

# Dungog Local Environmental Plan 2006

[2006-127]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Authorisation

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File last modified 30 July 2010

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New South Wales

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# Dungog Local Environmental Plan 2006



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Dungog Local Environmental Plan 2006*.

### 2 Land to which plan applies

This plan applies to the local government area of Dungog.

### 3 Vision of the Council and aim of plan

- (1) The Council's vision is for Dungog to be a sustainable rural community of excellence.
- (2) The aim of this plan is to promote the Council's vision for Dungog by providing opportunities for, and constraints on, development that will achieve the following objectives set out in Part 2:
  - (a) the objectives for a country atmosphere, productive agriculture, diverse communities, distinctive settlements and a sustainable environment,
  - (b) the objectives of the zones into which land in the area of Dungog is divided by this plan.

#### Note—

This plan implements the *Dungog Shire Rural Strategy* and is complemented by development control plans, which are available from the office of the Council.

### 4 Interpretation

- (1) Words and expressions that are defined in the Dictionary at the end of this plan have the meanings set out in that Dictionary.
- (2) Land is in a zone if it is shown on the map as being in the zone.
- (3) Notes in this plan do not form part of this plan.
- (4) In this plan, a reference to a map is a reference to a map held in the office of the Council.

## **5 Consent authority**

The Council is the consent authority for the purposes of this plan, subject to the Act.

## **6 Exempt and complying development**

- (1) Exempt development is development of minimal environmental impact:
  - (a) identified in *Dungog Shire Wide Development Control Plan 2004*, or
  - (b) provided for in clause 25 (5) (minor development associated with heritage items).
- (2) Complying development is development identified as complying development in *Dungog Shire Wide Development Control Plan 2004*, but only if it meets the requirements of that development control plan for the form of development concerned.

### **Note—**

The Act also imposes restrictions on what may be exempt or complying development and on the land on which development may be carried out as exempt or complying development.

- (3) References in this clause to *Dungog Shire Wide Development Control Plan 2004* are references to that plan as adopted by the Council on 17 February 2004.

## **7 Adoption of model provisions**

The *Environmental Planning and Assessment Model Provisions 1980*, except clauses 4 (Definitions), 7 (Foreshore building line) and 8 (Preservation of trees), are adopted by this plan.

## **8 Relationship to other environmental planning instruments**

- (1) This plan repeals *Dungog Local Environmental Plan 1990*.
- (2) *State Environmental Planning Policy No 15—Rural Landsharing Communities* does not apply to land to which this plan applies and is amended by omitting “Dungog” from Schedule 1.
- (3) *State Environmental Planning Policy No 60—Exempt and Complying Development* does not apply to land to which this plan applies and is amended by omitting “Dungog” from Part 2 of Schedule 1.
- (4) *Hunter Regional Environmental Plan 1989 (Heritage)* does not apply to land to which this plan applies and is amended by omitting “Dungog,” from clause 3 and the matter relating to Dungog local government area from Schedule 3.

## **9 General restrictions on granting consent for development**

- (1) Consent for development may be granted only if the consent authority has taken into account, among other things, whether the proposed development is consistent with

achieving:

- (a) the objectives of this plan set out in Part 2, including the objectives of the zone in which the development is proposed to be carried out, and
- (b) the development and performance standards contained in this plan, and
- (c) the provisions of the *Dungog Shire Rural Strategy*.

- (2) In addition, consent for development may be granted only if the consent authority has taken into account whether the proposed development is consistent with Part 4 (1) and (2) of the *Williams River Regional Planning Strategy 1997*, and is of the opinion that the proposed development will not significantly harm the water quality of the Williams River.

## **Part 2 Objectives**

### **10 Objectives for certain aspects of the environment**

- (1) The objectives for a country atmosphere are to:
  - (a) maintain and enhance the rural setting of the area of Dungog within natural ecosystems, and
  - (b) restrict the intrusion of non-rural activities and buildings into the landscape, and
  - (c) retain floodplains free from buildings or blockages.
- (2) The objectives for productive agriculture are to:
  - (a) maintain farms in significant holdings and prevent fragmentation, and
  - (b) encourage the processing of farm produce and diversification of farm enterprises, and
  - (c) protect key agricultural resources and opportunities, and
  - (d) minimise conflict between agricultural and other activities.
- (3) The objectives for diverse communities are to:
  - (a) encourage activities servicing the rural community, and
  - (b) diversify the local economy, and
  - (c) recognise the residential lifestyle choices of commuters, and
  - (d) support home-based employment.
- (4) The objectives for distinctive settlements are to:

- (a) recognise individual townships and villages, and
  - (b) ensure rural lifestyle development adjoins settlements, and
  - (c) retain the diverse resources of culture, places and buildings, and
  - (d) encourage communities to participate in community life and to influence decision making processes affecting their daily lives.
- (5) The objectives for a sustainable environment are to:
- (a) protect natural ecosystems and biodiversity, including significant flora and fauna and their habitats, and
  - (b) improve water quality, safeguard and re-introduce riparian vegetation, and
  - (c) promote sustainability, reduce waste and conserve and use community resources efficiently.
- (6) The objectives for ecologically sustainable development are to apply the principles described below:
- (a) the precautionary principle that, when there are threats of serious or irreversible damage to the community's ecological, social or economic systems, a lack of complete scientific evidence should not be used as a reason for postponing measures to prevent environmental degradation, and
  - (b) the intergenerational equity principle that the present generation must ensure the health, integrity, ecological diversity and productivity of the environment is at least maintained for the benefit of future generations, and
  - (c) the principle of conserving biodiversity and ecological integrity to protect, restore and conserve native biological diversity and enhance or repair ecological processes and systems, and
  - (d) the principle of encouraging a strong, growing and diversified economy that promotes local self reliance, and recognises and strengthens the local community in ways that safeguard the quality of life of future generations.
- (7) The objectives for biodiversity are to:
- (a) protect whole communities and ecosystems, and the natural processes which support them, and
  - (b) identify the ecological context when making site-based decisions, and
  - (c) recognise the different habitat requirements of individual species, and
  - (d) conserve biodiversity in-situ in its natural environment, and

- (e) ensure that actions minimise disturbance to natural ecosystems, and
- (f) promote local native species, and
- (g) protect rare and ecologically important species, and
- (h) protect unique or sensitive environments, and
- (i) minimise the cumulative effect of biodiversity impacts, and
- (j) identify, prevent and mitigate the causes of habitat loss due to threatening processes.

(8) The objectives for heritage are:

- (a) the conservation of the existing fabric, relics, settings, views and significance of heritage items and of heritage conservation areas, and
- (b) the conservation of places of Aboriginal heritage, and
- (c) the protection of places which have the potential to have heritage significance but are not identified as heritage items.

