

DCP 3

**RIVER MEADOWS
SOUTH KEMPSEY**

THE PLANNING INSTRUMENT

CITATION

This plan is called the Kempsey shire Development control Plan No. 3.

LAND TO WHICH THIS PLAN APPLIES

This plan applies to the land situated in the Shire of Kempsey as shown edged heavy black on the map marked Kempsey shire Development Control Plan No. 3 with the name: River Meadows – South of Kempsey.

AIM OF THE PLAN

The plan has been made to:

- a Provide sufficient land to meet the demand for hobby farms and rural-residential development in this area of the Shire.
- b Permit uses of the land which are compatible with more intensive rural development.
- c Consolidate and formally recognise the existing small holdings development that has occurred in the area; and defer progressive fragmentation of land in the district that has high agricultural potential.

GENERAL DEVELOPMENT OBJECTIVES

The guiding development objectives within the zone are:

- * To encourage well designed subdivision that take into consideration the characteristics of the land and,
- * To retain and enhance the visual integrity of the zone's environment, including the forested aspect of the ridges and hill country, the Dondingalong Road corridor, and the rural aspect of the adjacent agricultural land.
- * To allow rural-residential and hobby farm development with physical features as buffers between the development units (or areas) e.g. watercourses, gullies, vegetation strips, wetland areas.
- * To encourage a well-designed and constructed transport pattern, with access roads taking notice of and wherever possible utilizing to advantage the natural features of the land.
- * To retain wherever possible and reasonable a diversity of vegetation types and the forest aspect of the zone including the maintenance of wildlife refuge and movement corridors.
- * To encourage protection of large mature trees of single species, and tree, shrub, and other vegetation stocks of those species.

- a That may possibly be removed by development from the zone e.g. Melaleuca
- b That are becoming less well represented in the zone: e.g. blackbutts
- c That are recognised as maintaining high conservation status e.g. littoral and sub tropical rainforest, and associated wet sclerophyll species.
- * To protect watercourses, floodways, and hazard-prone areas; such as land prone to slippage or severe erosion, from development, and maintain the environmental quality of gullies, and wetlands, within and adjacent to the zone.
- * To ensure that hazards such a bushfire risk, localised flooding, and poor drainage, are taken into consideration in subdivision design, and subsequent dwelling and other building construction, and uses of the land.

The Plan strategy aims to encourage a sensitive and balanced visual amenity for the area, whilst providing a range of appropriately serviced blocks for a variety of rural residential uses. The principle of encouraging a range of allotment sizes based on the guiding development objectives will be followed at all times.

Future subdivision design of larger portions within this zone must contend with a variety of constraints such as flood proneness, bushfire hazard, transmission line easements, and relatively steep slopes with highly erodible soils. The Plan aims to encourage land development that can successfully address these issues.

CLASSIFICATION OF LAND USE

In regard to the aim and objectives of the Plan, land use and development proposals are dealt with by Council in the following way. This format is consistent with the Zone No. 1 (c) 'RURAL SMALL HOLDINGS'.

Without Development Consent

Additions to dwellings; agriculture (other than cattle feed lots, pig keeping, poultry farming and propagation or rearing of marine or estuarine organisms).

Only with Development Consent

Child care centres; clubs; dwelling-houses; general stores; home industries; home occupations; open space; plant nurseries; refreshment rooms; roads; roadside stalls; taverns; utility installations (other than gas holders or generating works); veterinary establishments.

Prohibited

Any purpose other than a purpose included in Item 2 or 3.

NOTE Council is obliged to consider any application placed before it. If unsure of a situation contact Council's Town Planning Department.

RELATIONSHIP TO STATUTORY REQUIREMENTS

This Plan is consistent with:

- The intent and provisions of the Kempsey Shire Local Environmental Plan and Council policies.
- The intent and provisions of NSW State Planning Policies (SEPP's) which are relevant to this zone.
- The legal and advisory requirements of the following State Government Departments and their relevant guiding legislation
 - Department of Environment & Planning: EP&A Act: 1979 (as amended)
 - Soil Conservation Service – NSW. The soil conservation Act: 1938

INTERPRETATION

IMPORTANT COUNCIL POLICIES

GENERAL PROVISIONS

It is important that the following policies are considered before applications for development and construction are made. This applies to large and small developments.

