

DCP 18

**KUNDABUNG,
WEST OF
PACIFIC HIGHWAY**

Approved: 28th April, 1994

Notified: 10th May, 1994

DEVELOPMENT CONTROL PLAN NO. 18

KUNDABUNG, WEST OF PACIFIC HIGHWAY

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. 18 – Kundabung, West of Pacific Highway.

LAND TO WHICH THIS PLAN APPLIES:

This Plan applies to land in the Tennessee locality as indicated by heavy black edging on the map attached to this plan titled "Development Control Plan No. 18 – Kundabung, West of Pacific Highway".

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:-

- (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. 18 – Kundabung, West of Pacific Highway". 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 Smiths Creek Road, Ravenswood Road and Rodeo Drive via public roads to be constructed through intervening land.

In accordance with Council's policy on access to rural subdivisions, Smiths Creek Road will need to be upgraded to a bitumen seal standard (6m wide) road. Similarly, new roads into the subject land will require construction at least to a 4m wide seal standard. Construction of these roads, could be undertaken jointly by affected landowners or by Section 94 Contributions, from affected lots.

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 1994 as follows:-

- a) Contribution for construction of new road from Ravenswood Road to the subject land = \$2923 per new lot created.
- b) Contribution for construction of new road from Rodeo Drive = \$6000 per new lot created.
- c) Contribution to construction of new road from Smiths Creek Road = \$5000 per new lot created.
- d) Contribution towards upgrading of Smiths Creek Road = \$1760 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** – will be selected by Council from a list submitted by developers.

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**

The subject land encloses a likely Koala corridor and contains significant areas of habitat suitable for Koalas. Any subdivision or subsequent clearing and development is required to avoid areas of contiguous vegetation along creeks and waterways and retain those stands of trees which contain the following species:-

Tallow Wood

Grey Gum

Blackbutt

Forest Red Gum

Council will require a Fauna Impact Statement to be submitted with any subdivision application.

Recognition of Koalas and other native fauna in the Kempsey area is consistent with the longstanding "Nature's Wonderland" theme. Landowners are encouraged to protect the habitat of these species as it is a rare opportunity to observe one of our nations most unique animals in "your own backyard".

The hatched areas are to remain vegetated (where mature vegetation exists) and are to be dedicated to Council as open space/environmental protection area. For areas shown hatched but currently lacking mature vegetation, landowners are encouraged to assist their regeneration.

viii) **Fire Hazard Control**

Council's Fire Control Officer is able to provide advise on the extent of hazard reduction needed for specific sites, however selection of dwelling sites and the subsequent Fire Hazard Control clearing must give priority to protection of Koala habitat areas and thus avoid proximity to those areas wherever possible.

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 Kundabung 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**

A wide variety of systems are available for disposal of sewage and waste water. **Applicants are advised to consult with the Environmental Health and Development Department of Council for site specific requirements.** These details will need to be lodged with any building application of a dwelling.

If a Septic Tank System is to be considered for a particular site, factors such as location of nearby watercourses, slopes of the land and the absorption capacity of the soil are factors for consideration.

It will be necessary to carry out a Percolation Test (absorption quality) on the site in the area where it is proposed to locate an absorption area. This test is required to be carried out in accordance with the relevant Australian Standard. Such a test is to be undertaken using water to which laundry detergent has been added. The percolation test result will be used to ascertain the length of absorption trench required for each allotment.

Other methods 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) **Flooding**

Some areas may be affected by local flooding in creeks and water courses. Any proposed new allotment should have adequate building sites clear of any potential flooding.

xi) **Miscellaneous**

- Lodging a Subdivision Application:

