



Planning Proposal

KLEP 2013 Amendment No 15

South Kempsey Village Precinct

[Issue: gateway_v2_161223_requested_additional_information]

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1. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 INTRODUCTION

This Planning Proposal is in response to the South Kempsey Planning Review following completion of the Kempsey Shire Council Pacific Highway Bypass Strategy May 2011 and the Lachlan Street Concept Design June 2015.

Chronologically, the current proposal descends directly from the initial Pacific Highway Bypass Strategy, (The Bypass Strategy), adopted by Council in May 2011.

The Bypass Strategy was prepared specifically to address any negative impacts associated with the deviation of the Pacific Highway and to position Kempsey in order to maximise the potential positive benefits associated with the bypass.

To achieve this the Bypass Strategy included a series of actions, including:

- i. a review of land use strategies under the then South Kempsey Local Environment Plan
- ii. the development of various town centre and place based development control plans for the town centre and corridor precincts, and
- iii. various streetscape revitalisation urban design programs including the South Kempsey Village Precinct

As a direct result of the Bypass Strategy Council undertook to prepare the Lachlan Street Precinct Streetscape Design (iii) with the aim of providing incentive for existing businesses to take advantage of the changed conditions, and to provide new development opportunity through a Council funded upgrade of the Lachlan Street public domain. The Tender documentation for this project was completed in August 2015 with work due to start in second quarter 2017.

The South Kempsey Planning Review (i) was undertaken concurrently with the streetscape design program to assess current land use zoning and make recommendations with regard to possible changes to zoning inside the precinct.

The review and the resultant planning proposal seeks to provide strategic direction for future use and expansion of the South Kempsey Village precinct, consistent with the Bypass Strategy.

1.2 Objectives and Aims

The three (3) principle objectives of the South Kempsey Planning Review were:

- to examine the effectiveness and viability of planning controls currently in place in the South Kempsey business precinct;
- to provide Council with a clear direction on future land use planning opportunities in the precinct, allowing the launch of a broader planning review program for South Kempsey, and
- to consult with landowners, business and other stakeholders on matter affecting the future land use and zoning of their properties.

The specific objectives of this planning proposal are to:

- Make provision for additional Medium Density housing opportunities through the expansion of the existing R3 Medium Density Residential to encompass an area west of Lachlan Street, and

- To expand the range of permitted uses in the village business precinct through the introduction of a new B4 Mixed Use Business zone and to also extend the village business precinct south to Middleton Street.

The three (3) principle guiding objectives of the South Kempsey Planning Review directly influence the specific objectives of this planning proposal which are in turn a result of the process followed at the planning review stage. The planning review aimed to provide guidance for future land use in the precinct and sought input from businesses and residents.

The results from the planning review indicated that incentives to build business enterprise in the precinct could be achieved through a bolder approach to the business zoning, from B2 Local Centre to B4 Mixed Use, that would both preserve the village feel and atmosphere and provide fresh opportunities for new retail and commercial development.

The intended outcome of the planning proposal is to increase the range of permissible uses that are compatible with enhancing the village atmosphere and encourage revitalisation of the South Kempsey Village precinct.

1.3 Land to which the planning proposal applies

The land to which this proposal refers to is known as the South Kempsey Village Precinct as illustrated in Figure 1 below.

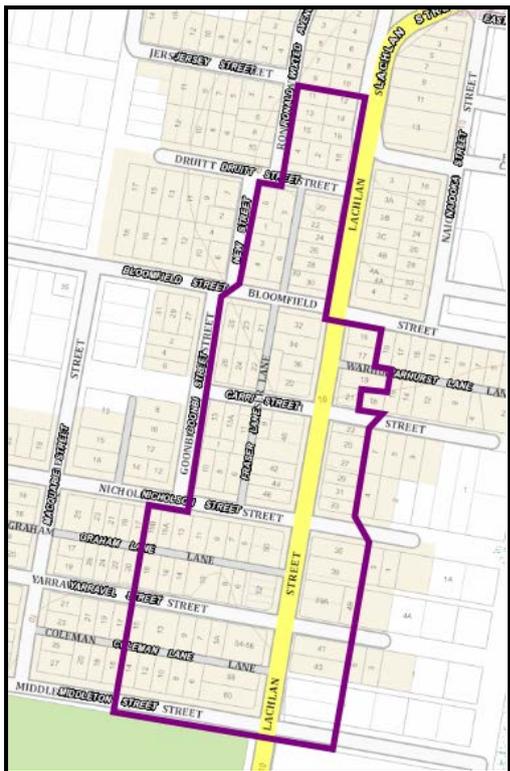
1.4 Site context and setting

The subject land lies within and adjacent the South Kempsey business precinct fronting Lachlan Street, South Kempsey extending to the north near Gordon Rees Street, west to Goonbi Street, New Street & Ronald Wixted Avenue and south to Middleton Street.