ACCESS

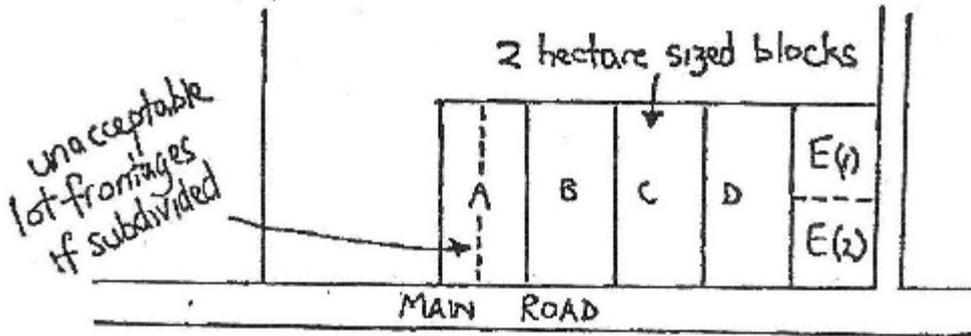
Council will require all lots in a subdivision of land in this zone to be served by a sealed road or pay a contribution towards the provision of a sealed road.

BUILDING SITES AND LAND SUBDIVISION

Council will not agree to subdivision of land for the purposes of erecting a dwelling unless a suitable area of flood free land of not less than 1000 square metres is available to build a dwelling upon.

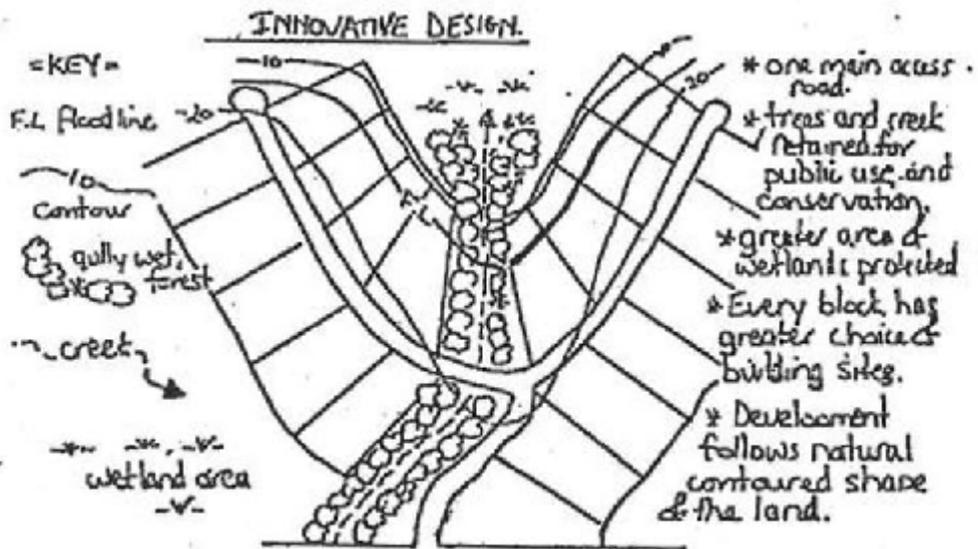
For the purpose of land subdivision in this zone the minimum allotment size permissible under the Plan is on (1) hectare (2.2 acres).

Council will be mindful at all times of the need to maintain an acceptable ratio of lot frontage to lot depth.



- * Allotments 'A' to 'D' inclusive although 2 hectares in size would have unacceptable lot frontages to lot depth ratios as shown on Lot 'A'. However allotment 'E' due to availability of access road off main road could be subdivided with acceptable ratio into one (1) hectare lots 'E' (1) and 'E' (2).