## **11 Rural 1 (a) Zone**

The objectives of Zone 1 (a) are to:

- (a) reinforce the agricultural character and landscape attributes of the area of Dungog, and
- (b) promote agriculture, protect high productivity land and prevent the fragmentation of farm holdings, and
- (c) ensure development is compatible with agricultural operations and does not adversely affect the environment or amenity of the locality, and
- (d) prevent development which could compromise the efficient extraction of valuable deposits of minerals or extractive materials, and
- (e) maintain and enhance environmentally sensitive land, particularly wetlands, riparian ecosystems, forests, woodlands and linkages between them, and
- (f) allow for the natural flooding of rivers and for the temporary storage of floodwaters, and
- (g) maintain and enhance local biodiversity, and
- (h) provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.



## **12 Rural Enterprise 1 (e) Zone**

The objectives of Zone 1 (e) are to:

- (a) provide opportunities for people to live in a rural environment and undertake small scale commercial, service, agricultural or light industrial activities on their properties, and
- (b) concentrate rural living near settlements with services and facilities, and
- (c) preserve the rural landscape, and
- (d) maintain and enhance local biodiversity, and
- (e) protect water quality, and
- (f) maintain and enhance environmentally sensitive land, particularly wetlands, riparian ecosystems, forests, woodlands and linkages between them, and
- (g) allow development only where a site specific development control plan has been prepared controlling the form and density of the development.

## **13 Rural Lifestyle 1 (l) Zone**

The objectives of Zone 1 (l) are to:

- (a) provide opportunities for people to live in a rural environment, and
- (b) concentrate rural living near settlements with services and facilities, and
- (c) preserve the rural landscape, and
- (d) maintain and enhance local biodiversity, and
- (e) protect water quality and limit creation of additional riparian rights, and
- (f) isolate housing from existing intensive agriculture or future intensive agricultural areas, and
- (g) maintain and enhance environmentally sensitive land, particularly wetlands, riparian ecosystems, forests, woodlands and linkages between them, and
- (h) exclude activities incompatible with rural lifestyle development.

## **14 Residential 2 (a) Zone**

The objectives of Zone 2 (a) are to:

- (a) allow a variety of residential development to meet the needs of settlements that match the capacity of the environment to sustain such development, and

- (b) promote residential development, including alterations and additions, that maintain and enhances the heritage and character of surrounding development as well as the amenity of the existing residents, and
- (c) allow a mix of community, service and employment activities which are compatible in scale and impact with a residential environment, and
- (d) promote a safe and harmonious community lifestyle, and
- (e) reduce potential conflict through appropriate land use and development.

### **15 Village 2 (v) Zone**

The objectives of Zone 2 (v) are to:

- (a) promote the growth of individual settlements as local service centres, and
- (b) encourage the provision of housing, and activities that are compatible with housing and a village environment, such as:
  - (i) cultural and social activities, and
  - (ii) tourism and craft activities, professional practices and commerce, and
  - (iii) local shopping and services, and
  - (iv) a range of facilities supporting the agricultural sector, and
- (c) encourage a variety of mixed-use development, and
- (d) enhance the rich cultural and building heritage of settlements to emphasise and celebrate their special character.

### **16 Business 3 (a) Zone**

The objectives of Zone 3 (a) are to:

- (a) provide for the focus and consolidation of retail and business development in accessible locations primarily serving the local community, and
- (b) allow for tourism, recreation and administrative activities which serve the wider community, and
- (c) encourage and guide mixed-use development within settlements, to maximise economic, social and environmental benefits while minimising land use conflict from different uses.

### **17 Employment 4 (a) Zone**

The objectives of Zone 4 (a) are to:

- (a) facilitate the development of a wide range of industrial, service and storage activities which do not have a detrimental effect on the amenity of adjoining residential areas, and
- (b) encourage a wide range of employment-generating uses and associated support facilities that are accessible from existing centres and compatible with the character of the settlement, and
- (c) allow for large scale sales areas or showrooms trading in agricultural machinery, bulky goods or vehicles, and for small scale services, which are not appropriate in business centres.

### **18 Special Uses 5 (a) Zone**

The objectives of Zone 5 (a) are to:

- (a) clearly identify land for the current and future provision of transport networks, facilities and utility installations, and
- (b) identify land for large scale community establishments and public facilities and services, and
- (c) ensure that development within the zone is integrated within the character of its surrounding natural and/or physical environment.

### **19 Recreation 6 (a) Zone**

The objectives of Zone 6 (a) are to:

- (a) identify and provide land for open space and recreational purposes, and
- (b) identify areas where recreation facilities for the general use of the community for active and passive recreation may be developed, and
- (c) cater for the development of a range of facilities for the benefit of the community.

### **20 Environment 7 (a) Zone**

The objectives of Zone 7 (a) are to identify and protect:

- (a) environmentally sensitive lands having special aesthetic, scenic, ecological or conservational value, and
- (b) key ecological habitats and wildlife corridors, and
- (c) land within water catchment areas, by regulating development so as to avoid uses of land that would destroy or damage the quality and quantity of raw drinking water, and
- (d) flood prone areas.

## **20A Environmental Living 7 (I) Zone**

The objectives of Zone 7 (I) are to:

- (a) provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, and
- (b) ensure that residential development does not have an adverse effect on those values.

## **21 National Parks 8 (a) Zone**

The objectives of Zone 8 (a) are to:

- (a) identify land which is reserved or dedicated under the [National Parks and Wildlife Act 1974](#), and
- (b) allow for the management and appropriate use of the land as provided for under that Act, and
- (c) ensure the protection of water catchment areas under the control of the Department of Conservation and Environment to safeguard the quality and quantity of raw drinking water.

## **22 Transition 9 (a) Zone**

The objectives of Zone 9 (a) are to:

- (a) maintain and use land in accordance with the objectives of the Rural 1 (a) Zone until such time as investigations show whether it is required for rural lifestyle, rural enterprise or rural purposes, and it is appropriately rezoned, and
- (b) ensure that rigorous environmental studies have demonstrated the suitability of any land to be used for rural lifestyle or rural enterprise development, and
- (c) ensure that any future development is consistent with the objectives for ecologically sustainable development and biodiversity set out in clause 10 (6) and (7), and
- (d) prevent development which might prejudice the future use of the land.

## **Part 3 General zoning controls**

### **23 General zoning controls**

- (1) The Table to this clause describes, for land within each zone except Zone 8 (a):
  - (a) development that may be carried out without consent identified by the letter “w”, and
  - (b) development that may be carried out only with development consent identified by the letter “c”, and

(c) development that is prohibited identified by the letter “x”.

(2) Any kind of development that is not included in the Table to this clause is prohibited on land to which this plan applies, unless it is exempt development identified by clause 6 or allowed, with or without consent, by Part 4.

