

# Dubbo Regional Local Environmental Plan 2022

[2022-108]



New South Wales

## Status Information

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### Provisions in force

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

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### 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 26 July 2024

# Dubbo Regional Local Environmental Plan 2022



New South Wales

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# Dubbo Regional Local Environmental Plan 2022



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Dubbo Regional Local Environmental Plan 2022*.

### 1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the Dubbo Regional local government area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to maintain the Dubbo Central Business District as the primary commercial centre for the Dubbo Regional local government area,
  - (b) to encourage residential development in West Dubbo,
  - (c) to encourage development that complements and enhances the unique character and amenity of the Dubbo Regional local government area,
  - (d) to provide high quality open spaces to meet the recreational needs of residents and visitors to the Dubbo Regional local government area,
  - (e) to conserve and protect the environmental and cultural heritage of the Dubbo Regional local government area,
  - (f) to make adequate provision for the development and improvement of cultural, educational, research and medical institutions,
  - (g) to ensure land zoned for industrial purposes is protected from development that is

inconsistent with the objectives for development in the zone,

- (h) to protect and conserve agricultural land, in recognition of the contribution of agriculture to regional economies,
- (i) to restrict development in environmentally sensitive areas to minimise the risk of urban and natural hazards, including development on the floodplains of the Macquarie, Bell and Talbragar rivers and development on land at risk of salinity,
- (j) to manage urban stormwater to prevent damage to downstream development,
- (k) to implement ecologically sustainable development to conserve environmental resources for the benefit of current and future generations,
- (l) to promote the integration of development and transport nodes to improve access to public transport and reduce dependence on private vehicles,
- (m) to encourage diversity in housing to meet the changing needs of the population,
- (n) to improve resilience to the effects of climate change.

### **1.3 Land to which Plan applies**

This Plan applies to the land identified on the [Land Application Map](#).

### **1.4 Definitions**

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### **1.5 Notes**

Notes in this Plan are provided for guidance and do not form part of this Plan.

### **1.6 Consent authority**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(1AA) (Repealed)



- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

The maps adopted by this Plan are to be made available on the NSW Planning Portal. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

### **1.8 Repeal of planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note—**

The following local environmental plans are repealed under this provision—

[\*Dubbo Local Environmental Plan 2011\*](#)

[\*Wellington Local Environmental Plan 2012\*](#)

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

#### **1.8A Savings provision relating to development applications**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note—**

However, under the Act, Division 3.5, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.

### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, an agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to a biodiversity certification conferred under the *Biodiversity Conservation Act 2016*, Part 8, or
  - (c) to a private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (d) to a relevant instrument within the meaning of the *Crown Land Management Act 2016*, section 13.4, or
  - (e) to the relevant provisions of a land management (native vegetation) code, and the necessary mandatory code compliant certificate, with respect to a set aside area under the *Local Land Services Act 2013*, Part 5A, or
  - (f) to a conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (g) to a property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (h) to a Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (i) to a planning agreement within the meaning of the Act, Division 7.1.
- (3) This clause does not affect the rights or interests of a public authority under a registered instrument.
- (4) Under the Act, section 3.16, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows—

**Rural Zones**

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

**Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential

**Employment Zones**

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial

**Mixed Use Zones**

- MU1 Mixed Use

**Special Purpose Zones**

- SP2 Infrastructure
- SP3 Tourist

**Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

**Conservation Zones**

- C1 National Parks and Nature Reserves
- C2 Environmental Conservation

## C3 Environmental Management

### **Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

### **2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

### **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

#### **Notes—**

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

### **2.4 Unzoned land**

- (1) Development may be carried out on unzoned land only with development consent.

- (2) In deciding whether to grant development consent, the consent authority—
- (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
- (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes—

- 1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
- 2** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

### Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

### Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as

this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## 2.9 Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
  - (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and

- (b) the erection of a dwelling, and
- (c) one or both of the following—
  - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
  - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
  - (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
  - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—

**flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

[State Environmental Planning Policy \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage a range of development for the purposes of tourism that supports the agricultural industry.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads

## **3 Permitted with consent**

Agricultural produce industries; Agritourism; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Group homes; Health consulting rooms; Helipads; Highway service centres; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

## **Zone RU2 Rural Landscape**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.



- To provide for a range of compatible land uses, including extensive agriculture.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads

## **3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Camping grounds; Caravan parks; Cellar door premises; Centre-based child care facilities; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Forestry; Group homes; Health consulting rooms; Highway service centres; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Jetties; Mooring pens; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Respite day care centres; Secondary dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Truck depots; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

Advertising structures; Hotel or motel accommodation; Intensive livestock agriculture; Serviced apartments; Any other development not specified in item 2 or 3

### **Zone RU3 Forestry**

#### **1 Objectives of zone**

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### **2 Permitted without consent**

Uses authorised under the [Forestry Act 2012](#) or under Part 5B (Private native forestry) of the [Local Land Services Act 2013](#)

#### **3 Permitted with consent**

Aquaculture; Roads

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU4 Primary Production Small Lots**

#### **1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land with high potential for agricultural activity is conserved for intensive plant agriculture activities.
- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.
- To encourage intensive plant agriculture that is consistent with sustainable natural resource management principles.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads

#### **3 Permitted with consent**

Agricultural produce industries; Agritourism; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Cellar door premises; Charter and tourism boating facilities; Community facilities; Correctional centres; Dairies (pasture-based); Depots; Dwelling houses; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Function centres; Group homes; Health services facilities; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Jetties; Mooring pens; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roadside stalls; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Truck depots; Veterinary hospitals; Water

recreation structures; Water reticulation systems; Water treatment facilities; Wharf or boating facilities

#### **4 Prohibited**

Advertising structures; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

### **Zone RU5 Village**

#### **1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage and provide opportunities for population growth and local employment in rural villages.
- To ensure development maintains and contributes to the character of rural villages.
- To permit low scale service activities to meet the recreational, cultural and commercial needs of the community.

#### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations; Roads

#### **3 Permitted with consent**

Centre-based child care facilities; Community facilities; Dwelling houses; Horticulture; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Sewage reticulation systems; Tank-based aquaculture; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Cellar door premises; Charter and tourism boating facilities; Correctional centres; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport

facilities; Heavy industrial storage establishments; Helipads; High technology industries; Home occupations (sex services); Hostels; Industrial training facilities; Industries; Marinas; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is consistent with the character of the immediate locality.

### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations; Roads

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water reticulation systems; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities;

Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is consistent with the character of the immediate locality.

### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations; Roads

### **3 Permitted with consent**

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Signage; Tank-based aquaculture;

Water reticulation systems

#### **4 Prohibited**

Advertising structures; Attached dwellings; Hostels; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Any other development not specified in item 2 or 3

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads

#### **3 Permitted with consent**

Agricultural produce industries; Dairies (pasture-based); Dual occupancies (detached); Dwelling houses; Home industries; Horticulture; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Tank-based aquaculture; Water reticulation systems; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Boarding houses; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-

tourist facilities; Entertainment facilities; Extractive industries; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Sex services premises; Shop top housing; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies

## **Zone E1 Local Centre**

### **1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage development that is consistent with the commercial centres hierarchy of Dubbo.
- To ensure Orana Mall continues to be a retail centre.
- To limit the use of Orana Mall for office premises.

### **2 Permitted without consent**

Environmental protection works; Home-based child care; Roads

### **3 Permitted with consent**

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone E2 Commercial Centre**

### **1 Objectives of zone**

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity,



particularly for pedestrians.

- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To ensure Dubbo central business district continues to be the commercial and retail centre of the region.
- To encourage commercial development along the Dubbo river corridor.
- To encourage the activation of the Wellington Town Centre, including by the adaptive re-use of heritage buildings and promoting tourism.

## **2 Permitted without consent**

Environmental protection works; Home-based child care; Roads

## **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries, Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Heavy

industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

### **Zone E3 Productivity Support**

#### **1 Objectives of zone**

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To provide for residential uses, but only as part of mixed use development.
- To facilitate a mix of business and retail development along major roads in locations that are close to, and support the viability of, centres.
- To encourage high technology uses in close proximity to transport networks.

#### **2 Permitted without consent**

Environmental protection works; Home-based child care; Roads

#### **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities;

Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Rural supplies; Service stations; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource transfer stations; Water reticulation systems; Wholesale supplies; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

### **Zone E4 General Industrial**

#### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To support light industrial uses on Depot Road and McKenzie Street, Dubbo.

## **2 Permitted without consent**

Environmental protection works; Roads

## **3 Permitted with consent**

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Health consulting rooms; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Medical centres; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water storage facilities; Water treatment facilities; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Home businesses; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Stock and sale yards; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

## **Zone E5 Heavy Industrial**

### **1 Objectives of zone**

- To provide areas for industries that need to be separated from other land uses.

- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.

## **2 Permitted without consent**

Environmental protection works; Roads

## **3 Permitted with consent**

Data centres; Depots; Freight transport facilities; Funeral homes; General industries; Hazardous storage establishments; Health consulting rooms; Heavy industries; Industrial training facilities; Landscaping material supplies; Medical centres; Neighbourhood shops; Offensive storage establishments; Oyster aquaculture; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water treatment facilities; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Flood mitigation works; Forestry; Function centres; Health services facilities; Helipads; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities

## **Zone MU1 Mixed Use**

### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To preserve the streetscape and character of land adjoining existing centres by encouraging the adaptive reuse of existing buildings for small scale business, office or retail premises.

## **2 Permitted without consent**

Environmental protection works; Home-based child care; Roads

## **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers'

dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## **Zone SP2 Infrastructure**

### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

### **2 Permitted without consent**

Roads

### **3 Permitted with consent**

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone SP3 Tourist**

### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To provide for a range of development to encourage tourism along major transport corridors.
- To facilitate tourist-orientated development along major transport corridors.
- To enhance the environmental qualities that attract tourists to the area.
- To recognise the importance of Taronga Western Plains Zoo as a key tourist facility.
- To ensure development in the Camp Road precinct will not interfere with the continued operation of Taronga Western Plains Zoo.

- To strengthen the viability of existing centres through increased economic activity and employment.
- To ensure further development in the Cobra Street and Whylandra Street precincts will not interfere with established uses on land zoned for residential uses.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Roads

## **3 Permitted with consent**

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Food and drink premises; Health consulting rooms; Markets; Medical centres; Roadside stalls; Shop top housing; Tourist and visitor accommodation; Viticulture; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Boat building and repair facilities; Car parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Educational establishments; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Flood mitigation works; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mortuaries; Open cut mining; Public administration buildings; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies

### **Zone RE1 Public Recreation**

#### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.



- To protect and enhance the natural environment for recreational purposes.
- To provide for facilities and amenities to encourage the use of public open space.

## **2 Permitted without consent**

Environmental protection works; Roads

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Cemeteries; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Environmental facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Signage; Water recreation structures; Water reticulation systems; Wharf or boating facilities

## **4 Prohibited**

Advertising structures; Any other development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

#### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

#### **2 Permitted without consent**

Environmental protection works; Roads

#### **3 Permitted with consent**

Amusement centres; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities

(outdoor); Registered clubs; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water reticulation systems; Wharf or boating facilities

#### **4 Prohibited**

Advertising structures; Bed and breakfast accommodation; Farm stay accommodation; Pubs; Any other development not specified in item 2 or 3

### **Zone C1 National Parks and Nature Reserves**

#### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

#### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

#### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C2 Environmental Conservation**

#### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

#### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Camping grounds; Car parks; Environmental facilities; Environmental protection works; Information and education facilities; Oyster aquaculture; Roads; Water supply systems

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone C3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To allow for development that is compatible with the flood hazard of certain areas.
- To provide for a range of recreational activities that do not have an adverse effect on areas with environmental and scenic values.
- To recognise the environmental significance of certain areas.
- To minimise the adverse effect of development on the salinity levels of certain land.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads

### **3 Permitted with consent**

Boat launching ramps; Boat sheds; Camping grounds; Charter and tourism boating facilities; Dwelling houses; Environmental facilities; Farm buildings; Group homes; Home businesses; Home industries; Information and education facilities; Jetties; Mooring pens; Moorings; Oyster aquaculture; Pond-based

aquaculture; Recreation areas; Research stations; Signage; Tank-based aquaculture; Turf farming; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

Advertising structures; Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W1 Natural Waterways**

#### **1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Environmental facilities; Environmental protection works; Jetties; Moorings; Recreation areas; Roads; Water recreation structures; Water supply systems

#### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Water treatment facilities; Any other development not specified in item 2 or 3

### **Zone W2 Recreational Waterways**

#### **1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.

- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

## **2 Permitted without consent**

Environmental protection works; Roads

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Environmental facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Research stations; Signage; Water recreation structures; Water reticulation systems; Water storage facilities; Wharf or boating facilities

## **4 Prohibited**

Advertising structures; Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# **Part 3 Exempt and complying development**

## **3.1 Exempt development**

- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development—
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.

(e) (Repealed)

(4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if—

(a) the building has a current fire safety certificate or fire safety statement, or

(b) no fire safety measures are currently implemented, required or proposed for the building.