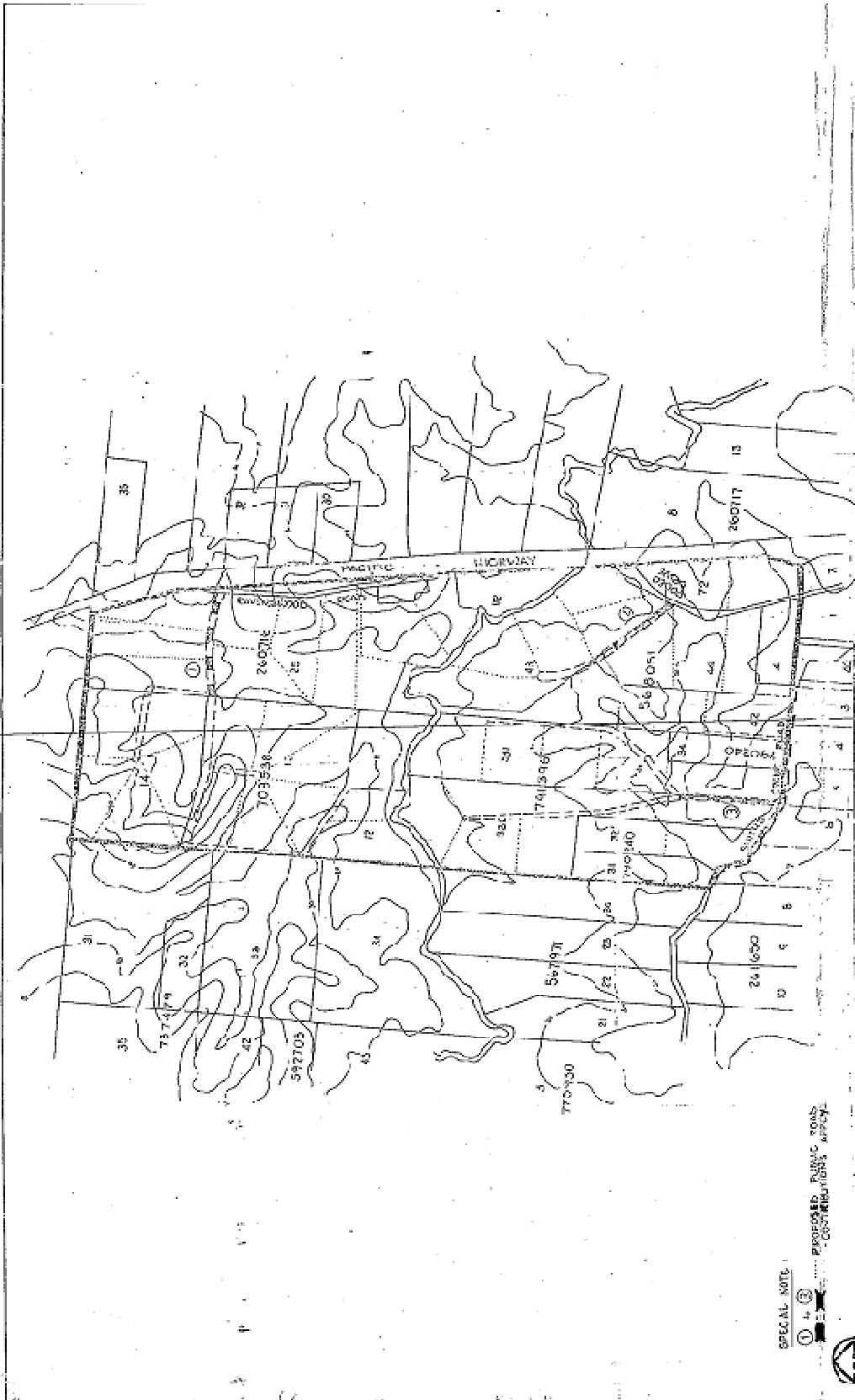
Subdivision is permitted to create allotments of 8 hectares or greater in area. An application together with a Fauna Impact Statement needs to be lodged with Council for consent prior to any physical works commencing. Application forms are available from the Operations Department.

- 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.



SPECIAL NOTE:

- ① 4 ② PROPOSED PUBLIC TOADS
- ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿

SCALE 1:12500



- LEGEND**
- Zaps boundary
 - Proposed public road to be used by shire
 - Proposed open space or environmental protection area
 - Possible subdivision lot pattern
 - Road (width 10)
 - Catchment boundary

Maplet: 21 April 88
 401100 11 NOV 88

SHIRE OF KEMPSEY
 DEVELOPMENT CONTROL PLAN NO. 10

KUNDASUNG, WEST OF PACIFIC HIGHWAY

Contract: *G. Kelly*

2014E 1(0) (Revised) (Small Agricultural Enterprises) "C" Zone).

accountable with other areas.
 This map was prepared in accordance with section 72 of the L.R.A.A. Act and Part 21 of the Regulations. It supports Amendment No 38 to Kempsey LEP, 1987 and therefore, you may have access to other LEPs and other maps (not released).