

DCP 16

JOHN LANE ROAD WEST KEMPSEY

Approved: 28th April, 1994

Notified: 10th May, 1994

DEVELOPMENT CONTROL PLAN NO. 16

JOHN LANE ROAD, WEST KEMPSEY

This Plan has been prepared pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and Clause 24 of the Environmental Planning and Assessment Regulation, 1980

CITATION:

This Plan may be referred to as Development Control Plan No. 16 – John Lane Road, West Kempsey.

LAND TO WHICH THIS PLAN APPLIES:

This Plan applies to land in the West Kempsey locality as indicated by heavy black edging on the map attached to this plan titled "Development Control Plan No. 16 – John Lane Road, West Kempsey".

RELATIONSHIP TO OTHER PLANNING INSTRUMENTS:

This Plan has been prepared to be consistent with the aims, objectives and provisions of the North Coast Regional Environmental Plan 1988 and Kempsey Local Environmental Plan 1987.

DEFINITIONS:

In this Plan, except in so far as the context matter otherwise indicates or requires:-

Proposed Road means the route along which Council will require dedication of land towards the establishment of a public road to serve allotments in the locality.

Zone Boundary means the boundary of the zoned area the subject of this Development Control Plan.

Section 94 Contributions

Under Section 94 of the Environmental Planning and Assessment Act, Council is permitted to levy contributions on developments which will create additional demand on Council provided infrastructure and services such as roads and public open space.

Waste-water and Sewage Effluent Disposal

Refers to both waste-water from washing machines, sinks, showers and the like and to sewage effluent from toilets.

AIMS AND OBJECTIVES

The aims and objectives of Kempsey Local Environmental Plan 1987 apply to this plan, specifically:-

- (a) to protect the quality of areas of high landscape or environmental value;
- (b) to ensure that new development does not require the uneconomic extension of services;
- (c) to ensure that a choice of lot sizes is available to rural land purchasers;
- (d) to protect cultural and natural resources from damage or destruction; and
- (e) to ensure that development controls reflect differences in the physical capability of the land and accessibility to service.

Other objectives of this plan are to ensure:-

- (a) that areas zoned to permit smaller lot subdivision are developed in an orderly and economic manner;
- (b) that adequate provision is made for the disposal of domestic waste water;
- (c) that adequate flood free land including dwelling sites are available within each allotment;
- (d) that access to each allotment is of a reasonable standard; and
- (e) that areas of important natural habitat are identified and appropriately protected.

GENERAL PRINCIPLES

- 1 Development is to be undertaken in accordance with the provisions of this plan.
- 2 The rural aspect and scenic qualities of the subject land are to be retained through minimal clearing of mature and native vegetation. In particular stands of tall timber and continuous vegetation communities should be left wherever possible. This does not restrict the clearing of adequate area around dwellings and other structures for Bushfire Hazard Reduction in accordance with the instructions of Council's Fire Control Officer. Dwelling sites should be carefully chosen with this in mind.
- 3 Native vegetation along creeks and waterways is to be retained wherever possible in the interests of maintaining water quality, minimising soil erosion and protection of potential native fauna habitat.

- 4 On site waste-water disposal areas should be located well away from creeks and waterways. A minimum of 400 metres is recommended by the NSW Health Department.

SPECIAL PROVISIONS

i) Subdivision and Road Construction

Subdivision of the subject land is to be in accordance with the attached plan titled "Development Control Plan No. 16 – John Lane Road, West Kempsey". Alternative designs will only be approved if the applicant has satisfied Council that it meets the aims, objectives and principles of the zone and of this plan and that the design is not detrimental to future subdivision opportunities in the locality.

ii) Provision of Access

It is proposed that access to the land will be gained from John Lane Road and Bushland Drive, via public roads to be constructed through intervening land.

In accordance with Council's policy on access to rural subdivisions, John Lane Road will need to be upgraded to a bitumen seal standard (6m wide) road. Extension of Bushland Drive will need to be of the same standard. Internal roads will require construction at least to a 4m wide seal standard. Construction of this road, could be undertaken jointly by affected landowners or by Section 94 Contributions.