(5) To be exempt development, the development must—

(a) be installed in accordance with the manufacturer's specifications, if applicable, and

(b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2 and the [Local Land Services Act 2013](#), Part 5A.

(6) A heading to an item in Schedule 2 is part of that Schedule.

### **3.2 Complying development**

(1) The objective of this clause is to identify development as complying development.

(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—

(a) the development standards specified in relation to that development, and

(b) the requirements of this Part,

is complying development.

**Note—**

See also clause 5.8(3) which provides that the conversion of fire alarms is complying development in certain circumstances.

(3) To be complying development, the development must—

(a) be permissible, with development consent, in the zone in which it is carried out, and

(b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and

(c) have an approval, if required by the [Local Government Act 1993](#), from the Council for an on-site effluent disposal system if the development is undertaken on

unsewered land.

- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—

***environmentally sensitive area for exempt or complying development*** means any of the following—

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
  - (a) to ensure lots are large enough to accommodate development, including the following—
    - (i) proposed dwellings,
    - (ii) setbacks to adjoining land,
    - (iii) private open space and landscaped areas,
    - (iv) driveways and vehicle manoeuvring areas,
    - (v) ancillary development.
  - (b) to support the production capacity of land in rural zones by maintaining the size of lots,
  - (c) to ensure all lots are provided with adequate and safe access,
  - (d) to minimise the likely adverse impact of subdivision and development on the amenity of the area,
  - (e) to prevent fragmentation or isolation of land.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3A) If land in each resulting lot is to be connected to a sewage reticulation system, development consent must not be granted to the subdivision of the land unless—
  - (a) for land identified as “Area A” on the [Lot Size Map](#)—the size of each resulting lot will be at least 4,000m<sup>2</sup>, and
  - (b) for land identified as “Area B” on the [Lot Size Map](#)—the size of each resulting lot will be at least 2,000m<sup>2</sup>.
- (3B) Development consent may be granted to the subdivision of land in Zone RU5 Village, Zone R1 General Residential or Zone R2 Low Density Residential that results in a lot that is smaller than the minimum size shown on the [Lot Size Map](#) if—



- (a) land in each resulting lot is connected to a sewage reticulation system, and
- (b) the subdivision is for the purposes of—
  - (i) multi dwelling housing, or
  - (ii) dual occupancies.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 2021](#).

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows—
  - (a) to prevent fragmentation of land.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R1 General Residential,
  - (f) Zone R2 Low Density Residential,
  - (g) Zone R5 Large Lot Residential,
  - (h) Zone C3 Environmental Management,but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

## 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

### 4.2A Minimum subdivision lot sizes for certain rural subdivisions

- (1) The objective of this clause is to permit subdivision in rural zones if the subdivision is for the purposes of meeting the needs of current permissible uses, other than dwelling houses or dual occupancies.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted to the subdivision of land that results in a lot that is smaller than the minimum size shown on the [Lot Size Map](#) unless the consent authority is satisfied of the following—

- (a) the resulting lots will be used for a continuing permissible use,
- (b) the subdivision will not adversely affect the use of the surrounding land for the purposes of agriculture,
- (c) the subdivision is necessary for the ongoing operation of the permissible use,
- (d) the subdivision will not cause or increase conflict in rural land uses in the locality,
- (e) the subdivision is appropriate in relation to the natural and physical constraints affecting the land.

(4) In this clause—

***continuing permissible use*** means a use for the same purpose, other than for a dwelling house or dual occupancy, permitted under the existing development consent for the land.

#### **4.2B Minimum subdivision lot size for certain strata subdivisions**

- (1) The objective of this clause is to prevent fragmentation of land to create additional dwelling entitlements.
- (2) This clause applies to land in the following zones used, or proposed to be used, for the purposes of residential accommodation or tourist and visitor accommodation—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted to the subdivision of land by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#) if the subdivision would result in lots that are smaller than the minimum size shown on the [Lot Size Map](#).

#### **4.2C Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are—
  - (a) to minimise unplanned rural residential development, and
  - (b) to enable the replacement of lawfully erected dwelling houses in certain rural zones.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,

- (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land—
- (a) is a lot that is at least the minimum size shown on the [Lot Size Map](#), or
  - (b) is a lot created before the day on which this Plan commenced and on which the erection of a dwelling house was permissible immediately before that day, or
  - (c) is a lot resulting from a subdivision for which development consent, or equivalent, was granted before the day on which this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that day, or
  - (d) is an existing holding, or
  - (e) would have been a lot or a holding specified in paragraphs (a)–(d) had it not been affected by—
    - (i) a minor realignment of boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve.
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—
- (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.

- (5) In this clause—

**existing holding** means the following land in that part of Dubbo Regional local government area that was formerly in Wellington local government area, whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other adjoining land acquired by the owner since 26 June 1987—

- (a) land that was a holding on 26 June 1987,
- (b) land that is a holding at the time an application for development consent is lodged.

**holding** means all adjoining land, even if separated by a road or railway, held by the

same person.

#### **4.2D Exceptions to minimum subdivision lot sizes for split zones**

- (1) The objectives of this clause are as follows—
  - (a) to permit the creation of lots that support urban development in planned urban growth areas,
  - (b) to provide for the subdivision of lots that are within more than 1 zone but cannot be subdivided under clause 4.1,
  - (c) to ensure that the subdivision occurs in a way that promotes suitable land uses and development.
- (2) This clause applies to each lot (an **original lot**) that contains—
  - (a) land in 1 or more of the following zones—
    - (i) Zone RU5 Village,
    - (ii) a residential, employment or mixed use zone, and
  - (b) land in 1 or more relevant zones.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if—
  - (a) 1 of the resulting lots will contain all of the land in a relevant zone that was in the original lot, and
  - (b) each of the other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) for the land.
- (4) A resulting lot created under subclause (3)(a) may be smaller than the minimum lot size shown on the [Lot Size Map](#) for the land.
- (5) Development consent must not be granted for the erection of a dwelling house on a resulting lot created under subclause (3)(a).
- (6) A resulting lot created under subclause (3)(b) must not be subject to more than 1 minimum lot size as shown on the [Lot Size Map](#).
- (7) In this clause—

**relevant zone** means the following—

  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,

- (c) Zone RU3 Forestry,
- (d) Zone RU4 Primary Production Small Lots,
- (e) Zone C1 National Parks and Nature Reserves,
- (f) Zone C2 Environmental Conservation,
- (g) Zone C3 Environmental Management.

#### **4.3 Height of buildings**

[Not adopted]

#### **4.4 Floor space ratio**

[Not adopted]

#### **4.5 Calculation of floor space ratio and site area**

[Not adopted]

#### **4.6 Exceptions to development standards**

- (1) The objectives of this clause are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for

development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (caa) clause 5.5.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>
Zone C3 Environmental Management and marked "Environmental Management (C3)"	Transport for NSW

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

### **5.1A Development on land intended to be acquired for public purposes**

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land—
- shown on the [Land Reservation Acquisition Map](#) and specified in Column 1 of the table to this clause, and
  - that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to development on land to which this clause applies other than development for a purpose specified for the land in Column 2.

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone R1 General Residential	Car parks



Zone C3 Environmental Management

Car parks

## 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

### Note—

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and 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 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

### Note—

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is—
  - (a) for a boundary shared between any land and land in Zone E1, E2, E3, E4 or MU1—20 metres, and
  - (b) otherwise—10 metres.
- (3) This clause does not apply to—
  - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - (aa) Zone SP3 Tourist, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**Note—**

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
  - (a) 20% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 15 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 25 square metres.
- (9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (a) 60 square metres,
  - (b) 65% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support,

Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 20% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

### **5.5 Controls relating to secondary dwellings on land in a rural zone**

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (i) 60 square metres,
  - (ii) 65% of the total floor area of the principal dwelling, and
- (b) the distance between the secondary dwelling and the principal dwelling must not exceed 100 metres.

### **5.6 Architectural roof features**

[Not adopted]

### **5.7 Development below mean high water mark**

[Not adopted]

### **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring

system of the same private service provider.

- (3) Development to which subclause (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

**private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## 5.9 Dwelling house or secondary dwelling affected by natural disaster

[Not adopted]

### 5.9AA (Repealed)

## 5.10 Heritage conservation

### Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of the Dubbo Regional local government area,
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
  - (c) to conserve archaeological sites,
  - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

- (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—

- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment** The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting

consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.



**Note—**

The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and

- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

#### **5.14 Siding Spring Observatory—maintaining dark sky**

- (1) The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution.
- (2) **Light emissions—general considerations for all development** Before granting development consent for development on land to which this Plan applies, the consent authority must consider whether the development is likely to adversely affect observing conditions at the Siding Spring Observatory, taking into account the following matters—
  - (a) the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,
  - (b) the impact of those light emissions cumulatively with other light emissions and

whether the light emissions are likely to cause a critical level to be reached,

(c) whether outside light fittings associated with the development are shielded light fittings,

(d) the measures to be taken to minimise dust associated with the development,

**Note—**

Dust tends to scatter light and increase light pollution.

(e) the *Dark Sky Planning Guideline* prepared by the Planning Secretary and published in the Gazette.

- (3) **Development on land within 18 kilometres of observatory** Development consent is required for all lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (4) The consent authority must consult with the observatory director before granting development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (5) The consent authority must not (except with the concurrence of the Planning Secretary) grant development consent to development on land less than 18 kilometres from the Siding Spring Observatory if the consent authority considers that the development is likely to result in any one or more of the following—
- (a) an outside light fitting other than a shielded light fitting,
  - (b) an outside light fitting emitting light of more than—
    - (i) if the development is on land less than 12 kilometres from the Siding Spring Observatory—900 lumens, or
    - (ii) in any other case—1,800 lumens,
  - (c) more than 4 shielded outside light fittings,
  - (d) light of more than 7,200 lumens being emitted.
- (6) The consent authority must not grant development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory unless the consent authority is satisfied that the development will incorporate designs that minimise light pollution and measures that will prevent the escape of light at night through skylights, windows or other openings.
- (7) **Development on land 18 kilometres or more from observatory** The consent authority must not (except with the concurrence of the Planning Secretary) grant development consent to development on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result

in the emission of light of 1,000,000 lumens or more.

- (8) The consent authority must consult with the observatory director before granting development consent to development for the purposes of a dwelling house, secondary dwelling or dual occupancy on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in a dwelling having—
- (a) an outside light fitting other than a shielded light fitting, or
  - (b) more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.
- (9) [Not adopted]
- (10) **Granting concurrence** The Planning Secretary must take the following into account in deciding whether to grant concurrence under this clause—
- (a) any comments made by the observatory director in relation to the development,
  - (b) the effect the development would have on observing conditions at the Siding Spring Observatory,
  - (c) the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory on or about the date the development application is made and the relationship of that level to the critical level,
  - (d) whether any public interest in permitting the development outweighs the public interest in preserving the observing conditions at the Siding Spring Observatory.
- (11) A reference in this clause to light emitted as a result of development for the purposes of a building or work includes light emitted from any other building or work that is to be used as part of or in connection with that building or work.
- (12) A requirement in this clause to consult with the observatory director in respect of development is a requirement to give written notice of the development to the observatory director and to take into account any comments received from the observatory director within 21 days after the notice is given.
- (13) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.
- (14) In this clause—
- automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.
- critical level** means the level at which the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory is greater than—

- (a) if the telescope is inclined at 30 degrees from the horizon—10% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest, or
- (b) if the telescope is inclined at 90 degrees from the horizon—3% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest.

**horizontal plane**, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

**light pollution** means brightening of the night sky caused by artificial light.

**lit development** means development that is likely to result in the emission of light.

**observatory director** means the Director of the Research School of Astronomy and Astrophysics at the Australian National University.

**outside light fitting** means a light fitting that is attached or fixed outside, including on the exterior, of a building.

**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.

**Siding Spring Observatory** means the land owned by the Australian National University at Siding Spring and the buildings and equipment situated on that land.

#### **5.15 Defence communications facility**

[Not adopted]

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,

- (f) Zone R5 Large Lot Residential,
  - (g) Zone C2 Environmental Conservation,
  - (h) Zone C3 Environmental Management,
  - (i) Zone C4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
- (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
- (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

#### **5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not adopted]

#### **5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are—
- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to

development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—

- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
    - (vi) for a poultry farm not used for breeding poultry—
      - (A) within 5km of a poultry farm used for breeding poultry, or

- (B) within 1km of a poultry farm not used for breeding poultry, or
  - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

**environmentally sensitive area** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 Environmental Living.

### 5.19 Pond-based, tank-based and oyster aquaculture

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development



consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of—
  - (i) pond-based aquaculture in Zone RU5 Village, RU6 Transition, R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
  - (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for

development for the purpose of oyster aquaculture, the consent authority must consider—

- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
- (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

(6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**

Development for the purpose of oyster aquaculture may be carried out without development consent—

- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) **Definitions** In this clause—

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

**5.20 Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
  - (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or

- (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—

***licensed premises*** has the same meaning as in the [Liquor Act 2007](#).

#### **5.21 Flood planning**

- (1) The objectives of this clause are as follows—
- (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
  - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
  - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and

- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
  - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department’s website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the Flood Risk Management Manual.