An example of how an ecological 'constraint' may be overcome to the advantage of the development and the wider community is below.



- * DUAL OCCUPANCY: of dwellings is allowed in the zone. In contrast to a residential flat which is a building containing two (2) or more larger type dwelling units. Residential flats are NOT permitted in this zone.
- * SECTION 94 CONTRIBUTIONS: the EP&A Act (1979) enables Council to ask for contributions from developers ('big or small') to be applied to the land subdivision so that community services in the locality can be provided or upgraded (eg. Roads, water, open space, bridges, walking trails, community buildings, etc.)

The Act also provide that such contributions can be other than monetary (eg. Land, buildings).

NECESSARY SERVICES

- * Council will insist that all subdivided lots in this zone be connected to the reticulated water supply provided by Kempsey Shire Council
- * Satisfactory arrangements must be made with Oxley County Council for the provision of electricity to each subdivided allotment and where possible and reasonable, Council will encourage underground placement of power lines.

HAZARD AND CONSTRAINTS

WATER FLOW AND FLOODS

- * Council is concerned that wherever possible, watercourses and other recognised water flow areas remain free of development constraints such as dams and levees. Landholders are encouraged to confer with the NSW Soil Conservation Service for advice on dam sites and design.
- * Applications for land subdivision and dwelling construction will be checked against requirements set down in Council's policy for flood prone lands as it affects this area.
- * The large map on the "River Meadows, South of Kempsey Environment Survey Sheet" provides a general indication of the flood height building restriction line.

LAND SURFACE

- * Council will expect all landholders with land having recognised erosion hazards and/or being affected by degradation (eg. Gully erosion) to contact the NSW Soil Conservation Service (Kempsey Office) for advice on suitable forms of mitigation and rehabilitation, before lodgement of a Development Application. This advice should be stated in the development proposals and will be considered in the Development and Building Application Process by Council.

* Council will encourage

1. the suitable location of dwellings, other major buildings, and access roads within properties to minimise environmental disturbance and avoid recognised hazards.
2. the location of dwellings so that all weather access is available from the road to the dwelling.

NOTE: Assistance in the design and location of access routes and building sites is obtainable from Soil Conservation Service (Kempsey Office). Using this advice will be of benefit to all landholders particularly when it may avoid costly and damaging mistakes; and minimise conflict between neighbours.

BUSHFIRE RISKS

Council is active in its role as Co-ordinator of Bushfire fighting services within the Shire. The Fire Control Officer (F.C.O.) is on Council Staff and information on Hazard Reduction is available from Council. Particular subdivision and building design principles can be used to substantially reduce bushfire hazard. Council encourages landholders to be aware of these principles, and wherever practical and reasonable, put appropriate ones into action.

There is an active local fire fighting unit based in the River Meadows – Dondingalong Area. Council encourages landholders to contact the brigade for Bushfire Hazard Information before lodging development/building applications with Council.

ENVIRONMENT PROTECTION

In keeping with the Zone's 'General Development Objectives' Council expects land developers to adequately address the natural characteristics of the land. The design of subdivisions and use of the land should wherever possible and practicable maintain and enhance the environmental features of the land. If there is doubt about whether a concept or action will cause problems Council encourages the landholder to contact the town Planning Department for advice or referral to an appropriate source of information. This should be done at an early stage rather than left to a point where problems or obvious mistakes occur.

SPECIAL PROVISIONS

These policies are specifically placed here to inform landholders, and those expecting to subdivide and develop land in the zone of important local considerations. Development applications must follow guidelines stated here. If there are problems or concerns the Council's Town Planning Department will clarify issues, and provide further information to help landholders and developers.