The land the subject of this planning proposal is a mixed use area comprising business and light industry services and mostly single storey homes.

The proposal seeks to convert the B2 Local Centre zone to B4 mixed Use zone and extend it south to Middleton Street and expand the amount of land zoned R3 Medium Density around the B4 zoning, west towards Goonbi St, New Street and south to Middleton Street.

To the south of Middleton Street is the South Kempsey Park and Aboriginal Keeping place and to the north are existing general residential areas and the East Kempsey Cemetery.



Planning Proposal area (Source: Sixmap)

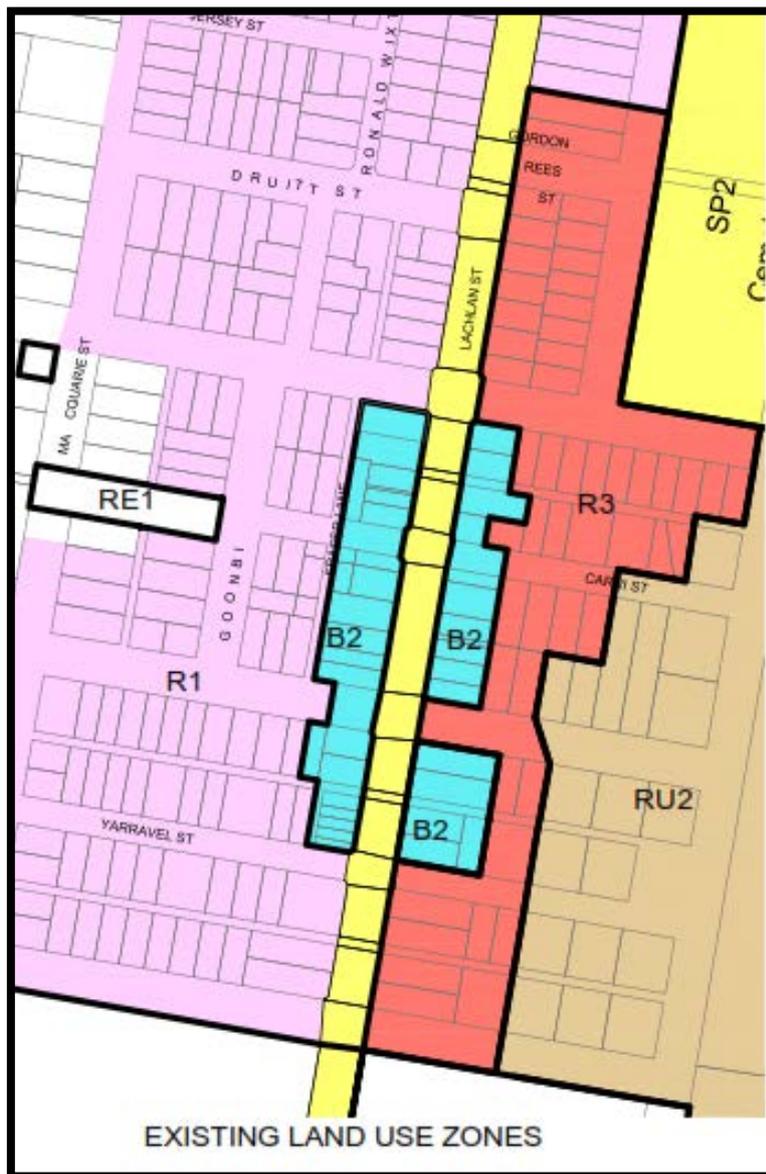


Site Context existing development (Source: Sixmap)