***Flood Risk Management Manual*** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## **5.22 Special flood considerations**

[Not adopted]

## **5.23 Public bushland**

[Not adopted]

## **5.24 Farm stay accommodation**

[Not adopted]

## **5.25 Farm gate premises**

[Not adopted]

## Part 6 Urban release areas

### 6.1 Concurrence of Planning Secretary

- (1) Development consent for the subdivision of land in an urban release area must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
  - (a) the impact of the subdivision on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (b) the cumulative impact of the subdivision with other development that has been, or is likely to be, carried out in surrounding areas on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.
- (3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the subdivision.
- (4) This clause does not apply—
  - (a) if all or part of the land to be subdivided is in a region within the meaning of the Act, Division 7.1, Subdivision 4, or
  - (b) to the subdivision of a lot that is, in the opinion of the Planning Secretary, a residue lot, or
  - (c) to a lot to be created by a subdivision on land that was the subject of a previous development consent granted in accordance with—
    - (i) this clause, or
    - (ii) *Dubbo Local Environmental Plan 2011*, clause 6.1, before its repeal, or
  - (d) to a lot proposed to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or other public purposes, or

(e) to subdivision that is only for the purposes of rectifying an encroachment on an existing lot.

(5) In this clause—

**designated State public infrastructure** means public facilities or services that are provided or financed by the State, or if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State, of the following kinds—

(a) State and regional roads,

(b) bus interchanges and bus lanes,

(c) rail infrastructure and land,

(d) regional parks and public space,

(e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

## 6.2 Public utility infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that—

(a) the public utility infrastructure essential for the development is available, or

(b) adequate arrangements have been made to ensure the infrastructure will be available when required.

(2) This clause does not apply to development for the purposes of providing, extending, augmenting, maintaining or repairing public utility infrastructure.

(3) In this clause—

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for the following—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage.

## 6.3 Development control plan

(1) The objective of this clause is to ensure that development on land in an urban release area occurs—

(a) in a logical and cost-effective manner, and

- (b) in accordance with a staging plan, and
  - (c) only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for the following—
- (a) a staging plan for the timely and efficient release of urban land that provides for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections required for a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for the public and private domain,
  - (d) a network of active and passive recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) management of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for traffic management facilities and parking.
- (4) Subclause (2) does not apply to the following development—
- (a) a subdivision for the purposes of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or other public or environmental protection purposes,

- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
- (d) development of a minor nature only, if, in the consent authority's opinion, the development is consistent with the objectives of the zone in which the development will be carried out.

## **Part 7 Additional local provisions**

### **7.1 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for the continued existence of native fauna and flora, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) an adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) an adverse impact on the habitat elements providing connectivity on the land, and
  - (b) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
  - (b) if a significant adverse environmental impact cannot be reasonably avoided—the



development is designed, sited and will be managed to minimise the impact.

## 7.2 Earthworks

- (1) The objectives of this clause are as follows—
  - (a) to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—
  - (a) the work is exempt development under—
    - (i) this Plan, or
    - (ii) another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been granted.
- (3) In deciding whether to grant development consent for earthworks, the consent authority must consider the following matters—
  - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impact on any watercourse, drinking water catchment or environmentally sensitive area.

### Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

### **7.3 Natural resource—riparian land and waterways**

- (1) The objectives of this clause are to protect or improve the following—
  - (a) water quality within waterways,
  - (b) stability of the bed and banks of waterways,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within waterways and riparian areas,
  - (e) threatened aquatic species, communities, populations and their habitats,
  - (f) scenic and cultural heritage values of waterways and riparian areas.
- (2) This clause applies to land—
  - (a) identified on the [Natural Resource—Water Map](#), or
  - (b) situated within 40m of the bank or shore, measured horizontally from the top of the bank or shore, of a waterway on land identified in paragraph (a).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—
  - (a) the potential adverse impact of the development on the following—
    - (i) water quality within the waterway,
    - (ii) aquatic and riparian habitats and ecosystems,
    - (iii) stability of the bed, shore and banks of the waterway,
    - (iv) the free passage of fish and other aquatic organisms within or along the waterway,
    - (v) the habitat of any threatened species, population or ecological community,
  - (b) the likelihood that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,
  - (c) a description of the proposed measures that may be undertaken to ameliorate any potential adverse impact.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—
  - (a) the development is designed, sited and managed to avoid potential adverse

environmental impacts, or

(b) if a potential adverse impact cannot be avoided—the development will be managed to mitigate the adverse impact.

(5) In this clause—

**Natural Resource—Water Map** means the [Dubbo Regional Local Environmental Plan 2022 Natural Resource—Water Map](#).

#### 7.4 Karst topography subsidence risk

(1) The objectives of this clause are to ensure development on land at risk of subsidence from karst topography—

(a) does not disturb the underlying geotechnical conditions of the land, and

(b) is restricted on unsuitable land, and

(c) does not endanger life or property.

(2) This clause applies to land identified as “Karst” on the [Natural Resource—Karst Map](#).

(3) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following matters in relation to the risk of subsidence—

(a) the design and construction of the development,

(b) the specific geotechnical constraints of the site,

(c) wastewater management, stormwater and drainage on the site.

(4) Development consent must not be granted to development on land to which this clause applies unless—

(a) the consent authority is satisfied—

(i) the development is designed, sited and will be managed to avoid a significant adverse impact on the development and the land surrounding the development, or

(ii) if a significant adverse impact cannot reasonably be avoided—the development is designed, sited and will be managed to minimise the impact, and

(b) the consent authority is satisfied the development will appropriately manage wastewater, stormwater and drainage on the site to avoid affecting the rate, volume and quality of water leaving the land.

(5) In this clause—

**Natural Resource—Karst Map** means the [Dubbo Regional Local Environmental Plan 2022 Natural Resource—Karst Map](#).

### 7.5 Groundwater vulnerability

(1) The objectives of this clause are to—

- (a) maintain the hydrological functions of key groundwater systems, and
- (b) protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.

(2) This clause applies to the land identified as “Groundwater vulnerability” on the [Natural Resource—Groundwater Vulnerability Map](#).

(3) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider—

- (a) whether the development, including on-site storage or disposal of solid or liquid waste chemicals, will cause groundwater contamination or an adverse effect on groundwater dependent ecosystems, and
- (b) the cumulative impact, including the impact on nearby groundwater extraction for potable water supply or stock water supply, of the development and other existing development on groundwater.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—

- (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
- (b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact.

(5) In this clause—

**Natural Resource—Groundwater Vulnerability Map** means the [Dubbo Regional Local Environmental Plan 2022 Natural Resource—Groundwater Vulnerability Map](#).

### 7.6 Erection of rural workers’ dwellings on land in Zones RU1 and RU4

(1) The objectives of this clause are to—

- (a) ensure the provision of adequate accommodation for on-site employees of existing agricultural and rural industries, and
- (b) prevent development of a rural worker’s dwelling if the agricultural or rural

industry does not have the capacity to support the rural worker's employment.

- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies unless the consent authority is satisfied—
  - (a) the agricultural or rural industry carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
  - (b) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and
  - (c) the development will not result in more than 1 rural worker's dwelling being erected on the land on which the agricultural or rural industry is carried out.

### **7.7 Airspace operations**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the effective and ongoing operation of Dubbo City Regional Airport and Wellington/Bodangora Airport by ensuring the operation is not compromised by development that penetrates the Obstacle Limitation Surface for the airport,
  - (b) to protect the community from undue risk from the operation of Dubbo City Regional Airport and Wellington/Bodangora Airport.
- (2) This clause applies to development that will, in the consent authority's opinion, penetrate the Obstacle Limitation Surface for—
  - (a) Dubbo City Regional Airport, or
  - (b) Wellington/Bodangora Airport.
- (3) Development consent must not be granted to development to which this clause applies unless—
  - (a) the consent authority has consulted the relevant Commonwealth body, and
  - (b) the relevant Commonwealth body advises the consent authority that—
    - (i) the development will penetrate the Obstacle Limitation Surface but it does not object to the development, or
    - (ii) the development will not penetrate the Obstacle Limitation Surface.

- (4) If the relevant Commonwealth body advises that the development will penetrate the Obstacle Limitation Surface but it does not object to the development, development consent must not be granted unless the consent authority is satisfied that the development will not result in an obstruction or hazard to aircraft using the airport, including in relation to light sources and bird strikes.
- (5) In this clause—

**Obstacle Limitation Surface** means the Obstacle Limitation Surface shown on the [Obstacle Limitation Surface Map](#).

**Obstacle Limitation Surface Map** means the [Obstacle Limitation Surface Map](#) for Dubbo City Regional Airport prepared by the relevant Commonwealth body.

**relevant Commonwealth body** means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Obstacle Limitation Surface.

## 7.8 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
  - (a) to prevent certain noise sensitive developments from being located near the Dubbo City Regional Airport or the Wellington/Bodangora Airport and the airport flight paths,
  - (b) to assist in minimising the impact of aircraft noise from the airports and the flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure land use and development near the airports do not hinder or have other adverse impacts on the ongoing, safe and efficient operation of the airports.
- (2) This clause applies to development—
  - (a) on land—
    - (i) near the Dubbo City Regional Airport or the Wellington/Bodangora Airport, and
    - (ii) in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority must—
  - (a) consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) consider the location of the development in relation to the criteria set out in Table

2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and

(c) be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.

(4) In this clause—

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the [Noise Exposure Forecast Contour Map](#) for the Dubbo City Regional Airport prepared by the Commonwealth Department responsible for airports.

**AS 2021:2015** means AS 2021:2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

### 7.9 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impact by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the premises will be located on land that adjoins, is directly opposite, or is separated only by a local road from land—
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the development and its hours of operation on a place likely to be frequented by children—
    - (i) that adjoins the development, or
    - (ii) that can be viewed from the development, or
    - (iii) from which a person can view the development.

### 7.10 Dwelling houses in Zone RU4 Primary Production Small Lots

- (1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.
- (2) This clause applies to development for the purposes of dwelling houses on land in Zone RU4 Primary Production Small Lots.

- (3) Development consent must not be granted to development to which this clause applies, unless the consent authority is satisfied—
  - (a) the land is used, or is intended to be used, for intensive plant agriculture, extensive agriculture or aquaculture, and
  - (b) the dwelling house will be required to support the carrying out of intensive plant agriculture, extensive agriculture or aquaculture, and
  - (c) the dwelling house is not likely to cause a land use conflict with existing agricultural uses undertaken on neighbouring properties in the zone, and
  - (d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required.

#### **7.11 Commercial premises in Zone MU1**

- (1) This clause applies to development on land in Zone MU1 Mixed Use.
- (2) Development consent must not be granted to development for the purposes of—
  - (a) business premises or office premises if the gross floor area is greater than 200m<sup>2</sup>,  
or
  - (b) retail premises or light industries if the gross floor area is greater than 150m<sup>2</sup>.
- (3) Subclause (2)(a) does not apply to development involving a building that existed immediately before 11 November 2011.

#### **7.12 Shops on certain land in Zone E1**

- (1) The objective of this clause is to maintain the commercial centres hierarchy of Dubbo by encouraging retail development of an appropriate scale in neighbourhood centres.
- (2) This clause applies to land identified as “Area D” on the [Land Zoning Map](#).
- (3) Development consent must not be granted to development for the purposes of retail premises on land to which this clause applies if the gross floor area of the development will exceed 1,000m<sup>2</sup>.
- (4) In deciding whether to grant development consent to development for the purposes of shops with a gross floor area of 500m<sup>2</sup> or greater, in 1 or more tenancies, the consent authority must—
  - (a) consider the economic impact of the development, and
  - (b) be satisfied the development is consistent with the commercial centres hierarchy of Dubbo.



### **7.13 Development on certain land at Boundary Road, Dubbo**

- (1) This clause applies to Lot 601, DP 1282437, Boundary Road, Dubbo.
- (2) Development consent must not be granted to the erection of a building for the purposes of commercial premises on land to which this clause applies unless the building has a gross floor area greater than 1,000m<sup>2</sup> but less than 5,000m<sup>2</sup>.
- (3) Development consent must not be granted to more than 1 recreation facility (indoor) or more than 1 pub on land to which this clause applies.
- (4) In deciding whether to grant development consent to development under this clause, the consent authority must—
  - (a) consider the economic impact of the development, and
  - (b) be satisfied that the development is consistent with the commercial centres hierarchy of Dubbo.

### **7.14 Dwelling houses on certain land at Warrie Road, Dubbo**

- (1) This clause applies to Lots 147 and 148, DP 754331, Warrie Road, Dubbo.
- (2) The use of a manufactured home is permitted with development consent on the land to which this clause applies.
- (3) Development consent must not be granted to development for the purposes of a manufactured home estate on land to which this clause applies unless the consent authority is satisfied—
  - (a) the lots are consolidated into 1 lot, and
  - (b) the manufactured home estate contains 1 manufactured home only, and
  - (c) the development will be ancillary to development for the purposes of intensive livestock agriculture.

