

DCP 4

ALDAVILLA

THE PLANNING INSTRUMENT

CITATION

This Plan is called The Kempsey Shire Development Control Plan No. 4.

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. 4. with the name ALDAVILLA – WEST 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 consolidate and formally recognise the existing small holdings development that has occurred in the area, and deter any further fragmentation of land in the district that has good agricultural potential.
- c provide for areas suitable identified in the locality to be developed as rural residential enclaves amongst rural residential and rural small holdings. The emphasis being upon the land's environmental capability to accept such development without degradation, and encouraging innovative subdivision design.
- d permit uses of the land which are compatible with more intensive rural development.

GENERAL DEVELOPMENT OBJECTIVES

The guiding development objectives within the zone are:

- * to encourage well designed subdivisions that take into consideration the characteristics of the land,
- * to retain and enhance the visual integrity of the zone's environment including the forested aspect along Crescent Head Road;
- * 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 that,

- a may possibly be removed, or are becoming less well represented in the zone because of development e.g. Spotted Gums, Ironbarks, Blackbutts, Flooded Gums.
 - b 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 as 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.
 - * to encourage a range of recreational activities and facilities, compatible with, and enhancing, the rural and ecological environment of the zone, and lands adjacent to the zone.

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 small holdings and rural residential uses. The principle of encouraging a range of allotment sizes based on the GUIDING DEVELOPMENT OBJECTIVES will be followed at all times.

CLASSIFICATION OF LAND USE

I 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 Kempsey Shire Local Environmental Plan and Council policies.
- the intent and provisions of N.S.W. State Planning Policies (S.E.P.P.'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 and Planning: E.P. & A Act: 1979 (as amended)
 - Soil Conservation Service – N.S.W. The Soil Conservation Act: 1938

INTERPRETATION

In this Plan, definitions of words and phrases are the same as in the Kempsey Shire Local Environment Plan. (Council's Town Planning Department will provide advice and information if definitions of phrases are confusing, or unclear, to the reader.)

IMPORTANT COUNCIL POLICIES

GENERAL PROVISIONS

It is important that the following policies are considered before applications for development 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.

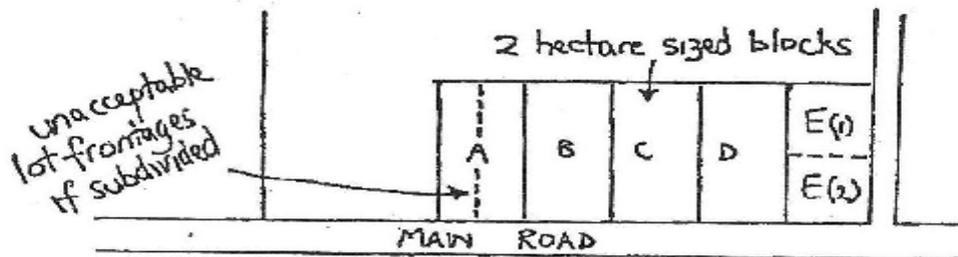
BUILDING SITES AND LAND SUBDIVISION

- * Council will not agree to subdivision of land for the purposes of erecting a dwelling unless a suitable area of flood free land is not less than 100 sq. metres is available to build a dwelling upon.

For the purpose of land subdivision the minimum allotment size permissible under the Plan is one (1) hectare:

It should be clearly stated that this does not automatically mean that every present allotment of land parcel can be subdivided to the minimum size allowable. for the purpose of sound planning practice and considering environmental constraints, larger sized allotments, and a range of allotment sizes, will be encouraged in certain sectors of the zone.