ENVIRONMENT PROTECTION

- * WETLANDS (SWAMPS), WATERCOURSES, AND FLOODWAYS. Any application for subdivision of land will need to provide a map or reasonably accurate, well drawn diagrams of the subject land showing watercourses swamp areas and any flood liable areas (such as gullies, lower slopes, and flat areas periodically inundated or waterlogged). This is so that Council can be aware of areas that need protection for ecological reasons, and to provide an opportunity for those developing the land to consider constraints before designing subdivision. There can be considerable cost-savings when such background work is done; and valuable elements of the landscape which enhance the area are conserved.

- * FOREST COVER-TREE STANDS – SIGNIFICANT INDIVIDUAL TREES

Applications should provide in map form general vegetation cover information, including general maturity of tree and shrub areas. Landholders and Council can then consider what trees/vegetation can be retained.

- * This development approach will enhance the rural and environmental aspect of the zone,
- * Maintain a diverse stock of significant vegetation types,
- * Protect those trees of maturity held in high regard by local people and visitors (eg. a large lone hoop pine in a cleared paddock area, a remnant flooded gum stand, etc.)
- * Encourages the development of neighbourhood areas with appropriate tree/vegetation buffers.

In particular for this zone council wishes to see:

- * Trees retained on prominent ridgelines and knolls
- * Trees and other vegetation retained in gullies, and on steeper slopes to discourage erosion
- * The revegetation of denuded areas, and appropriate tree planting by landholders
- * The conservation and maintenance of remnant forest species such as flooded gum stands, and native wetland vegetation

- * MOVEMENT CORRIDORS

The area lends itself to forms of movement such as walking, bicycling, horseriding, etc. Council will seek to see that the area develops in such a way as to provide for these types of movement. Council may expect appropriate areas to be provided for linked trails or access throughout the area. These may be adjacent to wetlands, next to or through a noteworthy forested sector, or across a ridgetop, etc.

BUSHFIRE PROTECTION

Due to the high risk factors in the zone, particularly in heavily forested areas, the following provisions are expected to be followed by land developers and landholders:

1. A development application will have to show that the subdivision design has taken into consideration the "risk factor" including some statement when appropriate of the methods or techniques to be employed.
2. Where a high risk factor is identified and only a single access road is available to the area, council will consider the need for applicants to make additional provisions to overcome the bushfire risk.
3. Wherever possible and practicable council will encourage more than one access road to service subdivisions so as to provide a number of "escape" and fire fighting routes.
4. Where a high risk factor is identified, subdivision design providing perimeter roading and/or bushfire radiation (protection) buffer areas will be encouraged.
5. Landholders in risk areas will be encouraged to provide appropriate on-site storage of water available for fire prevention and fighting purposes. Building applications will be reviewed with risks in mind (eg. house design).

DONDINGALONG ROAD CORRIDOR

Council wishes to see this road as an attractive movement corridor, retaining the rural aspect and general visual amenity it presently enjoys, and Council encourages the addition of further appropriate plantings as land parcels are developed.

* ACCESS ROADS AND ALLOTMENT ACCESS TO DONDINGALONG ROAD

Council is aware of poor sight distances at points along the main road, and other difficult and potentially dangerous traffic hazards. Council in seeking better long term safety, will discourage proliferation of further access point wherever possible and reasonable, however where circumstances require extra access points, council will insist on appropriate standards of sight distance, and traffic entrance and exit engineering works.

ELECTRICITY TRANSMISSION CORRIDORS

Oxley County Council require a 20 metres wide easement to be dedicated along their 33 kv line. Council will refer and relevant development or building applications to O.C.C. Landholders are encouraged to combine their property access with this service easement to discourage unnecessary land clearing.

- * Elcom require a 45 metre wide easement on their existing 132 kv line. If an upgrading proposal proceeds, a further 45 metre easement will be necessary west of Euroka Creek. Council will require these easements to be considered in any application. Landholders should contact Elcom for information.