### **7.15 Use of certain land at Camp Road, Dubbo**

- (1) The objectives of this clause are to ensure development on land to which this clause applies—
  - (a) minimises light pollution and does not impinge on the functioning of the Dubbo Observatory, and
  - (b) incorporates appropriate noise mitigation measures, and
  - (c) minimises land use conflict with adjoining land uses, and
  - (d) does not adversely impact on vegetation on land designated as a buffer zone.

- (2) This clause applies to Lot 8, DP1063425, 4L Camp Road, Dubbo.
- (3) The land to which this clause applies is identified as being in a buffer area for the purposes of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, clause 1.19(1)(e)(i) and (5)(f)(i).
- (4) Development consent must not be granted to development on land to which this clause applies that is identified on the [Lighting Controls Map](#) as “Subject to lighting controls in proximity to Dubbo Observatory” unless the consent authority is satisfied the development does not involve the following—
  - (a) a skylight in a dwelling,
  - (b) more than 2 outdoor light fittings per dwelling,
  - (c) an outdoor light that is not controlled by a motion sensor,
  - (d) an outdoor light that is not shielded or directed downward to prevent upward or horizontal light,
  - (e) an outdoor light emitting more than 940 lumens.

**Note—**

940 lumens is equivalent to 75 watts maximum for an incandescent light bulb or 10 watts for an LED light bulb.

- (5) Development consent must not be granted to prescribed development on land to which this clause applies, unless the consent authority is satisfied the development will incorporate appropriate noise mitigation measures to reduce noise reaching the land from Morris Park Speedway.
- (6) Development consent must not be granted to prescribed development on land to which this clause applies that borders a buffer zone unless the consent authority is satisfied—
  - (a) all dwellings will be located outside the buffer zone, and
  - (b) vegetation in the buffer zone will be retained and adequately managed.
- (7) In this clause—

**buffer zone** means land identified as a buffer zone on the [Dubbo Regional Local Environmental Plan 2022 Buffer Map](#).

**Lighting Controls Map** means the [Dubbo Regional Local Environmental Plan 2022 Lighting Controls Map](#).

**prescribed development** means development for the following purposes—

- (a) dwelling houses,

- (b) shop top housing,
- (c) tourist and visitor accommodation.

#### **7.16 Restricted premises**

Development consent must not be granted to development for the purposes of restricted premises unless the consent authority has considered the following—

- (a) if the development is on land other than land in Zone E5—whether a part of the development, other than an access way or access point, would be located at street level or on the first floor of a building,
- (b) whether a part of a building in which the development will be situated is being, or is proposed to be, used for the purposes of residential accommodation,
- (c) the impact of the development on places of high pedestrian activity,
- (d) the impact of the development and its hours of operation on a place likely to be regularly frequented by children—
  - (i) that adjoins the development, or
  - (ii) that can be viewed from the development,
- (e) the visual impact of the development and associated signage on the amenity of the locality.

#### **7.17 Rural and nature-based tourist facilities**

- (1) The objective of this clause is to ensure tourism development in rural and natural areas is—
  - (a) low scale, and
  - (b) does not adversely impact on the agricultural production, scenic or environmental values of the land.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted to development for the purposes of tourist facilities on land to which this clause applies unless the consent authority is satisfied—
  - (a) adequate access exists or will be provided to service the facility from a road other than a classified road, taking into account the scale of the development, and

- (b) the development will not create a land use conflict, and
- (c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and
- (d) the development will not have a significant adverse impact on agricultural production, the scenic amenity of the locality or significant features of the natural environment, and
- (e) if the development is located in an unsewered area, adequate on-site wastewater systems will service the land without having an adverse impact on the water quality of the area, and
- (f) the tourist facility will be managed and operated by the owner or by a site manager who resides on the land.

(4) In this clause—

**tourist facility** means development for the purposes of providing services or facilities to visitors to the area and includes the following—

- (a) camping grounds,
- (b) eco-tourist facilities,
- (c) hotel or motel accommodation,
- (d) restaurants or cafes.

#### **7.18 Maximum number of lots on certain land at “Area C”**

Development consent must not be granted to the subdivision of land identified on the [Lot Size Map](#) as “Area C” if the subdivision would result in more than 196 lots.

#### **7.19 Impacts of salinity on particular land at Dubbo**

(1) This clause applies to the following land at Dubbo—

- (a) Lots 64 and 65, DP 754287, 16L and 24L Eulomogo Road,
- (b) Lot 200, DP 825059, 30R Eulomogo Road,
- (c) Lots 316 and 317, DP 754308, Pinedale Road,
- (d) Lot 661, DP 565756, 24L Eulomogo Road,
- (e) Lot 662, DP 565756, 2L Torwood Road.

(2) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider the potential impacts of

salinity on the development and the land, in accordance with the *Salinity Management Strategy, Daisy Hill Rural-Residential Estate*, dated 2 July 2020 and published by the Department.

### **7.20 Specialised retail premises in certain land in Zone E3**

Development consent must not be granted to development for the purposes of specialised retail premises on land identified as “Area E” on the [Land Zoning Map](#) if the gross floor area will exceed 500m<sup>2</sup>.

### **7.21 Pubs, registered clubs and recreation facilities (indoor) in certain land in Zone E1**

Development consent must not be granted to development for the following purposes on land identified as “Area F” on the [Land Zoning Map](#) if the gross floor area will exceed 500m<sup>2</sup>—

- (a) pubs,
- (b) registered clubs,
- (c) recreation facilities (indoor).

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at 90-101 Brisbane Street and 27 Erskine Street, Dubbo**

- (1) This clause applies to the following land at Dubbo, identified as “1” on the [Additional Permitted Uses Map](#)—
  - (a) Lots A and B, DP 162733, 95 and 97 Brisbane Street,
  - (b) Lot A, DP 62456, 27 Erskine Street,
  - (c) Lot 1, SP 19646, 92 Brisbane Street,
  - (d) Lot 100, DP 808182, 101-105 Brisbane Street,
  - (e) Lot A, DP 162468, 101-105 Brisbane Street.
- (2) Development for the purposes of agricultural produce industries is permitted with development consent.

### **2 Use of certain land at 120L Narromine Road, Dubbo**

- (1) This clause applies to part of Lot 304, DP 1236020, 120L Narromine Road, Dubbo, identified as “2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a single dwelling house is permitted with development consent.

### **3 (Repealed)**

#### **4 Use of certain land at 10-12 Victoria Street, Dubbo**

- (1) This clause applies to Lots 3 and 4, DP 1258588, 10-12 Victoria Street, Dubbo, identified as “4” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of office premises is permitted with development consent.

#### **5 Use of certain land at Darling Street, Dubbo**

- (1) This clause applies to Lot 5, DP 1006205, Darling Street, Dubbo, identified as “5” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of car parks is permitted with development consent.

#### **6 Use of certain land at Palmer Street, Dubbo**

- (1) This clause applies to part of Lot 11, DP 1050240, Palmer Street, Dubbo—
  - (a) identified as “6” on the [Additional Permitted Uses Map](#), and
  - (b) within 50m of the boundary between—
    - (i) the part of the land that is in Zone SP3 Tourist, and
    - (ii) the part of the land that is in Zone R1 General Residential.
- (2) Development for the purposes permitted in Zone R1 General Residential is permitted with development consent on the land to which this clause applies that is in Zone SP3 Tourist.
- (3) Development for the purposes permitted in Zone SP3 Tourist is permitted with development consent on the land to which this clause applies that is in Zone R1 General Residential.
- (4) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable, considering planning principles relating to the efficient and timely development of land, including the following—
    - (i) compatible land use planning,
    - (ii) infrastructure capacity.

**7 Use of certain land at 20L Chapmans Road, Dubbo**

- (1) This clause applies to Lot 3, DP 554158, 20L Chapmans Road, Dubbo, identified as “7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of hotel or motel accommodation is permitted with development consent.

**8 (Repealed)**

**9 Use of certain land at 31 Merrilea Road, Dubbo**

- (1) This clause applies to Lot 12, DP 1154493, 31 Merrilea Road, Dubbo, identified as “9” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of animal boarding or training establishments is permitted with development consent.

**10 Use of certain land at 4L Camp Road, Dubbo**

- (1) This clause applies to part of Lot 8, DP 1063425, 4L Camp Road, Dubbo, identified as “10” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) dwelling houses,
  - (b) home occupations.

**11 Use of certain land at 63 Fitzroy Street and 2R Gilgandra Road, Dubbo**

- (1) This clause applies to the following land at Dubbo, identified as “11” on the [Additional Permitted Uses Map](#)—
  - (a) part of Lot 1, DP 197736 and part of Lot 69, DP 259061, 63 Fitzroy Street,
  - (b) part of Lot 31, DP 1263665, 2R Gilgandra Road.
- (2) Development for the purposes of light industries is permitted with development consent if the development involves the manufacture of manufactured homes and similar moveable structures.

**12 Use of certain land at 10 Commercial Avenue, Dubbo**

- (1) This clause applies to Lot 701, DP 1254944, 10 Commercial Avenue, Dubbo, identified as “12” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of pubs is permitted with development consent.

**13 Use of certain land at Boundary Road, Dubbo**

- (1) This clause applies to part of Lot 500, DP 1260295, Boundary Road, Dubbo, identified as “13” on the [Additional Permitted Uses Map](#).
- (2) Development for the following purposes is permitted with development consent—
  - (a) recreation facilities (outdoor),
  - (b) registered clubs.

**14 (Repealed)**

**15 Use of certain land at 14-16 Lee Street, Wellington**

- (1) This clause applies to Lot 3, DP 214773, 14-16 Lee Street, Wellington, identified as “15” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of retail premises is permitted with development consent.

**16 Use of certain land at 44-48 Curtis Street, Wellington**

- (1) This clause applies to Lot 2, DP 773253, 44-48 Curtis Street, Wellington, identified as “16” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of caravan parks is permitted with development consent.

**17 Use of certain land at 104 Gladstone Road, Bodangora**

- (1) This clause applies to Lot 6, DP 750760 at 104 Gladstone Road, Bodangora, identified as “17” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of livestock processing industries that are poultry abattoirs is permitted with development consent.

**18 Use of certain land at Wellington**

- (1) This clause applies to land at Wellington identified as “18” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of residential accommodation is permitted with development consent.

**19 Use of certain land at 2 Coronation Drive, Dubbo**

- (1) This clause applies to Lot 53, DP 259660, 2 Coronation Drive, Dubbo, identified as “19” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of information and education facilities is permitted with



development consent.

## Schedule 2 Exempt development

(Clause 3.1)

### Note 1—

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

### Note 2—

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

## Schedule 3 Complying development

(Clause 3.2)

### Note—

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

## Part 1 Types of development

(When this Plan was made this Part was blank)

## Part 2 Complying development certificate conditions

### Note—

Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

#### Column 1

#### Column 2

#### Locality

#### Description

Nil

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

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

Nil

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

Column 1	Column 2
Locality	Description

Nil

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item Name	Address	Property Description	Significance	Item No
Apsley	"Wellington Caves" limestone/ phosphate mine	101 Caves Road	Lot 1, DP 1243034; Lot 302, DP 756920	Local	11
Bakers Swamp	Gowan Green Overfold	"Oakville", 1064 Gowan Green Road	Lot 1, DP 175753	Local	12
Bakers Swamp	Naroogal Park homestead buildings	"Naroogal Park", 853 Naroogal Road	Lot 1, DP 1012352	Local	13
Ballimore	Cemetery and surveyor's stump	A'Courts Road	Lot 7017, DP 1122209	Local	14
Ballimore	Ballimore school	22 Bomen Street and Rymer Street	Lot 1, Section 9, DP 758046; Lot 118, DP 754322	Local	15
Ballimore	Soda Springs	"Melrose", Dunedoo Road	Lot 5, DP 754285	Local	16
Ballimore	Barbigal Hill	169R Dunedoo Road	Lot 5, DP 1007412	Local	17
Ballimore	"Barbigal" homestead and woolshed	210 Dunedoo Road	Lot 111, DP 754286	Local	18