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



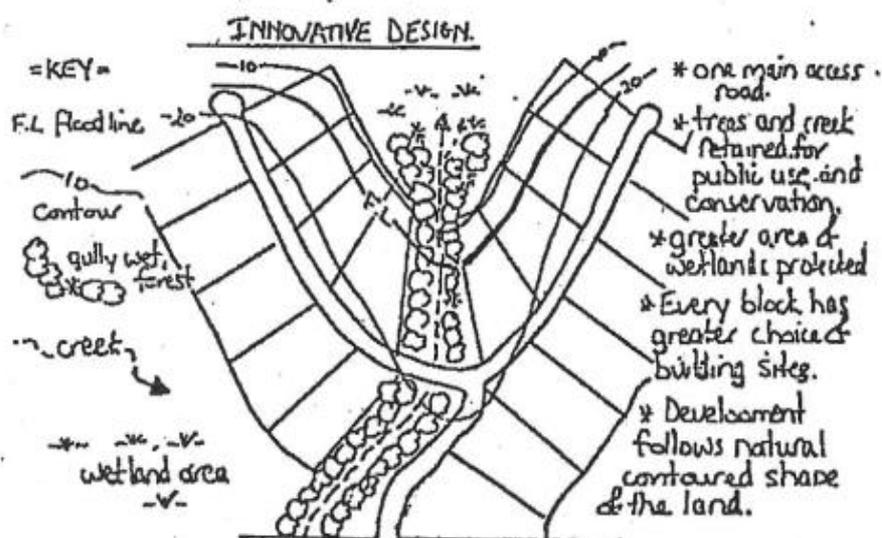
- * Allotments 'A' to 'D' inclusive although 2 hectares in size would have unacceptable lot frontages to lot depth ratios as shown on Lot 'A'. However allotment 'E' due to availability of access road off main road could be subdivided with acceptable ratio into one (1) hectare lots 'E' (1) and 'E' (2).
- * Where land in this zone has frontage to Sherwood Road, the following building types shall need to satisfy the specified "set back" from the nearest edge of the road reserve.

The set backs are:

- For a rural tourist industry – forty five (45) metres.
- for any other building – eighteen (18) metres.

NOTE: Council has the discretionary power to allow building used for agriculture to be constructed within this setback if good cause can be shown.

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 E.P. & 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 (e.g. roads, water, open space, bridges, walking trails, community buildings etc).

The Act also provided that such contributions can be other than monetary (e.g. 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.

HAZARDS 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 N.S.W. 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 "Aldavilla, west of Kempsey Environment Survey Sheet" provides a general indication of the flood height building restriction line. Further information is available from Council's Town Planning Department.

- If necessary Council will require land subdividers and/or those people considering building dwellings to provide land survey information confirming there is adequate area for dwelling construction that is flood free. (called a Flood Statement)
- * LAND SURFACE: Council will expect landholders with land having recognised erosion hazards and/or being affected by degradation (e.g. gully erosion) to contact the N.S.W. 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.

See 'SPECIAL PROVISIONS' section of the Plan for further specific directions.

* **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.

- See 'Special provisions' for further information.

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 any 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 reasonable well drawn and accurate 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 will provide an opportunity for those people developing the land to consider constraints before designing subdivisions. It also provides Council with information in regard to this, and to the need to protect areas for ecological and scenic reasons. As stated under General Provisions a "Flood Statement" will be required also; when and where there is a need to clarify the amount of land potentially prone to flooding, the estimated frequency of flooding, and possible flood free sites available for

building purposes. Council's Engineering Department can provide general flood height details of what is involved in preparing a statement of flood heights for particular parcels, or allotment of land.

NOTE:

There can be considerable cost savings when such background work is done, not the least being avoiding basis problems which could result in future expensive remedial action. When valuable elements of the landscape which enhance the area are conserved, the wider community benefits as do individual landholders – including a positive influence on real property values.

FOREST COVER – TREE STANDS – SIGNIFICANT INDIVIDUAL TREES

- Applications should provide where necessary, general vegetation cover information in map or well drawn diagrammatic form. This should include general maturity of tree and shrub areas. Landholders and Council can then consider what trees/vegetation can be retained. It also provides a useful base map for subsequent landholder(s) to use as a guide for landscaping, dwelling placement, tree planting etc.