**Table**

**Key**

**w** means allowed without development consent  
**c** means allowed only with development consent  
**x** means prohibited

Development for the purpose of:	Zones											
	1 (a)	1 (e)	1 (l)	2 (a)	2 (v)	3 (a)	4 (a)	5 (a)	6 (a)	7 (a)	7 (l)	9 (a)
Advertisements	c	c	c	x	c	c	c	c	c	c	c	c
Agriculture	w	w	w	x	x	x	x	c	c	c	c	w
Automotive services	x	c	x	x	c	c	c	x	x	x	x	x
Bed and breakfast	c	c	c	c	c	c	x	x	x	x	c	c
Camp or caravan sites	c	c	c	c	c	x	x	x	x	c	c	c
Commercial premises	x	c	x	x	c	c	c	x	x	x	x	x
Community facilities	c	c	c	c	c	c	c	c	c	x	x	c
Demolition	c	c	c	c	c	c	c	c	c	c	c	c
Dual occupancies	c	c	c	c	x	x	x	x	x	x	c	c
Dwelling-houses	c	c	c	c	c	c	x	x	x	c	c	c
Employment	x	c	x	x	c	c	c	x	x	x	x	x
Farm gate sales	c	c	c	x	c	x	c	x	x	x	c	c
Farm-stays	c	x	x	x	x	x	x	x	x	x	c	c

Forestry	C	C	X	X	X	X	X	X	X	C	C	X
Home business	C	C	C	C	C	C	X	X	X	C	C	C
Institutions	C	C	X	C	C	C	C	C	X	X	X	X
Intensive agriculture	C	C	X	X	X	X	C	X	X	X	X	C
Kiosks	C	C	X	X	C	C	C	X	C	C	X	X
Leisure areas	C	C	C	E	C	C	C	C	C	W	C	C
Mines	C	X	X	X	X	X	X	X	X	X	C	X
Multiple dwellings	X	X	X	C	X	C	X	X	X	X	X	X
Recreation areas	C	C	C	W	W	C	C	C	W	C	C	C
Recreation facilities	C	C	X	X	C	C	C	X	C	X	C	C
Restaurants	C	C	X	X	C	C	C	X	C	X	X	X
Rural worker's dwellings	C	X	X	X	X	X	X	X	X	X	X	X
Shops	X	X	X	X	C	C	X	X	X	X	X	X
Tourist facilities	C	X	X	X	C	C	X	X	X	X	C	C
Utility installations	C	C	C	C	C	C	C	W	C	C	C	C
Veterinary establishments	C	C	X	X	C	C	C	X	X	X	X	X

## Part 4 Special provisions

### 24 Development without consent

Development consent is not required for:

- (a) the carrying out of development for the purpose of a utility installation that is, or is part of, a public utility undertaking, or
- (b) the carrying out of development that is authorised under the [National Parks and Wildlife Act 1974](#) on land within Zone 8 (a) that is reserved under that Act, or
- (c) the carrying out of forestry that is authorised under the [Forestry Act 1916](#) on Crown-timber lands (within the meaning of that Act), or

- (d) a home occupation.

## 25 Heritage

- (1) The following development may be carried out only with development consent:
  - (a) demolishing or moving a heritage item, or a building, work, relic, tree or place within a heritage conservation area,
  - (b) altering a heritage item, or a building, work, relic, tree or place within a heritage conservation area, by making changes to its exterior, including changes to its detail, fabric, finish or appearance,
  - (c) altering a heritage item by making structural changes to its interior,
  - (d) disturbing or excavating a place of Aboriginal heritage significance while knowing, or having reasonable cause to suspect, that the disturbance will, or is likely to, result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (e) moving the whole or part of a heritage item,
  - (f) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.
- (2) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item, heritage conservation area or place of Aboriginal heritage concerned, and may only grant consent if it has considered a heritage impact statement prepared for the proposed development.
- (2A) If the proposed development is likely to have an impact on a place of Aboriginal heritage, the consent authority must:
  - (a) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and take into consideration any comments received in response within 21 days after the notice was sent, and
  - (b) be satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2B) If the proposed development is likely to have an impact on a place of heritage significance to the State, other than a place of Aboriginal heritage, the consent authority must be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.
- (3) The consent authority must take into consideration the likely effect of any proposed

development on the heritage significance of a heritage item, heritage conservation area, site or potential site, containing relics, potential place of Aboriginal heritage, and on their setting, when determining an application for consent to carry out development on land in their vicinity.

- (4) Consent may be granted to the use, for any purpose, of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the item, and
  - (b) the heritage significance and amenity of the surrounding neighbourhood would not be adversely affected, and
  - (c) the heritage item will be most appropriately conserved if used for the proposed use, and
  - (d) a conservation plan, prepared for the heritage item, supports the proposed use.
- (5) Consent that would otherwise be required by this clause is not required if, in the opinion of Council, the proposed development is:
  - (a) of a minor nature, or consists of maintenance necessary for the ongoing protective care of a heritage item, but only if the Council has advised in writing its opinion that the proposed development would not adversely affect the heritage significance of the item, heritage conservation area or place of Aboriginal heritage significance concerned, or
  - (b) the creation of a new grave or monument, or excavation or disturbance of land to conserve or repair monuments or grave markers, which will not cause disturbance to human remains, to relics in the form of grave goods, or to a place of Aboriginal heritage significance.

## **26 Environmental protection**

- (1) Consent may be granted for development in Zone 1 (a), 1 (l), 1 (e), 7 (a), 7 (l) or 9 (a) only if the consent authority is satisfied that:
  - (a) any buildings or works resulting from carrying out the development will blend into the landscape to promote rural amenity and character, and not be silhouetted on a ridgeline in a rural area, particularly when seen from a public road, and
  - (b) the design, bulk and colours of any such buildings will be compatible with the surrounding landscape, they are low buildings, and they are suitably screened from a public road, and
  - (c) there will be no, or only minimal, clearance of trees or significant areas of native