Ballimore	Ballimore Inn (The Royal Hotel)	26 Federation Street	Lot 1, DP 959816	Local	I9
Ballimore	"Fettlers Hut" slab hut	Firbank Street	Lot 86, DP 754322	Local	I10
Ballimore	Muronbung Mineral Springs	"Shirley", 5399 Golden Highway	Lot 1, DP 1242648	Local	I11
Benalong	Shepherd's Hill	Strathmore Road	Lot 7001, DP 1019838	Local	I12
Bodangora	Survey Tree (Sturt 1828)	"Glen Mitchell", 1196 Bodangora Road	Lot 2, DP 880633	Local	I13
Bodangora	St Paul's Catholic Church	16 Church Street	Lots 92 and 93, DP 754290	Local	I14
Bodangora	Former Bodangora Gold Mine—chimney, shaft and engine footings	"Gold Hill", 251 Dick Street	Lot 1, DP 947683; Lot 17, DP 750760	Local	I15
Bodangora	Kaiser Mine site	"Ahwahnee", 49 Gillinghall Road	Lot 1, DP 133286	Local	I16
Bodangora	Noonee Nyrang homestead	"Noonee Nyrang", 6444 Goolma Road	Lot 84, DP 2987	Local	I17
Bodangora	Bodangora War Memorial	16 Memorial Lane	Lot 97, DP 750760	Local	I18
Bodangora	Bodangora Cemetery	120 Mine Road	Lots 7001 and 7002, DP 1020117; Lot 7010, DP 1023438	Local	I19
Boothenba	Woolshed and silo	Boothenba Road	Lots 1051 and 1052, DP 605363	Local	I20
Comobella	Comobella Hall	16 Forestvale Road	Lot 115, DP 754327	Local	I21
Curra Creek	Curra Creek Cemetery, former Murrumbong	40 Cosier Lane	Lot 136, DP 753253	Local	I22
Curra Creek	Curra Creek Union Church	1161 Curra Creek Road	Lot 1, DP 136818	Local	I23
Curra Creek	"Three Eras" Road Formations	"Elysian Farm", 737 Renshaw McGirr Way	Lot 2, DP 519851	Local	I24
Curra Creek	Roselayne Cemetery	15 Tillings Lane	Lot B, DP 314163	Local	I25

Dripstone	Dripstone Railway Cutting geological site	Burrondong Way, behind Mack Station	Road/Rail Reserve, Lot 7003, DP 1209930	Local	126
Dripstone	Former St Agnes of the Springs Catholic Church	8087 Burrondong Way	Lot 90, DP 756882	Local	127
Dubbo	Old Dubbo Pioneer Cemetery	Angle Road	Lot 181, DP 754331	Local	128
Dubbo	Butlers Falls river crossing	Angle and Cumboogle Roads	Lot 7005, DP 1019857; Lot 7300, DP 1153463	Local	129
Dubbo	"Regand Park"	7 Avalon Place	Lot 32, DP 1100758	Local	130
Dubbo	Edwardian house	7 Belmore Street	Lots 7 and 8, Section 5, DP 907	Local	131
Dubbo	Woolshed and shearers' hut	6L Benolong Road and part of 90 Benolong Road	Lots 901 and 902, DP 1236500	Local	132
Dubbo	Edwardian house	19 Bishop Street	Lot N, DP 383165	Local	133
Dubbo	Vertical weatherboard cottage	37 Bishop Street	Lot 10, Section 3, DP 2860	Local	134
Dubbo	Railway bridge	Bligh Street		Local	135
Dubbo	"Ranelagh"	Bourke Street	Lot 518, DP 603598	Local	136
Dubbo	"Tantallon"	21 Bourke Street	Lots 210 and 211, DP 1263026	Local	137
Dubbo	"Mayvilla"	80 Bourke Street	Lot 5, Section A, DP 2683	Local	138
Dubbo	"Emoh Ruo"	84 Bourke Street	Lot 11, DP 3113	Local	139
Dubbo	"Montana"	106 Bourke Street	Lot 18, DP 5855	Local	140
Dubbo	Edwardian cottage	108 Bourke Street	Lot 17, DP 5855	Local	141
Dubbo	Cottage	110 Bourke Street	Lot 16, DP 5855	Local	142
Dubbo	"Eastonville"	122 Bourke Street	Lot 17, DP 1541	Local	143
Dubbo	"Yalarbon" Victorian house	133 Bourke Street	Lot 10, DP 628609	Local	144
Dubbo	Cottage	135 Bourke Street	Lot 3, DP 1089262	Local	145
Dubbo	Cottage	137 Bourke Street	Lot 1, DP 996193	Local	146
Dubbo	Former Macquarie Brewery	72 Brisbane Street	Lot 2, DP 580341	Local	147

Dubbo	"Hub of the West Lodge", brick house	79 Brisbane Street	Lot 781, DP 997786	Local	148
Dubbo	Ben Furney Flour Mills	101 Brisbane Street	Lot 100, DP 808182	Local	149
Dubbo	Dubbo Courthouse	137 Brisbane Street	Lot 7, DP 40398; Lot 15, Section 4, DP 758361; Lot 13, DP 1134035	Local	150
Dubbo	Dubbo Lands Office	142 Brisbane Street	Lot 3, DP 1128529	Local	151
Dubbo	Dwelling house and retail premises	144 Brisbane Street	Lot 1, DP 10863	Local	152
Dubbo	Holy Trinity Anglican Church	160 Brisbane Street	Lots 6 and 7, Section 10, DP 758361	Local	153
Dubbo	Commercial Hotel	161 Brisbane Street	Lot A, DP 164067	Local	154
Dubbo	Brotherhood House	162 Brisbane Street	Lot 5, Section 10, DP 758361	Local	155
Dubbo	"Westbury"	169 Brisbane Street	Lot 3, DP 507416	Local	156
Dubbo	"Rathgorrah"	193 Brisbane Street	Lot 1, DP 13679	Local	157
Dubbo	Victorian house	201 Brisbane Street	Lot 1, DP 794729	Local	158
Dubbo	"Aberdour"	203 Brisbane Street	Lot 1, DP 794604	Local	159
Dubbo	"Araluen"	234 Brisbane Street	Lot 1, DP 137398	Local	160
Dubbo	"Moira"	236 Brisbane Street	Lot 11, DP 1242163	Local	161
Dubbo	Edwardian house	268 and 270 Brisbane Street	Lots 1 and 2, Section A, DP 9489	Local	162
Dubbo	Convent of Mercy	41 Bultje Street	Lot 9, Section 8, DP 758361	Local	163
Dubbo	Former St Brigids Catholic Church	41 Bultje Street	Lot 8, Section 8, DP 758361	Local	164
Dubbo	St Brigids Presbytery	41 Bultje Street	Lot 6, Section 8, DP 758361	Local	165
Dubbo	"Iownit"	52 Bultje Street	Lot 5, DP 6604	Local	166
Dubbo	Dwelling house	81 Bultje Street	Lot 1, DP 718457	Local	167
Dubbo	Dwelling house	101 Bultje Street	Lot 3, DP 491 and Lot A, DP 360699	Local	168
Dubbo	Dwelling house	104 Bultje Street	Lot A, DP 390552	Local	169

Dubbo	Federation house	105 Bultje Street	Lots 6 and 7, DP 491	Local	170
Dubbo	"Suva"	106 Bultje Street	Lot 1, DP 225613	Local	171
Dubbo	Victorian house	108 Bultje Street	Lot 2, DP 225613	Local	172
Dubbo	Dwelling house	110 Bultje Street	Lot 3, DP 225613	Local	173
Dubbo	Dwelling house	112 Bultje Street	Lot 4, DP 225613	Local	174
Dubbo	"Dalkeith"	114 Bultje Street	Lot 5, DP 225613	Local	175
Dubbo	"Pretoria"	117 Bultje Street	Lot 4, DP 978043	Local	176
Dubbo	"Hazeldene"	122 Bultje Street	Lot 2, DP 579472	Local	177
Dubbo	"Mount Olive"	6R Bunglegumbie Road	Lot 31, DP 1219695; Lot 32, DP 1219695	Local	178
Dubbo	Former Bungle Gumbie homestead	50R Bunglegumbie Road	Lot 156, DP 753233	Local	179
Dubbo	Old Buninyong School	49 Buninyong Road	Lot 302, DP 754308	Local	180
Dubbo	Terramungmine homestead and woolshed	63 and 63L Burraway Road	Lot 8, DP 1205114; Lot 272, DP 883881	Local	181
Dubbo	Dwelling house	6 Cadell Street	Lot 12, DP 740060	Local	182
Dubbo	"Mayville"	40 Carrington Avenue	Lot 12, DP 2335	Local	183
Dubbo	"The Drop Inn" and Wesley Centre Uniting Church	Church Street	Lot A, DP 376141	Local	184
Dubbo	N & N Chambers, office premises	20 Church Street	Lot 1, DP 198091	Local	185
Dubbo	Former "Masonic Hall"	31 Church Street	Lot 12, DP 531603	Local	186
Dubbo	Salvation Army Citadel	36 Church Street	Lot 1, DP 67318	Local	187
Dubbo	Victorian cottage	86 Church Street	Lot 10, DP 13133	Local	188
Dubbo	"The Sheiling"	44 and 46 Cobra Street	Lots A and B, DP 406488	Local	189
Dubbo	Bungalow	78 Cobra Street	Lot 11, DP 16564	Local	190
Dubbo	"Yandoya"	91 Cobra Street	Lot 3, Section 1, DP 6278	Local	191

Dubbo	Edwardian brick dwelling house	117 Cobra Street	Lot 7, Section 1, DP 907	Local	I92
Dubbo	Edwardian house	121 Cobra Street	Lot A, DP 191927	Local	I93
Dubbo	Dubbo City Regional Airport	4 Cooreena Road	Lot 2, DP 1267927; part of Lot 1, DP 1267927	Local	I94
Dubbo	Stone house	7 Crum Avenue	Lot 1, DP 207464	Local	I95
Dubbo	"Lowana"	18B Dalton Street	Lot 31, DP 1053233	Local	I96
Dubbo	Dwelling house	38 Dalton Street	Lot G, DP 419151	Local	I97
Dubbo	Californian bungalow	54 Darling Street	Lot 3, DP 37494	Local	I98
Dubbo	Edwardian house	75 Darling Street	Lot 5, DP 38299	Local	I99
Dubbo	Row of three two-storey terrace dwelling houses	82, 84 and 86 Darling Street	Lots 21, 22 and 23, DP 595680	Local	I100
Dubbo	Railway cottage	106 Darling Street	Lot 4, DP 1006205	Local	I101
Dubbo	Police residence	111 Darling Street	Lot 11, DP 1090052	Local	I102
Dubbo	Former fire station	116 Darling Street	Lot 1, DP 1038705	Local	I103
Dubbo	Former Headmaster's house	179 Darling Street	Lot 12, Section 10, DP 758361	Local	I104
Dubbo	Dubbo Public School	181 Darling Street	Lot 1, DP 724331	Local	I105
Dubbo	Georgian cottage	207 Darling Street	Lot 1, DP 3138	Local	I106
Dubbo	Row of four two-storey brick terrace dwelling houses	209, 211, 213 and 215 Darling Street	Lots A, B, C and D, DP 435243	Local	I107
Dubbo	Victorian house	212 Darling Street	Lot C, DP 398000	Local	I108
Dubbo	Bungalow house	224 Darling Street	Lot 80, DP 555353	Local	I109
Dubbo	Bungalow	230 Darling Street	Lot 14, DP 540094	Local	I110
Dubbo	Edwardian house	233 Darling Street	Lot 1, DP 125286	Local	I111
Dubbo	Californian bungalow	331 Darling Street	Lot 102, DP 569156	Local	I112
Dubbo	"Dulcidene"	22 Dulcidene Road	Lot 211, DP 601766	Local	I113
Dubbo	Bungalow house	12 Dulhunty Avenue	Lot 20, DP 10150	Local	I114
Dubbo	Beni Church	Dunedoo Road	Lot 74, DP 754287	Local	I115

Dubbo	Beni Crossing	Dunedoo Road	Between Lot 7005, DP 1020226; Lot 7002, DP 1019797	Local	I116
Dubbo	Former police residence	28 Erskine Street	Lots 1, 2 and 3, SP 37281	Local	I117
Dubbo	Former police station and residence	49 Erskine Street	Lot 11, DP 1090052	Local	I118
Dubbo	Western Star Hotel	62 Erskine Street	Lot 513, DP 878055	Local	I119
Dubbo	Semi-detached house	68 Erskine Street	Lot 100, DP 1196548	Local	I120
Dubbo	Pise house	24L Eulomogo Road	Lot 65, DP 754287	Local	I121
Dubbo	Stone cottage	120 Fitzroy Street	Lot 3, Section 1, DP 286	Local	I122
Dubbo	Timber cottage	146 Fitzroy Street	Lot 2, Section 2, DP 286	Local	I123
Dubbo	Californian bungalow	167 Fitzroy Street	Lot 10, DP 589	Local	I124
Dubbo	Cottage	222 Fitzroy Street	Lot 311, DP 115770	Local	I125
Dubbo	Shop building	225 Fitzroy Street	Lot 3, DP 11646	Local	I126
Dubbo	Cottage	239 Fitzroy Street	Lot 1, Section A, DP 2860	Local	I127
Dubbo	Residence and shop	251 Fitzroy Street	Lot 101, DP 1182508	Local	I128
Dubbo	Edwardian house	253 Fitzroy Street	Lot 100, DP 1182508	Local	I129
Dubbo	“Tutuila”	261 Fitzroy Street	Lot A, DP 414981	Local	I130
Dubbo	Cottage	41 Gipps Street	Lot 2, DP 669	Local	I131
Dubbo	Row of five terrace houses	43-51 Gipps Street	Lots 1, 2, 3, 4 and 5, DP 226522	Local	I132
Dubbo	Dwelling house	119 Gipps Street	Lot C, DP 1165	Local	I133
Dubbo	Brick cottage	123 Gipps Street	Lot A, DP 1165	Local	I134
Dubbo	Three dwelling houses	125A Gipps Street	Lot 1, DP 904148	Local	I135
Dubbo	Town house	131 Gipps Street	Lot 100, DP 1084224	Local	I136
Dubbo	Modern bungalow	148 Gipps Street	Lot 3, DP 9051	Local	I137