Individual access points are to be provided to all lots from the constructed road(s) at the subdivider's expense.

iii) Section 94 contributions

Calculated contributions payable under Section 94 for access roads will be in accordance with the adopted Contributions Plan for Roads for Kempsey Council area, with adjustment of the contribution rates for 1993 as follows:-

- (a) Contribution for construction of new road (cul-de-sac) from John Lane Road through the subject land
= \$6000 per new lot created
- (b) Contribution for construction of extension of Bushland Drive
= \$4000 per new lot created.
- (c) Contribution towards upgrading John Lane Road
= \$3460 per new lot created

(N.B.: Updated contribution rates will be appended to the rear of this document).

Open Space Contributions: A contribution will be required towards embellishment of open space and recreation areas, in accordance with the adopted Section 94 Contributions Plan – Outdoor Recreation.

iv) **Road Names**

The proposed name of the new road (cul-de-sac) from John Lane Road serving the subject land shall be selected from a list provided by its developer(s). The extension of Bushland Drive will continue by that name.

v) **Provision of Electricity**

All proposed lots are to be provided with electricity to the front of the lot to the satisfaction of Oxley Electricity.

vi) **Provision of Telephone**

All proposed lots are to be provided with underground telephone reticulation.

vii) **Fauna and Flora Considerations**

Under Section 90(1)(c2) of the Environmental Planning and Assessment Act, Council is required to take into consideration whether there is likely to be a significant effect on the environment of endangered fauna.

Any subdivision application must identify the extent of clearing proposed including likely dwelling sites, bushfire control, fencelines and the like. The application must also identify areas of habitat likely to support species of endangered fauna to be retained and protected. Details of protection measures to be provided on the application.

The area shown hatched on the plan attaching to this DCP reflects a natural water course and is to remain vegetated and is to be dedicated to Council as open space/environmental protection.

viii) **Fire Hazard Control**

Council's Fire Control Officer is able to provide advise on the extent of hazard reduction needed for specific sites.

The Fire Control Officer generally advises that in order to provide reasonable protection from bushfires, a cleared space of not less than 20 metres on flat land, increasing proportionally with the degree of facing slope and direction, should be provided.

A further reduced area of 20 to 30 metres should also be provided.

Your local volunteer fire brigade is the Aldavilla Bushfire Brigade.

A minimum of 20,000 litres of water storage is recommended together with a fuel driven pump of "Fire Fighting Classification".

Note 1. The cleared space refers to flammable materials such as leaf litter, twigs, tree branches, long dry grass etc. Large trees should be kept back from the immediate vicinity of the building. Fire resistant shrubs and trees could be permitted in close proximity.

Note 2. The further reduced area should have fire prone trees thinned out to the stage that top branches are not touching, and flammable ground cover should be removed. The purpose of removing flammable ground cover is to reduce the intensity of any approaching fire and to reduce the volume of heat from radiated heat off the fire.

ix) **On-Site Waste-Water Control**

Given the poor absorption capacity of soils in this locality, standard septic tank disposal will not be permitted. The following is the minimum required by the Environmental Health and Development Department subject to individual site conditions:-

One method which might be considered for Domestic waste-water Treatment are Extended Aeration Systems which provide a further degree of treatment of the waste water and the effluent (final product) may be spray irrigated in specifically designed and designated areas. The minimum area for the irrigation of the waste water is 200 square metres.

The need for adequate consideration of the treatment and disposal of waste-water is to ensure that potentially dangerous to health situations do not arise and that the long-term capability of the land to accept waste-water is satisfactory.

It is necessary to ensure that the compounding effect of a number of treatment systems does not result in a broader contamination of the environment.

x) **Miscellaneous**

- Lodging a Subdivision Application:

Subdivision is permitted to create allotments of 1 hectare or greater in area. An application needs to be lodged with Council for consent prior to any physical works commencing. Application forms are available from the Operations Department.

- Lodging a Building Application:

Building Applications are required to be lodged for any new building or structure, including dwellings, garages, stables, machinery sheds and the like. Applicants should consult with the Environmental Health and Development Department to determine if their specific proposal requires approval.

- Allocation of Road Number:

When building a dwelling, applicants should contact the Operations Department to arrange allocation of a Road Number for address purposes.