When coupled with the water constraints mapping this information should be very useful in deciding on issues such as access onto and within allotments, building sites, maintaining community privacy, and scenic qualities of the area.

- Council also discourages the practice of clearfelling allotments of land subdivision, building construction, and other purposes. In this regard Council looks to landholders to be responsible caretakers of the native vegetation and land surface, and to undertake, if necessary, judicious selective clearing.

THIS DEVELOPMENT APPROACH will

- enhance the rural and environmental aspect of the zone.
- conserve the land surface from degradation and waterways from excessive saltation.
- maintain a diverse stock of significant vegetation types.
- protect those trees of maturity held in high regard by local people and visitors e.g. large fig trees from earlier settlement of the area: large flooded gums, remnant rainforest or stands of trees e.g. along creekbeds, or spotted gums on a ridgetop respectively.
- 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 steeper slopes to discourage erosion.
 - the retention and protection of rainforest and wet sclerophyll forest in gullies and along waterways.
 - the revegetation of denuded areas and appropriate tree and shrub planting by landholders.

- the conservation and maintenance of remnant forest species, such as flooded gums, and particularly significant trees either on their own, or in protective surroundings.

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THE NATURAL ENVIRONMENT

LANDFORM

Underlying sandstone, and conglomerate rock make up the ridges, slopes, and flat land in this zone. Where the main swamp systems, associated with Frenchman's Creek and other drainage lines close to the Macleay river come into the zone, sand, silt, mud and gravel provide the geological base.

South of the Armidale Road the land falls sharply into a series of gullies, draining water into the Frenchman's Creek basin; rises to another rounded ridge-top of just over 20 metres A.S.L., before sloping again into another major drainage line. Another rounded knoll of land provides relief at the southern end of the zone. North of Armidale Road, the character of the landscape is again of reasonable steep slopes with an east-west aligned ridge causing a series of north facing gullies to incise the land, as water run-off and sediment find their way into the North Warwick and Christmas Creek systems.

LAND SURFACE

A number of difference soil types are found in the zone.

- On the steeper slopes north of Frenchman's Creek prairie soils associated with limestone are found with the grey brown, red and yellow podzolic soils of sandstone country.
- The Frenchman's Creek basin is a mixture of soils washed from these associated slopes and deeply weathered fine sedimentary rock and residual river deposits. They form organically rich meadow soils.
- South of Sherwood Road, along the Aerodrome Road and associated vicinity are round deep clay-loam soils of old terrace levees formed by deposition.
- The surface north of Armidale Road is made up of red and yellow podzolic soils and meadow soils created from eroded sedimentary rock and deposited organic matter.

WATER CATCHMENT/DRAINAGE

A series of east-west aligned ridges have created drainage lines that move water from west to east. South of Armidale Road; constructed between two catchment areas along the ridge top, water drains via a number of main creeks into low lying wetlands which then drain into the Macleay River. When flooding occurs on the Macleay near Sherwood, it breaks the bank on the northern side and flows through the zone via the drainage line on the northern side of Kempsey Aerodrome, and eventually back into the Macleay. Frenchman's Creek is the main waterway and is fed by a number of intermittent streamflows from relatively steep slopes.

North of Armidale Road a west flowing creek drains lands sloping north and south (the South Warwick Creek) and a series of intermittent streams flow into the North Warwick

Creek and Christmas Creek systems which drain into swamps of major proportions north of Kempsey. Flooding occurs in the creeks of this part of the zone.

HAZARDS AND CONSTRAINTS

- * **BUSH/WILDFIRE:** Discussions with local fire brigade suggest fires occur approximately each second (2nd) year, although the general clearing and development within certain sectors has decreased the intensity. However approximately once each ten years (average) a wildfire can sweep through forested areas. The arrows on the map indicate fire direction and intensity.

- * **STEEP LANDS – EROSION HAZARDS:**
 - A number of creeks have deeply incised beds (e.g. Christmas Creek) susceptible to erosion when cleared.