THE HUMAN ENVIRONMENT

PAST AND PRESENT LAND USE

The main land use practices have been:

- * Associated with the dairying pursuits, the growing of sown pasture occurred, as well as fodder crops such as lucern, maize, oats, and corn. Limited market gardening mainly for local consumption on farms was undertaken.
- * A garbage tip was situated on south-east corner of Mary's Bay and Dondingalong Roads for many years.
- * The hill country was used as flood refuge for stock, and limited grazing of cattle.
- * Logging was undertaken in association with clearing for dairying with softwoods from gullies, and hardwoods being used for local building, fencing and other farming and settlement purposes.

PRESENT

- * Rural Residential living, with small holdings for keeping horses and other animals are the predominant uses.
- * Some limited grazing and logging (for fence post eg. bloodwood) continues, as well as minor agricultural uses such as beekeeping.

AGRICULTURAL VIABILITY AND LAND CAPABILITY

- * On the hill country associated with the shallow acidic soils, agricultural viability is relatively low. Limited grazing of cattle and horses is practical, however it is better suited to the growing of native eucalypt forest. The land is generally deficient in phosphorous and nitrogen. This and part of the river terrace area within the zone are classified as Class IV by the Department of Agriculture - 'environmental constraints make arable agriculture uneconomic'.
- * However within the zone is land classed as Class III by the Department being "well suited to grazing via pasture improvement and can be cultivated for occasional cash crop or forage crop. Conservation measures may be required however.
- * The Soil Conservation Services Land Capability Mapping indicates there are 3 classes relevant to the zone. These classes are indicative of the steeper hill country, the moderately sloping terraces and hills, and the flood plain area associated with the lower reaches of Euroka Creek.
 - * Class 6: Steeper hill country: Adequate provision necessary for selection of safe building sites and access roads, adequate effluent disposal.
 - * Class 4: Moderate hills and terraces: slope limitations, also shallowness of soil, potential for erosion - note: as above.

- * Class 2: River-creek flood plain: suitable wide variety of agricultural use. Fertile soils: However site conditions may limit productivity.

LAND USE PLANNING STRATEGY

Before the making of the Kempsey Shire L.E.P. this area was zoned Rural Land – zone 1(c).

- This was to:
- (a) mainly provide land for agricultural uses.
 - (b) keep the visual amenity of the land.
 - (c) allow compatible tourist development to occur.

The shire Study (MSJ Keys 1983) identifies this area – as one where existing concentrations of “rural-smallholdings” need to be formally recognised in a zone separate from quality agricultural land, which needs similar formal recognition to discourage avoidable loss of its benefits.

- For its wetland and stream system in regard to “enhancing the attractiveness of water courses as scenic features (eg. Euroka Creek) and maintaining water quality to standards that will allow continued use...for...agricultural...purposes...” this is important with the zone being part of the upper watershed for the Euroka flood plain area.
- The Study also states that subdivision potential does not necessarily confer the right to build dwellings – “homes should be minimised in flood prone areas”....and land suitability is an important criteria in making the decision whether further subdivision should in fact proceed.

SERVICES AND ROAD NETWORK

- * The area is served by existing 33 kv and 11 kv distributor electricity lines. With a nearby substation the Oxley County Council has the ability to adequately service rural-residential development. There are a number of visually intrusive transmission corridors through the zone including a 132 kv line.
- * Water Supply: A rising main from Belgrave Falls provides water to the Potters Hill Reservoir. From Potters Hill, a series of pipes distributes reticulated water back through the northern part of the zone. Groundwater is available generally in the lower slope areas of the zone. Dams have been and are being utilized to store groundflow from gullies, slopes for agricultural and hobby farm-domestic purposes. Some limited pumping of water from Euroka Creek may occur for rural living purposes eg. gardens/stock water.
- * Sewerage: There are no plans to extend the sewerage reticulation treatment system to this area.

'Septic' Treatment is viable in most areas of the zone however problems may occur in very rocky hill country, and lower clay based slopes, and the flood prone plains of the northern sector.

- * Dondingalong Road is the main road of the zone and with more recent roads serving small lot subdivisions are the only sealed access presently. Mary's Bay Road (north of Dondingalong Road) and Burnt Bridge – Piper's Creek Road are well formed gravel roads. Other access roads are presently tracks only. There are no plans to upgrade

roads, apart from that which occurs through the development of land and conditions applied by Council.