Dubbo	Californian bungalow	155 Gipps Street	Lot 1, DP 321360	Local	I138
Dubbo	Brick house	178 Gipps Street	Lot 20, DP 1103857	Local	I139
Dubbo	"Belmont" Victorian house	188 Gipps Street	Lot B, DP 398171	Local	I140
Dubbo	Cottage	25 Goode Street	Lot 1, DP 552872	Local	I141
Dubbo	"Holmwood"	1L Hennessy Road	Lot 302, DP 1123136	Local	I142
Dubbo	Communications bunker	Keswich Parkway, 56-70 Durum Circuit	Lots 307-315, DP 1266543	Local	I143
Dubbo	Row of three cottages	36, 38 and 40 Macleay Street	Lots 1, 2 and 3, DP 38299	Local	I144
Dubbo	Edwardian house	37 Macleay Street	Lot 6, DP 999302	Local	I145
Dubbo	Victorian house	52 Macleay Street	Lot 15, DP 1026106	Local	I146
Dubbo	Semi-detached building	68 and 70 Macleay Street	Lots A and B, DP 406931	Local	I147
Dubbo	Victorian timber cottage	72 Macleay Street	Lot 7, DP 469	Local	I148
Dubbo	Commercial offices	65 Macquarie Street	Lot 1, DP 903369; Lot 1, DP 906665	Local	I149
Dubbo	"Macquarie Chambers" office premises	69-73 Macquarie Street	Lot 3, DP 654867; Lot 2, DP 654866	Local	I150
Dubbo	Former Bank of NSW	87 Macquarie Street	Lots 1, 2, 3, 4, 5, 6 and 7, DP 1099966	Local	I151
Dubbo	Old Dubbo Gaol	90 Macquarie Street	Lots 1, 4 and 6, and part Lot 2, DP 40398	State	I152
Dubbo	Former post office	98 Macquarie Street	Lot 101, DP 833808	Local	I153
Dubbo	CBC Bank building	110 Macquarie Street	Lot 1, DP 995606	State	I154
Dubbo	"Colonial Mutual" business premises	116 Macquarie Street	Lot 1, DP 607846	State	I155
Dubbo	Row of federation shops	117-129 Macquarie Street	Lots 1 and 2, DP 419052; Lot 1, DP 1159233; Lots 1, 2 and 3, DP 25452	Local	I156

Dubbo	"Fishers Corner" building	122-126 Macquarie Street	Lots 1, 2 and 3, DP 208042	Local	I157
Dubbo	Commercial Union Assurance building	131 Macquarie Street	Lot 1, DP 1012065	Local	I158
Dubbo	Former "The Western Stores" building	146 Macquarie Street	Lot 5, Section 5, DP 758361; Lot 1, DP 906696	Local	I159
Dubbo	Italianate commercial building	174-176 Macquarie Street	Lot 1, DP 660345	Local	I160
Dubbo	Commercial building	178 Macquarie Street	Lot 1, DP 631112	Local	I161
Dubbo	Former bank and Shire Council building	193 Macquarie Street	Lot 51, DP 591672	State	I162
Dubbo	Former "Kemwah" building	195 Macquarie Street	Lot 11, DP 601633	State	I163
Dubbo	Brick house	215 Macquarie Street	Lot 9, DP 475	Local	I164
Dubbo	Former Dubbo Museum	230 Macquarie Street	Part of Lot 100, DP 1271426	Local	I165
Dubbo	Brick house	302 Macquarie Street	Lot 14, Section A, DP 32693	Local	I166
Dubbo	"Lilimur"	315 Macquarie Street	Part of Lot 105, DP 1269223	Local	I167
Dubbo	"Wiluna"	343 Macquarie Street	Lot 22, DP 815228	Local	I168
Dubbo	"Cardiff"	380 Macquarie Street	Lot 21, DP 595176	Local	I169
Dubbo	"Bruah"	75R Mendooran Road	Lot 35, DP 754296	Local	I170
Dubbo	Haystack Pinnacle	160 Mendooran Road	Lot 11, DP 563544	Local	I171
Dubbo	Cottage	4 Mitchell Street	Lot 3, DP 816639	Local	I172
Dubbo	Cottage	6-8 Mitchell Street	Lot 2, DP 816639	Local	I173
Dubbo	Cottage	13 Mitchell Street	Lot 15, DP 975591	Local	I174
Dubbo	Brick house	29 Myall Street	Lot 6, DP 37776	Local	I175
Dubbo	Edwardian house	34 Myall Street	Lot 12, DP 37456	Local	I176

Dubbo	Semi-detached dwelling houses	51-53 Myall Street	Lots 4 and 5, DP 540998	Local	I177
Dubbo	Georgian cottage	160 and 160A Myall Street	Lot 52 and part of Lot 51, DP 1193926	Local	I178
Dubbo	Dubbo Base Hospital	170 Myall Street	Lots 100 and 101, DP 1233482	Local	I179
Dubbo	"Bonnie-Rigg"	8 Nancarrow Street	Lot 4, DP 9744	Local	I180
Dubbo	"Oxlea"	95R Narromine Road	Lot 41, DP 755094	Local	I181
Dubbo	Dickygundi Inn	139L Narromine Road	Lot 102, DP 805732	Local	I182
Dubbo	Minore Falls	143R Narromine Road	Lot 7007, DP 1020296	Local	I183
Dubbo	Oasis Reserve	1 Oasis Road	Lot 97, DP 820726	Local	I184
Dubbo	"Cootha"	6R Obley Road	Lot 9, DP 753233	Local	I185
Dubbo	"Dundullimal"	23 Obley Road	Lot 1, DP 800756	State	I186
Dubbo	Dwelling house	142 Obley Road	Lot 154, DP 1163936	Local	I187
Dubbo	Wambangalang School	271R and 272R Obley Road	Lots 60 and 61, DP 753247	Local	I188
Dubbo	"Bril Bral Falls" and river crossing	Old Dubbo Road	Lot 7003, DP 1023334	Local	I189
Dubbo	"Miriam"	2R Old Dubbo Road	Lot 10, DP 1119436	Local	I190
Dubbo	Old Dubbo homestead	29L Old Dubbo Road	Lot 31, DP 738069	Local	I191
Dubbo	Eumalga homestead and "Serisier Vault"	91 Old Dubbo Road	Lot 2, DP 1133976	Local	I192
Dubbo	Former Murrumbidgee coach house	196L Old Dubbo Road	Lot 32, DP 609278	Local	I193
Dubbo	RAAF Stores depot	Palmer Street	Lots 1-3, DP 1263883	State	I194
Dubbo	"Cullenburra" shearing shed	188R Peak Hill Road	Lot 4411, DP 827891	Local	I195
Dubbo	Rendered cottage	1 Quinn Street	Lot 18, Section 2, DP 6277	Local	I196
Dubbo	Edwardian bungalow	7 Quinn Street	Lot 15, Section 2, DP 6277	Local	I197

Dubbo	Edwardian cottage	11 Quinn Street	Lot 13, Section 2, DP 6277	Local	I198
Dubbo	Edwardian cottage	14 Quinn Street	Lot 13, DP 529558	Local	I199
Dubbo	Edwardian cottage	15 Quinn Street	Lot 2, Section 2, DP 6278	Local	I200
Dubbo	Bungalow	16 Quinn Street	Lot 1, DP 210658	Local	I201
Dubbo	Federation house	19 Quinn Street	Lot 4, Section 2, DP 6278	Local	I202
Dubbo	House	20 Quinn Street	Lot 10, Section 1, DP 6278	Local	I203
Dubbo	"Westcliff"	23 Quinn Street	Lot 6, Section 2, DP 6278	Local	I204
Dubbo	Californian bungalow	31 Quinn Street	Lot 7, DP 9051	Local	I205
Dubbo	Cottage	2A Roper Street	Lot 1, DP 1148881	Local	I206
Dubbo	House	12 Short Street	Lot 10, Section 41, DP 758361	Local	I207
Dubbo	Californian bungalow	13 Smith Street	Lot 21, Section A, DP 32693	Local	I208
Dubbo	House	16 Smith Street	Lot 1, Section D, DP 33637	Local	I209
Dubbo	Early Macquarie River crossing	South Street, Sandy Beach	Adjoining Lot 24, DP 754308	Local	I210
Dubbo	House	13 Sterling Street	Lot C, DP 347439	Local	I211
Dubbo	House	22 Sterling Street	Lot 80, DP 669267	Local	I212
Dubbo	"Kamarrah"	56 Sterling Street	Lot 24, Section 3, DP 2047	Local	I213
Dubbo	Dubbo Railway Station	Talbragar Street	Lot RAIL, DP 758361	State	I214
Dubbo	Former Station Master's residence	Talbragar Street	Lot 2, DP 1006205	Local	I215
Dubbo	Castlereagh Hotel	79-91 Talbragar Street	Lot 1, DP 1116282	Local	I216
Dubbo	Pastoral Hotel	112 Talbragar Street	Lot 2, DP 82915	Local	I217
Dubbo	Drift Wells Park	Tamworth Street cnr Brisbane Street	Lot 51, DP 614390	Local	I218
Dubbo	Californian bungalow	27 Tamworth Street	Lot 3, DP 10150	Local	I219

Dubbo	House	39 Tamworth Street	Lot 91, DP 591302	Local	I220
Dubbo	Bungalow house	44 Tamworth Street	Lots 13 and 14, DP 249150	Local	I221
Dubbo	Bungalow	45 Tamworth Street	Lot 3, DP 15230	Local	I222
Dubbo	“Chesney”	47 Tamworth Street	Lot 4, DP 15230	Local	I223
Dubbo	“Waratah” (formerly “Barinya”)	63 Tamworth Street	Lot 340, DP 718588	Local	I224
Dubbo	Californian bungalow/cottage	69 Tamworth Street	Lot 1, DP 323434	Local	I225
Dubbo	Three cottages	73, 75 and 77 Tamworth Street	Lots 1, 2 and 3, DP 27802	Local	I226
Dubbo	Federation building	62 Taylor Street	Lot 11, DP 510310	Local	I227
Dubbo	Georgian house	8 Thorby Avenue	Lot 1, DP 516023	Local	I228
Dubbo	“Woonah Court”	46 Wingewarra Street	Lot 1, DP 13483	Local	I229
Dubbo	St Andrews Church and Hall	72 Wingewarra Street	Lot 19, DP 1062953	Local	I230
Dubbo	Former Dubbo High School	76 Wingewarra Street	Lot 4601, DP 1091311	Local	I231
Dubbo	CWA rooms	83 Wingewarra Street	Lot 1, DP 1135469	Local	I232
Dubbo	Former house	93 Wingewarra Street	Lot 1, DP 350237	Local	I233
Dubbo	Former house	95 Wingewarra Street	Lot 1, DP 668818	Local	I235
Dubbo	Victorian house	133 Wingewarra Street	Lot 10, DP 872973	Local	I236
Dubbo	Bungalow house	149 Wingewarra Street	Lot 1, DP 1541	Local	I237
Dubbo	“Weeroona”	173 Wingewarra Street	Lot 1, Section 1, DP 10770	Local	I238
Dubbo	Macquarie River Rail Bridge (west of railway station)	Other	Lot RAIL, DP 758361	State	I239
Elong Elong	Elong Elong General Cemetery	3587 Golden Highway	Lot 7003, DP 93137; Lot 7302, DP 1162822	Local	I240

Euchareena	Nubrygyn Inn and Cemetery	2531 Euchareena Road	Lot 1, DP 770849	State	I241
Euchareena	Former St Brigid's Catholic Church	8 Euchareena Tip Road	Lot 99, DP 756916	Local	I242
Euchareena	Euchareena General Cemetery	65 Maroombah Road	Lots 7008 and 7009, DP 1020807; Lot 7301, DP 1142380	Local	I243
Euchareena	St Thomas Anglican Church	7 Nubrygyn Street	Lot 90, DP 756916	Local	I244
Euchareena	Beehive Classroom, Euchareena Public School	2 Walter Street	Lot 163, DP 756916	Local	I245
Eumungerie	Eumungerie church	1 Balladoran Street	Lot 1, Section 4, DP 758397	Local	I246
Eumungerie	Old Harbour Lagoon, Old Granary, Settlers Cottage and "Maiala" Homestead	152-162 Maiala Road	Lots 8 and 9, DP 259748; Lot 51, DP 721786; Lots 11, 16 and 30, DP 754307; Lot 55, DP 728744	Local	I247
Eumungerie	Cemetery and survey marker	Mogriguy Road in Road reserve	Marker adjoins Lot 7011, DP 94707	Local	I248
Eumungerie	Old cottage	6 Moonul Street	Lot 1, Section 8, DP 758397	Local	I249
Eumungerie	Cottage	21-23 Railway Street	Lot 1, Section 2, DP 758397	Local	I250
Eumungerie	Bakers shop and cottage	19 Railway Street	Lot 3, Section 2, DP 758397	Local	I251
Eumungerie	Eumungerie Hall	29 Railway Street	Lot 4, Section 3, DP 758397	Local	I252
Farnham	Farnham Post Office and out buildings	106 Farnham Road	Lot 106, DP 756866	Local	I253
Farnham	Nicholls Farm buildings	143 Farnham Road ("Farnham")	Lots 60 and 116, DP 756866	Local	I254
Geurie	Scabbing Flat Bridge	Arthurville Road (across Macquarie River)	Road Reserve	Local	I255
Geurie	Commercial premises and residence	35 Buckenbah Street	Lot B, DP 393815	Local	I256