 - The shallow sedimentary based soils on the slopes and ridges just south of Armidale Road, west of Sherwood Road and in the Crotty's Lane vicinity are susceptible to rapid erosion once vegetation has been removed. On the Crotty's Lane road reserve just past (i.e. north of) south Warwick Creek is an indication of such a situation. Along this rise river stones have been used to ameliorate obvious erosion/drairage problems.

 - In the sector of the zone adjacent to Greenhills Urban area and the Macleay River, are situated steep river cliffs and a number of steep gullies constraining land use.

FLOODING AND WATER LOGGING

In peak flood situations on the Macleay, waters "back up" into creeks and wetland areas of this zone. Also waterflow from the catchment areas west, and north west, of the area produce streamflow of reasonable velocity and capable of breaching creek banks in laces. For example the Creek/swamp system just south of Sherwood Road flows over Aerodrome Road in peak flood periods. Floodwaters from the Macleay also flow through the zone in the water channel north of the Aerodrome. (Discussed further in the Water Catchment/Drainage section).

AIRPORT: The aerodrome provides a major hazard to the area based on potential for accidents. As the large Environment Survey Map above indicates there is a protected air space. There is also the factor of air pollution daily for brief period when aircraft fuel fumes drift across with the winds into the immediate airport vicinity upon take-off.

Noise pollution is also evident with aircraft flying overhead regularly (light planes and regular commercial flights). Noise levels were recorded in the vicinity of the Airport entrance which suggest significant pollution for short durations. (See SPECIAL POLICIES sheet on DEVELOPMENT GUIDES Sheet).

SCENIC QUALITIES

Building sites offer a variety of scenic views:

- those on ridges overlooking the Macleay River and the magnificence of the Upper Macleay mountain country.
- those on slopes and flatter country enjoy secluded aspects with nearby or surrounding dry and wet sclerophyll forests, timbered creeks and gullies.
- exposed sites on slopes enjoy the rural/rural residential aspect.

Other scenic qualities include:

- Views of the wetlands and creek systems.
- Remnant tall tree stands particularly large flooded gum, bloodwood species.
- Views overlooking the poplar plantations on the south bank of the Macleay River.
- The Aerodrome and its activities would be viewed by many as a scenic quality – an interesting human attraction.
- The scenic aspect of the creeks such as Christmas and Frenchman’s for scenic walks.

CLIMATE

- The warm temperate climate of the zone is also affected by microclimate variations caused by the moist forested gullies, and ridges that block and funnel prevailing southerly and nor-east winds that predominate.
- The nearby Macleay River and associated creek and swamp flats provide regular moisture which encourages moderate frosts in low lying pockets of land particularly in early Spring and autumn-winter months. Heavy frosts do occur on average some five days per year, however microclimate influences where and how often they occur.
- The mean average rainfall is approximately 117 cm (46.7 inches) with a summer peak and gradual decrease into winter months.
- Annual average temperatures (at West Kempsey) vary from a mean max. of 23.9°C (77.8°F) and mean minimum of 11.6°C (53.2°F). Although microclimate plays a significant role in influencing temperatures at specific locations particularly in low wet areas, heavily forested sectors and exposed sites.

VEGETATION AND FAUNA

NOTE: A fauna survey was not undertaken. Species common to the range of vegetation here should be expected.

FLORA: As the vegetation mapping indicates large areas have been cleared in the past due to the grazing of domestic animals and some cropping. This is particularly the case in the southern part of the zone. Semi-clearing has occurred due to logging practices in the past and the selective clearing of rural residential lots. This can particularly be seen in the Bushland Drive Estate area.

Dry Schlerophyll forest predominates on the ridges and knolls and upper slopes giving way to moister wet forest types in the gullies and along watercourses. The map here clearly

shows this. A number of watercourses and lower drainage points sustain swamps which support a range of sedges, grasses, moss, and native weeds. Wattle and other acacia species regrowth is evident in a number of areas once grazed, and the evenness of much of the Dry Schlerophyl stands indicates many areas within the zone are supporting regrowth emergent forest after heavy clearing possibly 50 to 75 years ago.