THE NATURAL ENVIRONMENT

HAZARDS AND CONSTRAINTS

There are a number of natural and development constraints, and potential hazards within and adjacent to the zone. Forward planning and appropriate development policies can avoid major problems, and council should endeavour to make sure subdivision and dwelling construction proposals take into consideration the following concerns.

- * **FLOODING:** The zone is affected in a number of areas by inundation caused by the flooding of the Macleay River; and of the lower reaches of intermittent streamflow and Euroka Creek. In times of peak flooding the Macleay river encroaches into lower reaches of the streams and Euroka Creek. The larger Environment Survey Map above indicates the Flood High Peak in present known conditions by way of a FLOOD LEVEL CONSTRAINT LINE. Heavy localised storms and rainfall can cause significant water level rises in local creeks leading to rapid water movement into normally "flood free" areas. A number of local streams particularly Euroka Creek show this characteristic in the terraces above 'normal' streamflow height, that are inundated under peak flood conditions. Velocity of floodwaters from the Macleay are not high; with creeks and waterways becoming relatively passive backwater storage areas. However in a usual peak flood situation involving local rainfall as well, creeks such as Euroka, have significant velocity factors along much of their length.

The Shire Flood study suggests that any of the proposed flood mitigation options put forward would not significantly alter the floodheights attained here. (Webb, McKeown 1985).

- * **ELECTRICITY TRANSMISSION LINES (OVERHEAD)** A series of 33 kv lines cross properties, in many cases in adhoc ways with 11 kv mudstone form the hills and lower slopes of this zone. (Called the 'Kempsey Bed"). A gravel deposit associated with 'Comboyne Basalt' (a finer grained, dark coloured igneous rock) is situated as part of a knoll/hillside in the south-east part of the zone. In contrast to the surrounding sedimentary nature of the land base this hillside opposite the Burnt Bridge Aboriginal Community was formed through a molten pressure process. In the northern sector, associated with the Euroka Creek flats and wetlands, there are geologically recent (Quaternary period) sand, silt, and mud, and gravel deposits overlaying the Kempsey Bed.
- * **Land Shape** – Is characterised by steep hill-slope country predominantly in the range of 10 -35° slope gradients, strongly dissected by intermittent streams and the perennial Euroka Creek. The zone is dissected by a series of ridgelines, rounded in form, protruding into the flood prone areas. In the north-east of the zone these ridgeline areas provide the only "flood free" land (whilst in the north to north west sector the actual hill-slope shape is more varied having a number of narrower deeply incised gullies connected directly to the Macleay River channel. The landscape is weathered and the gullies tend to break the area into recognisable land units.

LAND SURFACE

Ranges from well drained sites on hill crests and slopes; to poorly drained creek flats, gullies, and swamp areas. There are two (2) main soil associations in this zone (as identified by Soil conservation Service –NSW Criteria) with varying types of land surface, and weathering capabilities. A third soil type is found where periodic flooding of the Macleay River system brings sediment into the zone. The types and weathering characteristics are:

1. Lovelock Ballengarra Association:

The steeper hill country carries shallow grey powdery soils on the crests associated with gravely ironstone of a coarse uniform texture. In many places, on the upper slopes particularly, the weathered rock base comes close to, or breaks the land surface. Therefore little in the way of subsoil develops. As the land slopes from the crests the clayey subsoil depth increases, with yellow and grey clay – pan soils on lower slopes. However due to the shale type base being close to the surface on the entire length of some slopes, shallow soils exist along the whole slope in these cases. Soils usually grey-brown with red or yellow subsoil, the red often a crumbly clay whilst the yellow is a “blocky” type of clay. When clearing of native vegetation occurs on this soil type, erosion of soil is potentially rapid. In many areas of the zone, skeletal ‘azonal’ (so young that development isn’t complete) soils remain with the podzolic soil (ie. Organic native soil) having been washed into gullies and onto lower land.