- vegetation in carrying out the proposed development, in obtaining access to its site, in drainage from it, or for bush fire hazard protection, unless the development is essential and there is no reasonable alternative, and
- (d) adequate vehicular access can be provided and maintained to and on the site of the proposed development, and
  - (e) adequate provision has been or will be made for any telecommunication and electricity services needed because of the proposed development, and
  - (f) if the development will be carried out on land that is flood prone, it will not be adversely affected by flood and will not exacerbate flood conditions elsewhere, and
  - (g) the land to be used for development is stable, has a slope of less than 18°, and, if relevant, has minimal disturbance of sodic or dispersive soils, and
  - (h) where the development will result in the erection of dwellings, the dwellings have been or will be provided with an inner bush fire asset protection zone and any proposed buildings can be protected from bush fire hazard without creating any additional risk to life or property, fire-fighting personnel or equipment, and
  - (i) adequate buffers are provided to any existing or foreseeable future agricultural, intensive agricultural or extractive industry activities which could cause noise, smell, fumes, vibration, spray or other objectionable impacts, and
  - (j) adequate buffers are provided to places of Aboriginal heritage or endangered or threatened ecological communities, and
  - (k) where relevant, appropriate measures have been taken to protect the amenity and comfort of the occupants of buildings near a rail corridor, or other existing or potential utility installations, from noise and vibration, and
  - (l) where the proposed development will result in the erection of a habitable building, either the building can be connected to a reticulated sewerage system, or it is in accordance with an effluent capability assessment (which takes into account hydrologic loading) demonstrating effective disposal of sewage, and
  - (m) the quality of stormwater run-off from the site will not degrade water quality or the quality of groundwater supplies and complies with any environmental management plan required by Council, and
  - (n) stormwater run-off from the site will not contribute to additional flooding downstream, and
  - (o) any relevant harvestable water rights are protected or adequately assessed, and
  - (p) the development will not unduly lower the water table or disturb the soil so as to

result in the creation of acid sulfate soils, and

- (q) any impact of the development on biodiversity, and on native habitat on the land, is minimal.
- (2) Consent may be granted for development on land identified as bush fire prone in the *Dungog LGA Bushfire Prone Map*, or on land which, in the opinion of the Council, is likely to be affected by bush fire, if the consent authority has taken into account whether:
- (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Council, and
  - (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the site of the development, and
  - (c) the increased demand created by the development for emergency services during bush fire events would lead to a significant decrease in the ability of the emergency services personnel to control major bush fires effectively, and
  - (d) the measures adopted to avoid or mitigate the threat from bush fire (including siting of development, design of structures and materials used, clearing of vegetation, inner protection and outer protection areas, landscaping, and fire control aids such as roads and water supplies) are adequate for the locality or would result in unacceptable environmental impacts.
- (3) In exercising its consideration under subclause (2), the consent authority shall have regard to, and as much as possible be satisfied that, the provisions of *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, have been met.
- (4) A condition of development consent may be imposed requiring the adoption of, and conformity to, an environmental management plan (including any recovery or threat abatement plan for threatened species or endangered ecological communities likely to occur on the land) to ensure the on-going integrity of ecosystems and the environment, or the reduction of risk from natural disasters.

## **27 Buildings**

- (1) Dwellings are not to be erected on land in Zone 2 (a) or 2 (v) if the ratio between the floor space of a building or buildings and the area of the lot on which they are to be constructed is more than 0.35:1.
- (2) A building is not to be erected on land in Zone 2 (a) or 2 (v), unless it is connected to a reticulated sewerage system or else alternative provision is made to the satisfaction

of the Council.

- (3) Consent is not to be granted to multiple dwellings or a dual occupancy on land in Zone 2 (a) unless the dwellings are connected to a reticulated sewerage system.
- (4) Consent is not to be granted to the erection of a dual occupancy on land in Zone 1 (a), 1 (l), 1 (e), 7 (l) or 9 (a) unless the dwellings are attached to one another.
- (5) Consent must not be granted to the erection of a dwelling-house or a dual occupancy on land in Zone 1 (a), 7 (a) or 9 (a), unless it is erected on:
  - (a) a lot created in accordance with clause 28 (4) (b), or
  - (b) a vacant holding identified in Schedule 1, or
  - (c) land comprising an established holding on which there is no dwelling-house, or
  - (d) land comprising part of an established holding, providing it will not result in there being more than one dwelling or dual occupancy for each 60 hectares of the holding.
- (6) Consent must not be granted to the erection of a dwelling-house on land in Zone 1 (e) or 1 (l) unless it is on a lot:
  - (a) on which there is no dwelling and that has a total area of not less than 8,000 square metres, or
  - (b) created by a subdivision that complies with the provisions of clause 28 (3).
- (7) Nothing in this clause prevents consent being granted to the erection of a dwelling-house or dual occupancy on:
  - (a) a lot created for the purpose of a dwelling since 6 April 1990, but before the appointed day, or
  - (b) a lot created for the purpose of a dwelling on or after the appointed day in accordance with a valid consent for subdivision granted prior to that day.
- (8) Consent must not be granted to the erection of a dwelling-house on land in Zone 7 (l) unless it is on a lot on which there is no dwelling-house.

## **28 Subdivision**

- (1) Land to which this plan applies may be subdivided, but only with development consent.
- (2) Consent must not be granted for a subdivision that will create a lot of land in Zone 2 (a) or 2 (v) that is able to be used for the purpose of erecting a building unless:
  - (a) it is connected to a reticulated sewerage system, or alternative provision is made

to the satisfaction of the Council, and

(b) if it has an area of less than 500 square metres, and is to be used for the purposes of erecting a dwelling, consent for the dwelling is granted concurrently.

(3) Consent must not be granted for a subdivision of land in Zone 1 (e) or 1 (l) unless:

(a) the land to be subdivided has a total area of at least 5 hectares, and

(b) only one lot to be created for the purposes of a dwelling has an area greater than 5 hectares, and

(c) any lot to be created for the purposes of a dwelling that is not connected to a reticulated sewerage system has an area of not less than 8,000 square metres, and

(d) any lot to be created for the purposes of a dwelling that is connected to a reticulated sewerage system has an area of not less than 2,000 square metres, unless consent for a dwelling (which conforms to design quality principles approved by the Council) on the site is granted concurrently, and

(e) the average area of the lots to be created by the subdivision for the purposes of dwellings (excluding land which, in the opinion of the Council, is unsuitable for development because of flooding) is not less than that specified in Column 2 for the relevant development proposal specified in Column 1 of the Table to this subclause.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Development proposal</b>	<b>Average area of lots</b>
Torrens title subdivision (not including lots within a community title subdivision)	1.5 hectares
Lots within a community title subdivision that are connected to a reticulated sewerage system	1 hectare
Lots within a community title subdivision that are not connected to a reticulated sewerage system	1.3 hectares

(4) Consent must not be granted for a subdivision to create a lot of land in Zone 1 (a) or 9 (a), unless:

(a) the lot is for use for intensive agriculture, a utility installation or a community facility, without the need for an additional dwelling, and the consent authority is of the opinion that creation of the lot is justified for this purpose, or

(b) the land to be subdivided is an established holding with an area in excess of 120

hectares, and:

- (i) where the established holding comprises more than one lot, the land is first consolidated into one lot, and each of the lots to be created by the subdivision contains 60 hectares or more, and
  - (ii) no lot to be created will, immediately after the subdivision, have on it more than one dwelling- house or more than one dual occupancy, and
  - (iii) each lot to be created which is vacant is suitable for the erection of a dwelling.
- (5) Consent must not be granted for a subdivision of land in Zone 7 (a) where that subdivision will create an additional lot with a dwelling entitlement.
- (6) Nothing in this plan prohibits subdivision for the purpose of a boundary adjustment where that subdivision will create no additional lots and no additional dwelling entitlements.
- (7) Consent must not be granted for a subdivision of land in Zone 7 (l) where that subdivision will create a lot of land that is able to be used for the purposes of a dwelling unless the lot to be created has an area of at least 5 hectares.