Geurie	Commercial premises (former Geurie Heritage Garden Café)	55 Buckenbah Street	Lot 2, DP 1018066	Local	I257
Geurie	St Matthew's Anglican Church	45-47 Chambers Street	Lot 8, Section 13, DP 758438	Local	I258
Geurie	St Matthew's Anglican Rectory	46 Chambers Street	Lot 1, DP 1079411	Local	I259
Geurie	Holy Name Catholic Church	57-59 Jennings Street	Lot 6, Section 29, DP 758438	Local	I260
Geurie	Geurie Police Station, lock-up and house	58-60 Jennings Street	Lot 2, Section 22, DP 758438	Local	I261
Geurie	Spillsbury's house	37-39 Lime Street	Lot 5, Section 13, DP 758438	Local	I262
Geurie	Geurie General Cemetery	2043 Mitchell Highway	Lot 7017, DP 1030361; Lot 7013, DP 1030362	Local	I263
Geurie	Commercial premises (former Geurie Antiques building)	37 Mitchell Street	Lot B, DP 354405	Local	I264
Geurie	Geurie War Memorial Hall	36 Narragal Street	Lot 1, DP 1092993	Local	I265
Geurie	Geurie Public School	60 Narragal Street	Lots 1 and 2, DP 1239671; Lots 6 and 8, DP 758438	Local	I266
Geurie	Union Church and hall	82-84 Narragal Street	Lot 3, Section 11, DP 758438	Local	I267
Geurie	Geurie Grandstand	72 Spence Street	Lots 95 and 171, DP 754313	Local	I268
Geurie	Former CBC Bank	52 Wellington Street	Lot B, DP 405717	Local	I269
Geurie	Geurie Post Office	57 Wellington Street	Lot 30, DP 1219293	Local	I270
Geurie	Former "Cobborah Shire" building	72-74 Wellington Street	Lot 1, Section 19, DP 758438	Local	I271
Gollan	Gollan Hall and War Memorial	36 Gollan Hall Road	Lot 112, DP 754284; Lot 111, DP 754284	Local	I272
Goonoo Forest	Old fire monitoring platform	Mogriguy Forest Road near Mendoran Road	Lot 7001, DP 1043651	Local	I273

Kerrs Creek	All Saints Anglican Church	331 Kerrs Creek Road	Lot 5, Section 5, DP 758562	Local	I274
Maryvale	Sandy Hollow to Maryvale railway line		Lots 1-7, DP 109771; Lot 1, DP 182374; Lots 1-3, DP 189787; Lot 1, DP 189796; Lots 1 and 2, DP 190122; Lot 4, DP 190414; Lot 1, DP 190449; Lots 1 and 2, DP 191934; Lot 1, DP 430010; Lot 1, DP 430011; Lots 4-6, DP 430012; Lot 1, DP 430115; Lots 1-8, DP 430477; Lot 5, DP 431174; Lots 1 and 2, DP 431185; Lots 1-6, DP 431693; Lots 1-4, DP 431694; Lot 1, DP 434579; Lots 1-4, DP 450199	Local	I275
Montefiores	Former Wards Commercial Hotel	8 Gipps Street	Lot 20, DP 127721	Local	I276
Montefiores	"Narrawa"	6916 Goolma Road	Lot 90, DP 2987	Local	I277
Montefiores	"Keston"	6938 Goolma Road	Lots 1 and 2, DP 588075	Local	I278
Montefiores	"Nanima"	7009 Goolma Road	Lot 2, DP 806578	Local	I279
Montefiores	"Strathraye"	7084 Goolma Road	Lot 201, DP 832147	Local	I280
Montefiores	"Macquarie Farm" (former Wellington Police Station and barracks) and entrance gates	1 Lay Street	Lot 1, DP 386348; Lot 272, DP 560497; Lot 48, DP 754318	Local	I281
Montefiores	"Last Duel" site monument	"Teamsters Park", 10 Lay Street	Lot 7007, DP 1020648	Local	I282
Montefiores	Former Stragglers Inn Hotel	4 Mitchell Highway	Lot 45, DP 551526	Local	I283
Montefiores	"Gobolion"	403 Mitchell Highway	Lot 1, DP 1103197	Local	I284
Montefiores	The Lion of Waterloo Hotel	93 Montefiores Street	Lot 11, DP 816670	Local	I285



Mount Arthur	Wellington Showground	29 Bushrangers Creek Road	Lot 1, DP 660722; Lots 13, 14, 22 and 23, DP 998687	Local	I286
Mount Arthur	"Glenrock"	66 Bushrangers Creek Road	Lots 1 and 2, DP 1217578	Local	I287
Mount Arthur	"Curra Creek Cemetery", Holy Family Catholic Cemetery	44 Renshaw McGirr Way	Lots 10, 38 and 146, DP 753238; Lot 7009, DP 1020635	Local	I288
Mount Arthur	Mount Arthur Reservoir (partially demolished)	64 Shady Rest Road	Lot 7304, DP 1134089	Local	I289
Mount Arthur	"Warrengunyah", formerly "Whitwell"	200 Warrengunyah Road	Lot 1, DP 306996	Local	I290
Mumbil	St Mary the Virgin Anglican Church	23 Apsley Crescent	Lot A, DP 313934	Local	I291
Mumbil	Burrendong Arboretum	90 Tara Road and 486 Fashions Mount Road	Lot 1, DP 168550; part of Lot 2, DP 728700; Lot 201, DP 756871; Lot 1, DP 1123925; Lot 7310, DP 1169331; part of Lot 23, DP 1214832	Local	I292
Neurea	"Dalkeith", including dwelling house, stables, post office, store and shed	54 Kinghorn Street	Lot 10, DP 1268498	Local	I293
Neurea	"Glenmore"	7844 Mitchell Highway	Lot 68, DP 753241	Local	I294
Neurea	"Camelford Park"	8745 Mitchell Highway	Lots 1, 2 and 5, DP 1176677; Lot 124, DP 756896	Local	I295
Neurea	"Mountain View"	646 Mountain Valley Road	Lot 8, DP 753230	Local	I296
Neurea	Mumbil Water Supply— pump houses	"Catombal Park", 553 Neurea Road	Lot 51, DP 618206	Local	I297
Neurea	Neurea Union Church	8 Simpson Street	Lot 2, Section 4, DP 758772	Local	I298

North Yeoval	"Goonoo" homestead, formerly "Ganoo Ganoo"	3258 Renshaw McGirr Way	Lot 1, DP 770858	Local	I299
North Yeoval	Yeoval General Cemetery	68 Tremain Drive	Lot 7300, DP 1145965	Local	I300
Ponto	Old bridge remains	River Road	Road Reserve	Local	I301
Ponto	"Terrabella"	918 Terrabella Road	Lots 10 and 11, DP 1232639	Local	I302
Rawsonville	"Immarna"	12 Coolbaggie Road	Lot 362, DP 609785	Local	I303
Rawsonville	Rawsonville Bridge	Rawsonville Bridge Road	North of Lot 29, DP 258845	Local	I304
Rawsonville	Rawsonville Cemetery	Rawsonville Road	Lots 90 and 91, DP 754303	Local	I305
Rawsonville	Rawsonville Soldiers Memorial Hall	46R Rawsonville Road	Lot 163, DP 754303	Local	I306
Rawsonville	Whylandra Crossing	Whylandra Crossing	North of Lot 7001, DP 1020560	Local	I307
Spicers Creek	Spicers Creek Cemetery	4057 Goolma Road	Lot 7002, DP 1020656; Lots 7301 and 7302, DP 1164794	Local	I308
Spicers Creek	Spicers Creek School residence	4101 Goolma Road	Lot 35, DP 754320	Local	I309
Spicers Creek	"Glenwood"	2220 Twelve Mile Road	Lot 69, DP 750776	Local	I310
Stuart Town	Railway Gatekeeper's cottage	27 Alexander Street	Lot 191, DP 809276	Local	I311
Stuart Town	Former Yee Lee's Store	38 Alexander Street	Lot 115, DP 756886	Local	I312
Stuart Town	Crick's Store building	1 Bell Street	Lot 72, DP 217685	Local	I313
Stuart Town	Boehme's Hall	21 Bell Street	Lot 323, DP 756886	Local	I314
Stuart Town	St John the Baptist Catholic Church	1 Liddell Street	Lot 14, DP 563909	Local	I315
Stuart Town	Stuart Town Railway Station Group	Main Western Railway	Railway Reserve	State	I316
Stuart Town	Former Railway Hotel	5 Molong Street	Lot 1, DP 131607	Local	I317

Stuart Town	Stuart Town School of Arts	32 Molong Street	Lots 4 and 5, Section 16, DP 758932	Local	I318
Stuart Town	Former Stuart Town Bakery (dwelling house and artist studio)	37 Molong Street	Lot 4, Section 18, DP 758932	Local	I319
Stuart Town	Australia Hotel (former Carrington Hotel)	42 Molong Street	Lot 12, Section 16, DP 758932	Local	I320
Stuart Town	Stuart Town gold mining area and common	20 Mookerawa Road	Lot 7004, DP 1019744	Local	I321
Stuart Town	Stuart Town General Cemetery	49 Wallaroi Road	Lots 5 and 7, DP 756886; Lot 1, DP 1124896; Lots 7311-7313, DP 1142071	Local	I322
Stuart Town	St Michael and All the Angels Anglican Church and Convict Bell A	33 Wellington Street	Lot 108, DP 756886	Local	I323
Terramungamine	Coolbaggie Hall	88R Collie Road	Lot 58, DP 754304	Local	I324
Terramungamine	"Dulcidene"	22L Dulcidene Road	Lot 211, DP 601766	Local	I325
Toongi	"Cockleshell Corner"	26L Eulandool Road	Lot 23, DP 753252	Local	I326
Toongi	Carved tree (Aboriginal object)	29L Nullawa Road	Lots 1 and 2, DP 1235458	Local	I327
Toongi	"Cranbrook" cottage, Blacksmith's shop, Shearer's quarters and outbuildings	177R Obley Road	Lots 1 and 2, DP 121964; Lot 1, DP 207722; Lot 33, DP 753244	Local	I328
Toongi	"Eulandool"	319R Obley Road	Lot 1, DP 1040580	Local	I329
Toongi	"The Springs"	The Springs Road	Lot 4, DP 753236	Local	I330
Wambangalang	St John's Anglican Church	273R Obley Road	Lot 59, DP 753247	Local	I331
Wambangalang	"The Meadows"	373R Obley Road	Lot 1, DP 753247	Local	I332

Wellington	John Fowler 7nhp steam road locomotive, Britstand grader and hopper wagon	9 Amaroo Dr, Wellington Council Depot	Lot 1, DP 711298	State (locomotive) and Local (grader and wagon)	I333
Wellington	Federal Hotel	100-102 Arthur Street	Lot 8, DP 1506	Local	I334
Wellington	Wellington Primary School, Convict Bell C and Gould League elm tree	103 Arthur Street	Lot 6, Section 79, DP 759073	Local	I335
Wellington	St Andrews Presbyterian Church	105 Arthur Street	Lot 3, Section 79, DP 759073	Local	I336
Wellington	Former Macquarie Shire Council Chambers	116 Arthur Street	Lot 1, DP 801842	Local	I337
Wellington	Wellington Convict and Mission site, "Maynggu Ganai"	106-128 Curtis Street (and Barton Street)	Lot 1, DP 120160; Lots 1 and 2, DP 129997; Lot 355, DP 531300; Lots 49 and 50, DP 756920	State	I338
Wellington	Former brewery and brewery stables	7 Gisborne Street	Lots 6 and 7, Section 73, DP 759073	Local	I339
Wellington	Railway Bridge	Gobolion Street (across Macquarie River)	Railway Reserve	Local	I340
Wellington	Dwelling house, former Bridge Hotel	2 Lee Street	Lot 12, DP 538976	Local	I341
Wellington	Salvation Army Citadel	68 Lee Street	Lot 1, DP 69598	Local	I342
Wellington	Wellesley Lodge, Masonic Hall	105-107 Lee Street	Lots 1 and 2, DP 998596	Local	I343
Wellington	Former Tait's Bakery, commercial premises and residence	114 Lee Street	Lot 1, DP 196271	Local	I344
Wellington	Commercial premises (Don Wood Dental Surgery)	116-118 Lee Street	Lot 1, DP 799975	Local	I345
Wellington	Club House Hotel	135 Lee Street	Lot 2, DP 707635	Local	I346
Wellington	Old police station	5 Maughan Street	Lot 2, DP 1206548	Local	I347