2. Redhill Frederickton Association

- Like Drive area having predominately Blackbutt, White Stringybark, Grey Ironbark, Tallowwood, Cabbage Gum with some Ironbark and Grey Gum on the southern side of this ridgetop. Occasional Bloodwoods are also evident. Remnant mature trees are tall, with sapling and acacia undergrowth.
- The lower slopes around Euroka Creek contain Ironbark, Tallowwood, with Blackbutts and Grey Gums and Bloodwood species. In the middle of the zone on the slopes south of Dondingalong Road Forest Red Gum appears the trees growing larger in the gully areas.
- Around the Mary’s Bay Road area Spotted Gum stands on shallow claytop soils predominate, with Grey Gum, varieties of ironbark and stringybarks. Mainly Blady Grass understorey.
- In the south-west of the zone Ironbarks predominate with Spotted Gum and a variety of eucalypts.

Wet Schlerophyll Forest. Predominantly remnants except in more inaccessible areas – they contain Brushbox, Spotted Gum, Melaleuca and Casuarina spp. As well as Pink bloodwood and a variety of Ironbarks. Two ironbark species found in the zone are only recently “discovered”, one presently as yet botanically unnamed, and the other the Silver Ironbark. Both are indigenous to the region. Rainforest remnants such as Cheese Tree (Glochidion Ferdinandi) and Lily Pilly occur in gullies. Some Flooded Gum in the South.

FAUNA

Modification of natural habitats has disadvantaged species to the benefit of others. A range of feral animals were sighted in the field – particularly rabbits and cats. The domestic rat competes successfully with native rats in this type of environment to the detriment of native fauna.

Pretty faced, and swamp wallabies and the characteristic burrows of bandicoots were observed. The southern part of the zone, vegetated, and incised by creeks, provides a reasonable stable environment for native rodents (particularly the creek banks, and sandstone outcrops).

Pockets of wet forest in the gullies would provide for a diverse range of birds and other fauna. Ducks, waders and waterfowl utilize the river flats – swamp areas. Raptors such as kites and hawks were noted hunting prey over grassland areas.

CLIMATE

Experiencing a humid, warm temperate climate this area is also affected by microclimate such as the hills to the south and east blocking winds and distance from the coast meaning lack of sea breezes. The nearby Macleay River and associated river and creek flats provide moisture which encourages moderate frosts particularly in the early Spring months; these occurring in low pockets and flat land in the zone.

The mean annual rainfall is around 117cm (46.7 inches) although records show great variability year to year in the past. A summer peak is followed usually by gradual rainfall decrease in winter months. Heavy frosts occur on average in the zone about four days each year, although local conditions vary depending upon other land and land use features.

Annual temperatures (at West Kempsey) have a mean maximum of 23.9°C (77.8°F) and mean minimum of 11.6°C (53.2°F). Predominant winds in the zone are southerlies and occasional strong westerlies in winter, and north-east to south east winds in summer.

SCENIC QUALITIES

- * Extensive views over river flats, small creek beds and associated wetland areas, to distant Great Dividing Range.
- * The agricultural aspect of the northern part of the zone. Dairy cattle grazing.
- * The view of the River Cliffs on the south-east bank of the Macleay River.
- * The parklike features and well established rural – small holding allotments.
- * The forested hills, knolls and slopes of the zone, and vegetated gullies.

DISBENEFITS

Although subjective to a degree, the intrusion of electricity transmission lines upon the landscape is seen as a disbenefit to the scenic quality of the area. The service corridors are mainly bare – the larger 132 kv line and corridor cutting a swathe through forest areas and

across hill tops. Landscape design consideration with appropriate tree and shrub planting and land use, can ameliorate the situation. In a number of areas of the zone and a number of transmission lines cross; intersect and meet causing a "visual confusion" to the surrounding air space and intruding physically on the landscape of allotments in these places.