## **29 Rural tourism**

Consent may be granted to development for the purpose of a tourist facility on land in Zone 1 (a) only if:

- (a) the floor space of any holiday cabin included in the tourist facility is less than 60 square metres, and
- (b) no such holiday cabin has a separate land title (for example, as a lot in a strata or neighbourhood plan), and
- (c) there are to be 20 or fewer holiday cabins on the land, and
- (d) the land is of at least 20 hectares, and
- (e) all effluent from the tourist facility is disposed of in a common treatment plant, unless there are compelling ecological or economic reasons for not doing so.

## **30 Community use of schools**

Schools may be used for commercial fund raising activities with development consent.

## **31 Classification and reclassification of public land**

- (1) The public land described in Part 1 or 2 of Schedule 2 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#), subject to this

clause.

- (2) Land described in Part 1 of Schedule 2:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 2, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 2, and
  - (b) any reservations that except land out of a Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) In this clause, **the relevant amending plan**, in relation to land described in Part 2 of Schedule 2, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (5) The public land described in Part 3 of Schedule 2 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (6) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 2, the Governor approved of subclause (3) applying to the land.

### **32 Miscellaneous development allowed with consent**

Despite any other provision of this plan (other than clauses 6 (1) and 24), the following development may be carried out, but, unless allowed to be carried out as exempt development by another provision of this plan, only with development consent:

- (a) alterations or additions to buildings,
- (b) the filling or partial filling of land with any material, and the removal or deposit of soil or rock from any land within the local government area of Dungog,
- (c) the construction of dams or other water supply works, but only if an access licence is required under the *Water Management Act 2000*,
- (d) the construction of dressage arenas for the training or exercising of horses and the like,

- (e) the erection of structures or associated equipment for intensive agricultural purposes,
- (f) the application of agricultural chemicals or fertilisers within 40 metres of a dwelling, a perennial watercourse, or on land in Zone 7 (a).

### **33 Temporary uses**

Notwithstanding any other provision of this plan, consent may be granted for any use of land for a cumulative period of up to 12 days in any 12 month period.

### **34 Additional development**

Despite the other provisions of this plan, a person may, with development consent, carry out development on land described in Column 1 of Schedule 4 if it is specified in Column 2 of that Schedule opposite that description, subject to any conditions specified in Column 3 of that Schedule opposite that description.

### **35 Suspension of certain laws etc**

- (1) For the purpose of enabling development to be carried out in accordance with this plan, or in accordance with a consent granted under the Act, the operation of any agreement, covenant or similar instrument that purports to impose restrictions on the carrying out of development to which this plan applies, to the extent necessary to serve that purpose, does not apply to any such development.
- (2) Nothing in subclause (1) affects the rights or interests of the Council or any other public authority under any registered instrument.
- (3) Pursuant to section 28 of the *Environmental Planning and Assessment Act 1979*, before the making of this plan the Governor approved of subclauses (1) and (2).

### **36 Saving of undetermined development applications**

Despite clause 8 (1), environmental planning instruments in force immediately before the commencement of this plan continue to apply to a development application that was made but had not been finally determined before that commencement as if this plan had been exhibited but had not been made.

### **37 Rural worker's dwellings**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that a rural worker's dwelling is erected on land in the Rural 1 (a) Zone only if there is a genuine long-term need for the dwelling,
  - (b) to ensure that the erection of a rural worker's dwelling is relevant to the nature of the land uses occurring on the land.
- (2) Development consent must not be granted for the purpose of erecting a rural worker's

dwelling on land in Rural 1 (a) Zone unless the consent authority is satisfied of the following:

- (a) that the existing or approved uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis,
- (b) that the nature of the existing or approved uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact on the relevant rural use of the land,
- (c) that the proposed rural worker's dwelling is compatible with the nature and scale of existing or approved uses of the land,
- (d) that the proposed rural worker's dwelling will be located on the same lot as the dwelling-house on the same landholding.

**Note—**

The consent authority must also take into account the matters listed in clause 10 (3) of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) when determining whether to grant development consent for a rural worker's dwelling.

## Schedule 1 Vacant holdings

(Clause 27 (5) (b))

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
<b>Allynbrook</b>	
1166 Allyn River Road	Lot 1242, DP 701657
<b>Bandon Grove</b>	
319 Wangat Trig Road	Lot 38, DP 753139
<b>Brookfield</b>	
3455 Clarence Town Road	Lot 1, DP 239894
211 Wallarobba Road	Lot 15, DP 7867716
<b>Clarence Town</b>	
117 Cemetery Road	Lot 144, DP 752497
<b>East Gresford</b>	
22 Clements Road	Lot 6, DP 248699



Durham Road	Lot 6, DP 38581
<b>Glen Martin</b>	
11 Horton Close	Lot 41, DP 863190
47 Horton Close	Lot 2, DP 587599
306 Glen Martin Road	Lot 254, DP 705956
<b>Glen Oak</b>	
Eagleton Road	Lot 118, DP 752497
<b>Glen William</b>	
576 Glen William Road	Lot 63, DP 628441
<b>Hilldale</b>	
312 Hilldale Road	Lot 83, DP 752459
<b>Martins Creek</b>	
228 Black Rock Road	Lot 93, DP 752445
<b>Mt Rivers</b>	
355 Cross Keys Road	Lot 1, DP 742930
<b>Vacy</b>	
656 Gresford Road	Lot 123, DP 1063557

## Schedule 2 Classification and reclassification of public land

(Clause 31)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

## Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

## Schedule 3 Heritage items and heritage conservation areas

(Dictionary)

### Part 1 Heritage conservation areas

Heritage conservation area	Significance
Clarence Town Grey Street Precinct	
Dungog Commercial Precinct	Regional
Dungog Residential Precinct	
East Gresford Village	Regional
Paterson Village	Regional

### Part 2 Heritage items

Locality	Item no	Street address	Significance
<b>Allynbrook</b>	1	House "Orange Grove", 757 Allyn River Road	
	2	"Maryville", 797 Allyn River Road	State
	3	Old post office, 838 Allyn River Road	
	4	Former Allynbrook public school, 840 Allyn River Road	
	5	"Caegrwle" and outbuildings, 938 Allyn River Road	Regional
	6	"St Mary's-on-Allyn" church and churchyard, off Allyn River Road [Map Reference—Allynbrook 629183]	Regional
<b>Bandon Grove</b>	7	House "Milroy", 1081 Chichester Dam Road	
	8	Uniting church, 1212 Chichester Dam Road	
	9	Former public school, 1230 Chichester Dam Road	
	10	"Canningalla", 135 Dowlings Road	Regional