However a diverse range of tree types are still represented within the zone particularly tallwood, spotted gum, bloodwood spp. Ironbark spp., grey gum, some blackbutt, white mahogany and other stringybarks. Some magnificent individual trees remain e.g. a buttressed bloodwood at the end of Bloodwood Crescent and very tall Flooded Gums along the Christmas Creek and Fattorini Creek verges.

The creeks and watercourses maintain some excellent stands of wet forest with remnant, and in places, emergent rain forest. Trees such as the tuckeroo, lilly pilly (*acmena smithii*) pepperberry (*cryptocarya abovarta*) cheese tree, banana bush, stand amongst brushbox and melaleuca/casuarina stands). The douched fern, maiden hair and gristle fern were noted also.

THE HUMAN ENVIRONMENT

PAST AND PRESENT LAND USE

- Information on aboriginal occupation of this area is hard to find. It can be reasonably assumed the woodlands, creeks, and river foreshore would have been utilised for hunting and food gathering, camping, material acquisition for implements etc. During the 1930's a large number of aboriginals moved from designated 'Reserves', and settled in the Greenhills area.

In the early 19th Century the Aldavilla – Warneton area was settled by small lot farmers and a number of large squatter properties.

- By 1866, Warneton just south-east of the zone, was one of three (3) main shipping centres for the Valley, being only four miles downstream from the old head of navigation at Belgrave Falls. From Warneton local produce and produce from further up the Valley was shipped to Kempsey and further afield. Warneton boasted a shipping centre, 'boiling down' centre (sheep and cattle). A soap manufacturing works, with a post office established in 1864. Aldavilla, its name coming from the hometown in Germany of settler Anton Gersbach was settled by small lot farmers producing a range of crops and the raising of animals. A school was established here in 1871, its enrolment seasonally fluctuating indicating the need for labour at harvesting and planting times.
- Extensive settlement occurred along the banks of Christmas Creek and nearby swampy land including land in this zone. Maps produced in 1870 show generally 40, 60 and 80 acre farm sizes.

Crops grown in the area were mainly maize with also pumpkins, oranges, and staple home-use vegetables. Some sugar was grown, and poultry and pigs were the main livestock maintained.

- Greenhills was in early days a thriving centre with timber and other produce off loaded from bullock drays onto ships for journeys to Sydney and other centres.

However improved road access and the advent of motor vehicles although momentarily increasing its prosperity finally resulted in businesses moving into Kempsey. Maize production dropped rapidly as vehicles replaced horsedrawn wagons, and blacksmiths and the like moved on.

- There are still signs of old stables and piggeries and 'corner' butcher shops from the early to mid 20th Century (e.g. old butcher shop – corner of Sherwood and Aerodrome Roads).
- In the Wirraway Crescent area, stables for a trotting training track still stand. The same area was used during World War II for picnic horse racing venues.
- Timber cutting in the area has occurred, and a number of bush mills existed. There are large mills operating on Armidale Road, adjacent to the zone.
- In 1946 Kempsey Aerodrome opened with New England Airways carrying freight out to Sydney – Casino on 24.9.46. Passenger services began on 10th February 1947. For the year 1948 an average of 9 passengers per flight six (6) days per week were being flown direct to Sydney. Today regular daily flights occur, with a mail flight to Tamworth, and regular light plane use.

PRESENT

- Small lot farming still continues in the district. Rural residential development has occurred with a range of allotment sizes. A land subdivision into small urban size blocks along Sherwood Road occurred early in the century with a belief that the area would cater for Kempsey's growth. This has happened in many ways with a modern trend for rural enclave-type living. A boat building (traditional style) business, and a number of tradespeople operate from the zone. A general store on Sherwood Road services local residents. A wholesale nursery is also situated on Sherwood Road.
- Historical Info. From local discussions, and publication, "Valley of the Macleay" Neil, M H (1972)

ADJACENT LAND USE AND CONTROL

The adjacent land use zonings reflect, generally, the agricultural and rural-residential aspect of the area.

