, other than drag racing special events, will be held only between the hours of 9 am–6 pm Monday to Saturday and 10 am–6 pm Sundays and public holidays,
    - (iv) the drag racing facility will be managed and operated in accordance with a Noise Management Plan approved by the consent authority before any development consent allowing use of the facility is granted (or as amended from time to time afterwards with the approval of the consent authority).
  - (c) Consent must not be granted to the carrying out of any work, or the erection of any building, to be used for the purpose of a drag racing facility, unless the consent authority has had regard to the following:
    - (i) the local environmental study prepared under section 57 of the Act in connection with preparation of draft [\*Dubbo Local Environmental Plan 1997—Rural Areas \(Amendment No 4\)\*](#),
    - (ii) a Soil and Water Management Plan,
    - (iii) a Stormwater (Quality and Quantity) Management Plan,
    - (iv) a Litter and Solid Waste Management Plan,

- (v) a Traffic Impact Statement and Traffic Management Plan (including recommendations for on-site car parking arrangements and a comparison with similar venues),
  - (vi) a Landscaping Plan,
  - (vii) an Emergency Management Plan.
- (d) Consent must not be granted to any development for the purpose of a drag racing facility unless:
- (i) the development has been notified by the consent authority in writing to adjoining property owners (and to any other property owner who, in the opinion of the consent authority, may be affected by the proposal) and by advertisement published as a notice in a newspaper circulating generally in the Dubbo City area, and
  - (ii) the written notice and advertisement stated that any person may make a written submission to the consent authority in relation to the proposed development during the period of not less than 21 days specified in the notice or advertisement, and
  - (iii) the consent authority has had regard to any submissions received within the specified period before granting the consent.
- (e) Consent must not be granted to development for the purpose of the caretaker's cottage (which is not a necessary part of the proposed development) unless the consent authority is satisfied that:
- (i) no other dwelling will be situated on the lot created for the purpose of the drag racing facility, and
  - (ii) use of the caretaker's cottage will be ancillary to the drag racing facility, and
  - (iii) the caretaker's cottage will be transportable and relocatable, and
  - (iv) the caretaker's cottage will be removed if the drag racing facility ceases to operate for a period greater than 2 years.
- (f) Consent must not be granted to the subdivision unless the consent authority is satisfied that the lot created for the purpose of agriculture will not be occupied by a dwelling unless the lot forms part of a larger holding on which a dwelling is allowed with development consent under another provision of this plan.

## **Schedule 7 Potential archaeological sites**

(Schedule 1)