	11	General cemetery, Mulconda lane [Map Reference—Allynbrook 795254]	Regional
<b>Bendolba</b>	12	St Peter's Anglican Church and cemetery, Chichester [Map Reference—Allynbrook 799232]	Regional
<b>Bingleburra</b>	13	Bingleburra and ruins, 1462 Bingleburra Road	
<b>Chichester</b>	14	Chichester footbridge, off Chichester Road [Map Reference—Chichester 704359]	
<b>Clarence Town</b>	15	Clarence Town general cemetery, Cemetery Road	Regional
	16	"Robards" slaughterhouse, "Walba Park", 2495 Clarence Town Road	
	17	"Fotheringaye", Fotheringaye Road	Regional
	18	"Erringhi" hotel, 1 Grey Street	
	19	Former post office, 32 Grey Street (corner Queen Street)	
	20	War Memorial (corner Grey and Queen Streets)	
	21	Former courthouse, 49 Grey Street (corner Prince Street)	Regional
	22	"Hua Tsa", 132 King Street	Regional
	23	House "Roseneath", King Street (corner Durham Street)	
	24	Williams River road bridge, Limeburners Creek Road ("Brig o'Johnson") [Map Reference—Clarence Town 855944]	State
	25	Marshall and Queen Streets, original school buildings and residence	
	26	St David's church, 32 Marshall Street	
	27	Police station and residence, 113 Prince Street	
	28	Park memorial gates, Queen Street	
	29	"Hollydene", 40 Russell Street	
<b>Dungog</b>	30	Showground, Abelard Street	Regional
	31	House, 112 Abelard Street	
	32	Dungog railway station	
	33	Dungog picture theatre, 6 Brown Street	Regional
	34	House, 8 Brown Street	

35	“Court House” hotel, 45 Brown Street	
36	Dungog general cemetery, Cemetery Road	Regional
37	Early brick public school buildings, 5-9 Chapman Street	
38	“Cangon” and outbuildings, 4728 Clarence Town Road	
39	Residence, 20 Dowling Street	Regional
40	Former Presbyterian manse, 23/25 Dowling Street	Regional
41	House, 29 Dowling Street	Regional
42	“Hiram” Lodge and Hall, 51 Dowling Street	Regional
43	Christ Church, 53 Dowling Street (corner Chapman Street)	
44	St Andrews Church and Hall, 63 Dowling Street (corner Chapman Street)	
45	House “Kirralee”, 72 Dowling Street	
46	School of Arts building, 106 Dowling Street	Regional
47	Former Westpac bank, 115 Dowling Street (corner Mackay Street)	
48	Shop and residence, 137 Dowling Street	
49	J A Rose building, 146-150 Dowling Street	Regional
50	Wades building, 152-154 Dowling Street	
51	HC Dark building, 180-188 Dowling Street	Regional
52	House “Coolalie”, 206 Dowling Street	
53	Former “Stephensons Inn”, 211 Dowling Street	
54	Shops, 224-232 Dowling Street	Regional
55	Uniting church, 238 Dowling Street	
56	Former CBC bank, 257 Dowling Street (corner Hooke Street)	Regional
57	Shop and residence 260-266 Dowling Street (corner Hooke Street)	
58	“Bank” hotel, 270 Dowling Street	Regional
59	Obelisk, Dowling Street/Hooke Street intersection	Regional
60	Former CBC Bank stables, 8 Hooke Street	
61	House, 88 Hooke Street	

	62	House, "Oomabah", 26 Lord Street (corner Mary Street)	
	63	Police residence, 86 Lord Street	Regional
	64	Police lockup, 86 Lord Street	Regional
	65	Former Council chambers, 96-100 Lord Street	Regional
	66	Court house, 100 Lord Street	
	67	House, 108 Lord Street	
	68	House, 55 Mary Street	
	69	House, 57 Mary Street	
	70	House, 68 Mary Street	
	71	House "Venton", 57 Rens Street (corner Carlton Avenue)	
	72	"Cooreei" road bridge (Williams River) Stroud Road	State
	73	"Melbee" and outbuildings, Verge Street	
<b>East Gresford</b>	74	Former butter factory, Allyn River Road	
	75	Former courthouse and residence, 14 Durham Street	
	76	House, 15 Durham Road	
	77	House, 21 Durham Road	
	78	St Helen's church and cemetery, Park Street	Regional
	79	"Beatty" hotel, 52 Park Street	Regional
	80	House, 54 Park Street	
	81	House, 78 Park Street	
<b>Eccleston</b>	82	Suspension footbridge (Allyn River), 1.5 km N of Eccleston [Map reference—Carrowbrook 686303]	
<b>Fosterton</b>	83	"Nulla Nulla", 58 Fosterton Road	
	84	"Figtree", 1222 Fosterton Road	Regional
	85	"Dingadee", 340 Stroud Hill Road	
<b>Gresford</b>	86	St Anne's church and cemetery, Glebe Road	
	87	St Anne's parish hall, 12 Church Street	
	88	Suspension footbridge (Paterson River), west of Church Street	

	89	"Ard-na-Hane", 15 Gabalah Road	
	90	"Cawarra" and related relics, 261 Paterson River Road	Regional
	91	Early school buildings, Public School, Durham Street	
	92	Stone barn, 261 Paterson River Road	Regional
<b>Lewinsbrook</b>	93	"Lewinsbrook", 398 Clements Road	Regional
<b>Lostock</b>	95	St John's church and cemetery, 34 Lostock School Road	Regional
<b>Martins Creek</b>	96	St James church, 95 Cory Street (corner Cook Street)	
	97	Martins Creek railway buildings and quarry	
<b>Munni</b>	98	House "Munni", Salisbury Road	
<b>Paterson</b>	99	House "Yooringa", 23 Albert Street	
	100	Former "Oddfellows" hall, 10 Church Street	
	101	Former public school, 11 Church Street	
	102	House, 12-14 Church Street	
	103	Paterson railway bridge (Paterson River), Church Street	
	104	Former courthouse, 33 Church Street	Regional
	105	"Hayward Cottage", 12-14 Commercial Road	
	106	House "Gostwyck", Dungog Road [Map Reference—Paterson 692958]	
	107	"Gostwyck" road bridge (Paterson River), Dungog Road [Map Reference—Paterson 689958]	Regional
	108	St Paul's church, hall and cemetery, Duke Street	Regional
	109	School of Arts, 25 King Street	
	110	Corner's flourmill, Gresford Road	
	111	St Annes Church and cemetery, Johnstone Street	
	112	House "Annandale", 2 King Street (corner Queen Street)	
	113	"Hatharleigh", 5 King Street	Regional
	114	Union shed, 8 King Street	Regional
	115	Former butchery, 16 King Street	