- * To the west and south of the zone sector, which lies south of Armidale Road, are rural holdings zoned Rural 1(a1) to protect visual amenity, and agricultural and compatible uses.

NOTE:

The Aerodrome is zoned as above, although whilst operative it conveys to the surrounding lands specific air safety and height restrictions, as well as noise, smell, and visual influences (see HAZARDS & CONSTRAINTS)

- * Between the southern part of the zone and the northern sector, the land is zoned also Rural a(a1) allowing agricultural use. Timber mills and the Kempsey Gun club also utilize lands in this vicinity. The zoning discourages more intensive rural

residential development along the main Kempsey-Armidale trunk road, preserving visual amenity of agricultural perspectives, and avoiding increased traffic hazards involved in a multitude of allotment accesses.

- * The lands north of Christmas Creek, and the land area east of the Sherwood Road and south of Armidale Road including that area around the Warne Drive Rural 1(c) subdivision are zoned Rural 1(a3). (Agricultural Protection Zone). Most of this land resource consists of creek and river flats, and associated terrace slopes, providing an important agricultural resource worthy of conservation for appropriate farming practices. Its visual integrity is also protected.
- * East of Crotty's Land and north of Armidale Road, the lands are zoned Rural 1(d) Future Urban on the basis that it is a likely expansion area for development of Kempsey in the longer term. Rural residential use may well be a consideration as some small holdings presently exist here, and would be compatible with this zone's development.
- * The Greenhills urban area zoned Residential 2(a) abuts the eastern corridor of the zone as a "suburb" of Kempsey.

AGRICULTURAL VIABILITY AND LAND CAPABILITY

- * Using Department of Agriculture suitability criteria much of the zone is defined as Class IV land "being uneconomic for arable agricultural due to environmental constraints" Much of this land is undulating to hilly, having shallow acidic soils of a highly erodible nature once vegetation has been removed.

However there is Class III land in the vicinity, some of which comes within the zone boundaries west of Crotty's Lane, and in the east of the Sherwood and Armidale Road intersection. This class of agricultural land is regarded as good quality arable land worthy of protection for agricultural purposes. Due to historic subdivision and planning some parcels have been included in the zone, however the bulk of Class III land have been zoned for wider agricultural uses.

- * Land Capability Mapping indicates most of the zone is moderately hilly needing caution in regard to development, and erosion hazards.

LAND USE PLANNING STRATEGY

Before the making of the Kempsey Shire Local Environment Plan (L.E.P.) this area was zoned Rural Land - zone 1(c). This was to:

- (a) Mainly provide land for agricultural uses.
- (b) Maintain the agricultural visual aspect of the land.
- (c) Allow compatible industrial and tourist development to occur.

However over time pressure to release land for rural small holdings occurred, and subdivision took place. The Shire Environment Study (MSJ Keys - 1983) identified this area as one where existing concentrations of "rural-small holdings" 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. The Study also identifies this area as important for - its wetland and stream system in regard to "enhancing the

attractiveness of water courses as scenic features (e.g. Christmas Creek) and maintaining water quality to standards that will allow continued use... for agricultural purposes..." This is important for the surrounding, and adjacent, agricultural lands to the zone.

- The Study also stated that subdivision potential does not necessarily confer the right to build dwellings – "homes shall be minimised in flood prone areas"... Land suitability is an important criteria in deciding whether further subdivision should in fact proceed.
- Many parts of the zone lend themselves favourably for small holdings development and increased subdivision brings with it an increasing local population. The nature of settlement and employment (i.e. working in Kempsey, not on their land) has produced a regular commuting pattern from the zone to Kempsey and return. This is also occurring for recreation, the schooling of children and shopping for provision. There is a need therefore to plan and develop a safe and efficient transport network for vehicles (including bus routes and pick-up points).
- There is need for the provision of open space-reserves for general active/passive recreation, and these need to be strategically placed throughout the zone.
- Due to the type of lifestyle being sought there is a need to provide a range of allotment sizes including smaller blocks because people are not necessarily working the land, but rather are seeking a "rural-urban type enclave" with environmental buffers. This zone can provide such development options.