Wellington	Post office	19 Maughan Street	Lot 12, DP 771582	State	I348
Wellington	Courthouse	23 Maughan Street	Lot 5, Section 79, DP 759073	Local	I349
Wellington	TAFE building	39-41 Maughan Street	Lot 1, DP 861268	Local	I350
Wellington	Commercial premises	54 Maughan Street	Lot 3, DP 1110327	Local	I351
Wellington	Reinhard building	68 Maughan Street	Lot 92, DP 1226962	Local	I352
Wellington	Wellington silos	100A Maughan Street	Lot 1, DP 819895	Local	I353
Wellington	"Hermitage Hill", Former Wellington District Hospital	135 Maxwell Street	Lots 72, 243 and 285, DP 756920; Lot 1, DP 1102671	Local	I354
Wellington	Wellington General Cemetery	9700 Mitchell Highway	Lots 7305 and 7306, DP 1139087	Local	I355
Wellington	Wellington Pioneer Cemetery	9700 Mitchell Highway	Lot 7018, DP 1020768	Local	I356
Wellington	Former band hall, including Christian bookshop, gazette office, tobacco sign and Larum's Corner Group	1 Nanima Crescent	Lot 5, DP 1104354	Local	I357
Wellington	Former Fong Lee Group commercial premises (NJ Jewellers)	7A Nanima Crescent	Lot F, DP 408809	Local	I358
Wellington	Former Fong Lee Group commercial premises	8 Nanima Crescent	Lot E, DP 408809	Local	I359
Wellington	Former Fong Lee Group commercial premises	9-10 Nanima Crescent	Lot D, DP 408809	Local	I360
Wellington	Former Fong Lee Group commercial premises	12 Nanima Crescent	Lot G, DP 408809	Local	I361
Wellington	Cameron and Bell Parks	13A Nanima Crescent	Lot 9, Section 76, DP 759073; Lot 701, DP 1020780	Local	I362
Wellington	Quirk Baker Solicitors office premises	25 Nanima Crescent	Lot 1, DP 935406	Local	I363

Wellington	Former ANZ Bank	27-28 Nanima Crescent	Lot 13, DP 668177	Local	I364
Wellington	Former Commercial Bank of Australia	30 Nanima Crescent	Lot A, DP 323745	Local	I365
Wellington	Former Western Stores building	33-40 Nanima Crescent	Lot 1, Section 77, DP 759073	Local	I366
Wellington	Bluestone kerb and guttering	Percy Street and Warne Street	Road Reserve	Local	I367
Wellington	Walker's Terrace residential buildings	21-27 Percy Street	Lot 1, DP 371395; Lot 1, DP 384732; Lot 1, DP 437676	Local	I368
Wellington	St Ignatius Convent of Mercy	43-45 Percy Street	Lot 13, Section 4, DP 759073	Local	I369
Wellington	St Patrick's Catholic Church	45 Percy Street	Lots 11-13, Section 4, DP 759073	Local	I370
Wellington	Former Wellington Times office	78A Percy Street	Lot 1, DP 999796	Local	I371
Wellington	Former Apsley Bowling Club	99 Percy Street	Lot 10, Section 76, DP 759073	Local	I372
Wellington	Former Golden Key Fountain View	116 Percy Street	Lot A, DP 156623	Local	I373
Wellington	Former M.M. Co store	152 Percy Street	Lot 1, DP 69903	Local	I374
Wellington	Former butter factory, dwelling house	11 Raymond Street	Lots 1 and 2, DP 1238657	Local	I375
Wellington	Letter receiver	Swift Street and Percy Street	Road Reserve	Local	I376
Wellington	Commercial premises (Bank of NSW)	1 Swift Street	Lot 1, DP 223340	Local	I377
Wellington	National Australia Bank building	14 Swift Street	Lot 1, DP 986888	Local	I378
Wellington	Swift House	20-22 Swift Street	Lot 1, DP 789245	Local	I379
Wellington	Macquarie Theatre	36-42 Swift Street	Lot 1, DP 1069741	Local	I380
Wellington	Former Mayfair Theatre	52 Swift Street	Lot 1, DP 730554	Local	I381
Wellington	Wellington Auto Service building (Dicko and Batho)	54 Swift Street	Lot 2, DP 730554	Local	I382

Wellington	Former Methodist Church	55 Swift Street	Lot 3, DP 2352; Lot 13, Section 22, DP 759073	Local	I383
Wellington	Wellington Hotel	56-60 Swift Street	Lot 1, DP 708699	Local	I384
Wellington	Wellington Railway Station, footbridge and timber manual railway crane	70 Swift Street	Lot 2, DP 1017045; Lot 1, DP 819895	Local	I385
Wellington	Wellington Baptist Church	77 Swift Street	Lot 4, DP 940307	Local	I386
Wellington	Blacks Camp	49-50 University Road	Lot 337, DP 728783; Lot 7017, DP 1020743	State	I387
Wellington	Letter receiver	Warne Street and Nanima Crescent	Road Reserve	Local	I388
Wellington	Former Commercial Hotel, residential terraces	12 Warne Street	Lot 2, DP 508621	Local	I389
Wellington	Former Fong Lee Warehouse and former Ling's Residence	29 Warne Street	Lot 5, DP 18002	Local	I390
Wellington	Former school (Cactus Café)	33 Warne Street	Lot 10, Section 77, DP 759073	Local	I391
Wellington	Former Bank of NSW	37-39 Warne Street	Lots 8 and 9, Section 77, DP 759073	Local	I392
Wellington	St John the Baptist Anglican Church	41 Warne Street	Lot 11, Section 10, DP 759073	Local	I393
Wellington	Kimbell's Kitchen commercial premises	44 Warne Street	Lot 1, DP 995547	Local	I394
Wellington	St John the Baptist Anglican Rectory	61 Warne Street	Lot 5, DP 17390	Local	I395
Wellington	"Narrawah"	64 Warne Street	Lot 1, DP 1137532	Local	I396
Wellington	"Lorne"	66 Warne Street	Lot 15, Section 9, DP 759073	Local	I397
Wellington	"Logiealmond"	75 Warne Street	Lot 19, Section 23, DP 759073	Local	I398

Wellington	Wellington Fire Station and Convict Bell B	76 Warne Street	Lot 21, Section 9, DP 759073	Local	I399
Wongarbron	"Mountain View"	82L Barbigal Road	Lot 132, DP 583564	Local	I400
Wongarbron	Former police residence	15 Boberah Street	Lot 3, Section 31, DP 759109	Local	I401
Wongarbron	Cottage Peppercorn and Craft Shop building	35 Boberah Street, faces Gundong Street	Lot 1, DP 1077714	Local	I402
Wongarbron	Wongarbron water supply and nature reserve	30 Derribong Street	Lot 206, DP 48387	Local	I403
Wongarbron	Wongarbron Hall	4 Gundong Street	Lot 16, DP 566808	Local	I404
Wongarbron	Post Office and General Store	5 Gundong Street	Lot 1, DP 772739	Local	I405
Wongarbron	Former Crown Store	8 Gundong Street	Lot 52, DP 570868	Local	I406
Wongarbron	Soldiers Memorial and Wongarbron School	28 Railway Street	Lot 8, Section 30, DP 759109	Local	I407
Wongarbron	Former Western Stores shopfront	32 Railway St	Lot 17, DP 566808	Local	I408
Wongarbron	Former "Hillview"	1L River Road	Lot 640, DP 131521	Local	I409
Wongarbron	"Pine Avon"	6R River Road	Lot 1, DP 926569; Lot 12, DP 132180; Lot 146, DP 754321	Local	I410
Wongarbron	Cottage	37 Umangla Street	Lot 4, Section 24, DP 759109	Local	I411
Wongarbron	Wongarbron Cemetery	Veechs Road	Lot 7008, DP 1023343	Local	I412
Wongarbron	Former Braithwaite Dairy	1L Westella Road	Lot 194, DP 754321	Local	I413
Wongarbron	Wongarbron nature reserve	Woodleys Road	Lot 54, DP 754321; Lot 24, DP 1195592	Local	I414
Wuuluman	<i>Ziera obcordata</i> (threatened plant species)	"Bulbudgeree", 451 Uungula Road	Lot 127, DP 750778	Local	I415

## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on <a href="#">Heritage Map</a>	Significance
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Town of Wellington Heritage Conservation Area      Shown by a heavy red outline with red hatching and marked "C1"      Local

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

##### Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

##### 3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

#### **4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

#### **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

#### **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2017*.

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

#### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

## Division 2 Operational requirements

### 9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### 10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

### 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note—**

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Additional Permitted Uses Map** means the [Dubbo Regional Local Environmental Plan 2022 Additional Permitted Uses Map](#).

**advertisement** has the same meaning as in the Act.

**Note—**

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note—**

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note—**

Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**agritourism** means the following—

- (a) farm gate premises,
- (b) farm experience premises.

**Note—**

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note—**

Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bush fire hazard reduction work** has the same meaning as in the [Rural Fires Act 1997](#).

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note—**



Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

**canal estate development**—see clause 2.9.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

Centre-based child care facilities are a type of **early education and child care facility**—see the definition of that term in this Dictionary.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**classified road** has the same meaning as in the *Roads Act 1993*.

**Note—**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**commercial centres hierarchy**, of Dubbo, means the commercial centres hierarchy of Dubbo as set out in the [Employment Lands Strategy](#) published by Dubbo Regional Council on 2 July 2019.

**commercial farm** means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
  - (i) was a primary production business, and
  - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5(1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Dubbo Regional Council.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

**Note—**

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

**crematorium** means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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

**dwelling house** means a building containing only one dwelling.

**Note—**

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the [Coal Industry Act 2001](#),
- (h) an accredited rescue unit within the meaning of the [State Emergency and Rescue Management Act 1989](#).

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the [Water Management Act 2000](#).

**Note—**

The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the [Water Management Act 2000](#)) to be an estuary,

but does not include anything declared by the regulations (under the [Water Management Act 2000](#)) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note—**

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm experience premises** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
  - (i) horse riding,
  - (ii) farm tours,
  - (iii) functions or conferences,



- (iv) farm field days.

**Note—**

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm gate premises—**

- (a) means a building or place—

- (i) on a commercial farm, and

- (ii) ancillary to the farm, and

- (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—

- (A) processing, packaging and sale of the products, but not the processing of animals,

- (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

- (C) tastings or workshops,

- (D) the provision of information or education related to the products, and

- (b) includes cellar door premises.

**Note—**

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm stay accommodation** means a building or place—

- (a) on a commercial farm, and

- (b) ancillary to the farm, and

- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the [Fisheries Management Act 1994](#).

**Note—**

The term is defined as follows—

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes—

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Dubbo Regional Local Environmental Plan 2022 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note—**

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials

used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Dubbo Regional Local Environmental Plan 2022 Height of Buildings Map](#).

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note—**

Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of—

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Dubbo Regional Local Environmental Plan 2022 Heritage Map](#).

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.



**home-based child care** means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**Note 1—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

**Note 2—**

Home-based child care is a type of **early education and child care facility**—see the definition of that term in this Dictionary.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

but does not include bed and breakfast accommodation or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,

- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note—**

Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note—**

Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**Note—**

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and

- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—see the definition of that term in this Dictionary.

**Industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**Industrial retail outlet** means a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**Industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**Industry** means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

**Information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum,

library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note—**

Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note—**

Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the [Dubbo Regional Local Environmental Plan 2022 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Dubbo Regional Local Environmental Plan 2022 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Dubbo Regional Local Environmental Plan 2022 Land Zoning Map](#).

**landholding** means an area of land—

- (a) constituted or worked as a single property, and

(b) if comprising more than 1 lot—the lots are—

- (i) contiguous, or
- (ii) separated only by a road or watercourse.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does 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, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

**Note—**

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackerries, tanneries, woolscours and rendering plants.

**Note—**

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Lot Size Map** means the [Dubbo Regional Local Environmental Plan 2022 Lot Size Map](#).

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area,

means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**manufactured home** has the same meaning as in the [Local Government Act 1993](#).

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note—**

Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note—**

Mining is not a type of *industry*—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows—

**moveable dwelling** means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

Multi dwelling housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of



people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Poultry farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Public Service agency, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface

approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**registered community housing provider** has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**Note—**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but

does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note—**

Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note—**

Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note—**

Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note 1—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**Note 2—**

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that—



- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note—**

Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note—**

Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5, or
- (c) a group of independent living units, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,

- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note—**

Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—**

Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**Note—**

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note—**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note—**

Small bars are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note—**

Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—**

Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

**temporary structure** has the same meaning as in the Act.

**Note—**

The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**Terrestrial Biodiversity Map** means the [Dubbo Regional Local Environmental Plan 2022 Terrestrial Biodiversity Map](#).

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,

- (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

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

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means the land identified as “Urban Release Area” on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Dubbo Regional Local Environmental Plan 2022 Urban Release Area Map](#).

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

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are

sold or displayed there.

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note—**

Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with

other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note—**

Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in



which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.