	116	Former "Royal Oak Arms" hotel, 18 King Street	
	117	Former CBC Bank, 19 King Street (corner Duke Street)	
	118	Post Office, 21 King Street (corner Duke Street)	
	119	"Court House" hotel, 21-23 King Street	
	120	Former bakery, 39 King Street	
	121	Cornstaddle, Tucker Park, Tocal Road	Regional
	122	House "Glen Ayr", 35 Maitland Road	
	123	Cottage, 12 Marquis Street	Regional
	124	"Ernestville", 3 Prince Street	
	125	Former rectory, 20 Prince Street (corner Duke Street)	
	126	Former "Commercial" hotel, 25 Prince Street	
	127	"Noumea", 28 Prince Street	
	128	War memorial, intersection of Railway, Main and Victoria Streets	
	129	Paterson railway station group, Railway Street	
	130	House "Bona Vista", Tocal Road [Map Reference—Paterson 689906]	Regional
	131	"Tocal" homestead, Tocal Road [Map Reference—Paterson 676896]	State
	132	Rail Motor Society collections, Webbers Creek Road	State
	133	Paterson River road bridge, Woodville Road [Map Reference—Paterson 696905]	Regional
<b>Salisbury</b>	134	House "Melbury", 2205 Salisbury Road	
	135	Congregational church, 2248 Salisbury Road	
	136	Barrington Guesthouse, 2940 Salisbury Road	
	137	Williams River footbridge, off Salisbury Road [Map Reference—Chichester 655333]	
	138	General cemetery, off Salisbury Road [Map Reference—Chichester 647336]	Regional
<b>Torryburn</b>	139	Allyn River timber road bridge, Torryburn Road [Map Reference—Gresford 645068]	
<b>Underbank</b>	140	Former Underbank congregational church, 1522 Salisbury Road	

	141	"Underbank House", Salisbury Road	
<b>Upper Allyn</b>	142	Lister Timber Mill Village, 3806 Allyn River Road	
<b>Vacy</b>	143	St Johns church, 783 Gresford Road	Regional
	144	Vacy Road bridge over Paterson River, Gresford Road [Map Reference—Paterson 662989]	State
	145	"Mowbray", 103 Horns Crossing Road	
<b>Wirragulla</b>	146	"Crooks Park", Clarence Town Road [Map Reference—Gresford 823085]	
	147	Pumping station, Clarence Town Road [Map Reference—Gresford 818081]	
	148	Hooke Family cemetery, off Clarence Town Road [Map Reference—Gresford 823091]	Regional

### Part 3 Potential archaeological sites

Locality	Item no	Street address	Significance
<b>Clarence Town</b>	149	Former Commercial Inn, 62 Rifle Street	
	150	Marshall & Lowe "Deptford" shipyard site, Fotheringaye	
<b>Paterson</b>	151	"Queens Wharf", Tucker Park, Tocal Road	

### Part 4 Significant trees

Locality	Item no	Street address	Significance
<b>Glen William</b>	152	Camphor laurel trees, Glen William Public School, Glen William Road	
<b>Paterson</b>	153	Fig trees at former entrance to Tucker Park, Tocal Road	
	154	Fig tree beside Paterson rail bridge, Church Street	

### Schedule 4 Additional development

(Clause 34)

Column 1	Column 2	Column 3
<b>Land</b>	<b>Development for the purpose of the following:</b>	<b>Conditions</b>
<b>Clarence Town</b>		



788 Limeburner's Creek Road, being Lot 162, DP 1087653, Lot 25, DP 1007844, Lot 1263, DP 1099773 and Lot 65, DP 753216	Subdivision of that part of the land in Zone 1 (l) into not more than 118 lots (exclusive of any community property lot or lots) that do not need to comply with clause 28 (3) (e)	All such lots lie within a community title subdivision, are connected to a reticulated sewerage system and are for the purposes of a dwelling-house or dual occupancy
	Subdivision of that part of the land in Zone 7 (a) into not more than 4 lots	At least 3 such lots are for the purposes of a dwelling-house or dual occupancy, and have an area of at least 4 hectares and not more than 4.5 hectares

### **Glen Martin**

345 Glen Martin Road, being Lot 383, DP 806712	Dwelling-house or dual occupancy Nil
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### **Paterson**

14-16 Prince Street, being Lot 1012, DP 590475	Dwelling-house or dual occupancy Nil
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5 Williams Street, being Lot 1, DP 770579	Dwelling-house or dual occupancy Nil
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### **Wirragulla**

4426 Clarence Town Road, being Lot 100, DP 1089164	Subdivision of the land into not more than 2 lots	Nil
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## **Dictionary**

(Clause 4 (1))

**agriculture** means broad acre commercial farming of crops or fodder, or of the grazing of livestock.

**appointed day** means the day on which this plan took effect.

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

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles.

**bed and breakfast** means a dwelling-house with a floor space of less than 300 square metres, that provides not more than five rooms, and which do not have catering facilities, for the temporary or short-term accommodation of people away from their normal place of domicile, and is operated by the

permanent residents of the dwelling-house.

**biodiversity** means the diversity of life made up of:

- (a) genetic diversity—the variety of genes in any population, and
- (b) species diversity—the variety of species, and
- (c) ecosystem diversity—the variety of communities or ecosystems.

**camp or caravan site** means a place used for the purpose of placing moveable dwellings for permanent accommodation or for temporary accommodation by tourists, whether or not the site is also used for the erection, assembly or placement of cabins for temporary accommodation by tourists.

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in the Table to clause 23) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a purpose elsewhere specifically defined in this Dictionary.

**community facility** means a building or place which provides for the physical, social, cultural or intellectual development or the health, education and welfare of the local community, whether or not for the purposes of gain, but is neither used so intensely nor of such a scale as to interfere with the amenity of the residential neighbourhood in which it is situated.

**community land** means land classified as community land within the meaning of the [Local Government Act 1993](#).

**Council** means Dungog Council.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

**dual occupancy** means two dwellings, other than a dwelling and a rural worker's dwelling, on a single lot.

**Dungog Shire Rural Strategy** means the document of that name adopted by Council on 9 October 2003.

**dwelling** means a room or number of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling-house** means a building, other than a holiday cabin, containing only one dwelling.

**ecological processes** means those processes that play an essential role in maintaining the integrity and continuity of a dynamic complex of plant, animal, fungal and micro-organism communities and associated non-living environment interacting as an ecological unit.

**ecologically sustainable development** means development that uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.

**employment** means an industry, laboratory, data processing centre, transport terminal or warehouse

in which the processes carried on, the transportation involved or the machinery or materials used, do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**endangered or threatened ecological communities** has the same meaning as in the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

**environmental management plan** means a plan identifying measures to be taken to achieve specific environmental outcomes such as soil and water quality, biodiversity and ecological integrity, bush fire safety, or pollution and nuisance abatement.