SERVICES AND ROAD NETWORK

* ELECTRICITY

The area is served by a 33 K.V. mains line, with low voltage 11 K.V. overhead and underground power servicing subdivisions. The service has the capacity to serve further rural small holdings in the area. Generally the servicing is not intrusive of the scenic qualities, and underground reticulation in a number of areas discourages such intrusion. This should continue.

* WATER SUPPLY:

Water supply for Kempsey is drawn from a series of bores with a total capacity of 18 megalitres per day and piped through this zone to a reservoir at Greenhills. There are presently proposals to construct a reservoir holding approximately 1500 Megalitres at a storage site upstream on a tributary of Frenchman's Creek.

NOTE:

There are a number of marginal supply areas in the zone due to topographic constraints, and the present system is almost working to capacity limits now.

* SEWERAGE:

Part of Greenhills has the urban sewerage system, however topographic constraints preclude economic expansion of this system in Rural 1(c) properties close to Greenhills. However future development in the Rural 1(d) zone may provide an opportunity for allotments close by to link into the expanded system. Much of the

land will have septic tank treatment problems due to the nature of the soils e.g. the Hillview Estate, Bushland Drive, Estate and country in the "Waterford"/"Ponds" area may encounter seepage problems. These should be addressed so as pollution does not occur.

- ROADS AND PEDESTRIAN NETWORK
- Most roads servicing the zone are sealed with adequate drainage. There are no plans to upgrade the present road system apart from that which will occur through normal land development proposals.
- There are no formal pedestrian ways although local people utilize trails. Many of these could be formalised to provide good local movement, and decrease road congestion for short journey needs.

PROVISIONS

BUSHFIRE PROTECTION

There are moderate to high risk factors in the northwest and west-southwest parts of the zone due to the presence of dry sclerophyll forests, particularly where past interference with the forest system has created a modified floor-litter environment susceptible to rapid movement of a fire front. However clearing for rural residential development has decreased the incidence of wildfire, encouraging more regular fires from 'escaped' backburns and accidental fires. Many areas of the zone, due to the past clearing of land for grazing do not experience the hazard of bushfire. Particular emphasis will be placed on protection methods in those areas where hazard factors and settlement pattern present significant risks.

- Where and when appropriate the following provisions are expected to be followed by landholders and land developers.
 - 1 A development application will have to show that the subdivision design has taken into consideration the "risk factor", and include some statement of methods or techniques to be employed to mitigate the 'risk'.
 - 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 land development to make additional provisions to overcome or reduce the bushfire risk.
 - 3 Wherever possible and practical, Council will encourage more than one access road to service subdivisions, so that a number of escape and fire fighting routes are provided.
 - 4 Where a high risk factor is identified, subdivision design for new development providing perimeter roading and/or bushfire radiation (protection) buffer areas will be encouraged.
 - 5 House design and placement on allotments as well as landscape design and placement of dams can be utilized for protection in risk areas.
- Applications will be reviewed with these and other factors in mind.

AERODROME AND AIR TRAFFIC

The proximity of the airport to certain areas of the zone creates a number of constraints and potential hazards. Council therefore has developed a number of policies to address these issues.

- ISSUE (1). The Commonwealth Department of Aviation invokes certain requirements on airspace surrounding the Airport. In the specified flight paths, and nearby airspace is 'protected' for aircraft safety; no structures or vegetation being allowed to encroach into the airspace.
- POLICY: Council believes this requirement can be simply complied with by landholders choosing appropriate structure heights, and planting or maintaining vegetation that upon maturity – will not encroach into the protected airspace. People building or planting vegetation in proximity to the airport particularly the flight paths should bear this in mind.