**established holding** means land in Zone 1 (a), 7 (a) or 9 (a) that:

- (a) comprises one or more lots with a total area of 60 hectares or more, and
- (b) is all contiguous, or separated only by a road or railway, and
- (c) was the total area of all adjoining or adjacent land held in one ownership on 1 July 2003, whether or not some other contiguous land in the same ownership has been transferred to another party since that date.

**farm gate sales** means a building or place:

- (a) from which only produce from the land on which the building or place is situated, or the products of a lawful use carried out on the land, are sold, and
- (b) that has a gross floor area of less than 75 square metres, and
- (c) that can be provided safe access and appropriate parking.

**farm-stay** means accommodation for the temporary or short-term stay of people away from their normal place of domicile, that is provided within an existing farm house, or existing farm buildings, associated with a working farm.

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

**heritage conservation area** means the land shown edged heavy black and marked "Heritage Conservation Area" on the map.

**heritage impact statement** means a document, prepared in accordance with any guidelines issued by the Heritage Office, that assesses the impact of a proposal on a heritage item or a heritage conservation area, and includes proposed measures to minimise that impact.

**heritage item** means a building, work, relic, tree or place described in Part 2 of Schedule 3.

**holiday cabin** means a building, with or without a kitchen, used for the temporary or short-term accommodation of people away from their normal place of domicile.

**home business** has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**home occupation** has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**industry** means the manufacturing, assembling, repairing, renovating, ornamenting, finishing, altering, cleaning, washing, dismantling, processing or adapting of any goods or any articles for commercial purposes.

**institution** means:

- (a) a residential centre for people within the target group, within the meaning of the *Disability Services Act 1993*, or
- (b) a hospital within the meaning of the *Mental Health Act 1990*, or
- (c) a correctional centre or correctional complex, within the meaning of the *Crimes (Administration of Sentences) Act 1999*, or
- (d) a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

**intensive agriculture** means a building or place used for:

- (a) cultivating or packaging fruit, vegetable, flower or fungi crops, or
- (b) agriculture carried out in a confined area used to husband or feed stock (such as cattle, sheep, goats, pigs, poultry, and rabbits), dairies or aquaculture, or
- (c) cultivating plants in a wholesale plant nursery, or
- (d) breeding, boarding, training, keeping or caring for domestic animals, including horses, or
- (e) turf farming, or
- (f) a vineyard, winery or viticulture,

for commercial purposes.

**kiosk** means a building used for the sale of light refreshments.

**leisure area** means a building or place used for the purpose of a picnic ground, walking trail, camping ground, information centre, children's playground, park, gardens or grazing but (in the Table to clause 23) does not include a recreation area or recreation facility.

**lot** means an existing lot as defined by the *Conveyancing Act 1919*, and includes a proposed lot intended to be such a lot when created.

**low building** means a building of less than 9 metres from its top to natural ground level, and in the case of a dwelling-house, of not more than two storeys.

**main road** means a main road within the meaning of the *Roads Act 1993*.

**mine** means a place, including a quarry, where minerals, ores, or extractive materials are obtained by making an excavation in the earth, and stacked, stored, crushed or otherwise treated, including the rehabilitation or the filling and reshaping of an area from which material has been won or removed.

**multiple dwellings** means three or more dwellings on a lot.

**operational land** means land classified as operational land within the meaning of the [Local Government Act 1993](#).

**place of Aboriginal heritage** means:

- (a) a place that has the physical remains of occupation by, or is of contemporary significance to, the Aboriginal people, with items and remnants of the occupation of the land by them, including relics, burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or natural feature including creeks, mountains of long-standing cultural significance, initiation, ceremonial or story places, or areas of more contemporary cultural significance,

and includes places with the potential for these characteristics.

**public utility undertaking** means any undertaking carried on, by, or by authority of, any Government Department or in pursuance of any Commonwealth or State Act, for the purposes of:

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

**recreation area** means an area used for outdoor sporting activities and includes changing rooms and other associated facilities, but does not include a racecourse, showground, sports stadium or the like.

**recreation facility** means a building or area used for indoor sporting activities, recreation and leisure activities, entertainment, exhibitions or displays, whether or not operated for the purpose of gain, and includes a racecourse, showground, sports stadium and the like, and theatres, cinemas, concert halls, open air theatres and the like.

**relic** means any deposit, object or material evidence relating to the settlement of land to which this plan applies, including Aboriginal habitation, which is more than 50 years old.

**reservation** means land identified as a reservation on the map.

**restaurant** means either a building or place the principal purpose of which is the provision of food to people for consumption on the premises, or premises (other than a bottle shop) specified in a licence of any kind granted under the [Liquor Act 1982](#).

**reticulated sewerage system** means a sewerage system that is part of a system provided or operated by the Council, an association (within the meaning of the [Community Land Development Act 1989](#)) or Hunter Water Corporation Limited.

**river management works** means works carried out for the purpose of improving watercourses in accordance with:

- (a) the conditions subject to which funding has been provided for the works by the Department of Conservation and Environment, or
- (b) a permit of or approval granted by the Director-General of that Department, or
- (c) a Rivercare or Landcare plan or the like administered by the Hunter Catchment Management Authority.

**rural worker's dwelling** means a dwelling, additional to a dwelling-house on the same landholding, that is occupied by persons engaged in a rural occupation on that land.

**shop** means a building or place used for the purpose of selling by retail or hiring, or the display for the purpose of selling or hiring, of items (whether goods or materials), and includes a bulky goods sales room or showroom, but not farm gate sales.

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

**the map** means the series of maps marked "*Dungog Local Environmental Plan 2006*", as amended by the maps, or sheets of maps, marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Dungog Local Environmental Plan 2006 (Amendment No 2)*

*Dungog Local Environmental Plan 2006 (Amendment No 3)*

*Dungog Local Environmental Plan 2006 (Amendment No 6)*

**tourist facility** means a building or buildings, place, motel or holiday cabins used for tourist accommodation or an establishment that provides recreation or eco-tourism facilities primarily for visitors, and includes a restaurant or conference centre that provides services to the visitors of any such building or place.

**utility installation** means:

- (a) a building, structure or work used by a public or private utility undertaking or by a public or private communication undertaking (excluding buildings designed wholly or principally as administrative or business premises or as a showroom), or
- (b) an accessway, road, conveyor or work for the drainage of water or the damming or filling of a watercourse, or
- (c) a pipeline.

**vacant holding** means land in Zone 1 (a) or 9 (a) that:

- (a) comprises one lot (which may be a consolidated lot) with an area of less than 60 hectares on which no dwelling is currently located, and
- (b) was the total area of all adjoining or adjacent land held in one ownership on 1 July 2003.

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