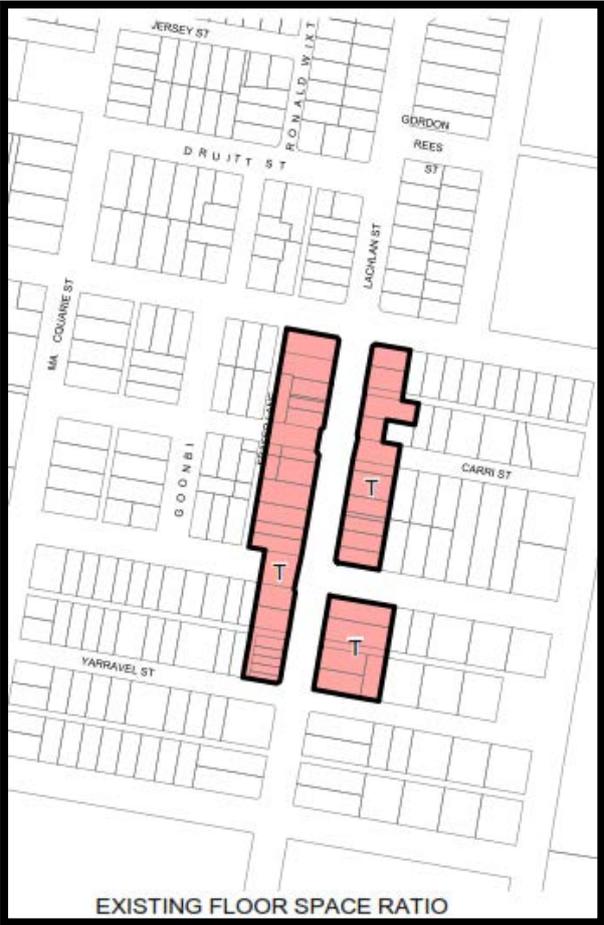
2. PART 2 – EXPLANATION OF PROVISIONS

2.1 Existing Planning Controls

The existing zoning of the land is part R1 General Residential, part R3 Medium Density Residential and B2 Local Centre under Kempsey Local Environmental Plan 2013, as illustrated below.



Other mapped attributes are illustrated below.





2.2 Proposed Planning Provisions

Amending the Kempsey Local Environmental Plan 2013 (LEP 2013) Land Zoning Map as it applies to the South Kempsey Village Precinct and amending Schedule 1 of the LEP 2013 by omitting item 7 of the schedule.

The existing Schedule 1 and Additional permitted uses map under Kempsey LEP 2013 identifies Lot s 7- 10 Section 26 DP 759080 for hotel and motel accommodation and a restaurant or café. The proposed B4 mixed use business zone allows a similar range of uses such that the sites-specific item will no longer be necessary. It is proposed to omit item 7 from Schedule 1 and amend the Additional Permitted Uses map layer to remove the abovementioned provision.

In relation to the existing B2 Business zone the existing Height of Building mapping reveals no maximum building height for most of the zone and 8.5 m building height on the western side of Lachlan Street. The existing Floor Space Ratio provision for the business zone is 2:1.

The planning proposal seeks to introduce building heights of 2 and 4 storeys in the proposed B4 Mixed use Business zone and remove the FSR provision. The introduction of height limits in combination with the suite of built form controls under state environmental planning policy linked housing code and design guides, existing Development Control Plan & BCA provisions is considered to be a more appropriate and effective means of controlling development bulk and scale than the current FSR only provision.

The proposed height of building provisions reflect the topographical character of Lachlan Street and opportunity to develop a street scape scale in harmony with the topography. It also reinforces the importance of the core of the precinct with higher built form.

Amending the Minimum Lot Size Map, Height of Building Map, Floor Space Ratio and Additional Permitted Uses Maps to correspond with the R3 Medium Density Residential zone and B4 Mixed Use Business zone as shown in the Maps below

The R3 Medium Density Residential zone is expressed in Kempsey LEP 2013 as:

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage urban infill and redevelopment in areas that surround existing or proposed facilities and services.

2 Permitted without consent

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

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Group homes; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres, Roads; Seniors housing; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; 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; Wholesale supplies.

The B4 Mixed Use zone

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate the development of a mix of local-scale facilities and services that do not detract from the core commercial functions of the Kempsey central business district.
- To ensure that new buildings make a positive contribution to the streetscape and public domain.
- To permit appropriate light industrial uses and retail industrial uses compatible with the character of the precinct.

2 Permitted without consent

Building identification signs; Home-based child care; Home businesses; Home occupations.

3 Permitted with consent

Boarding houses; Child care centres, Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition Homes, Function centres; Home industries; Hostels; Hotel or motel accommodation; Industrial retail outlets; Information and education

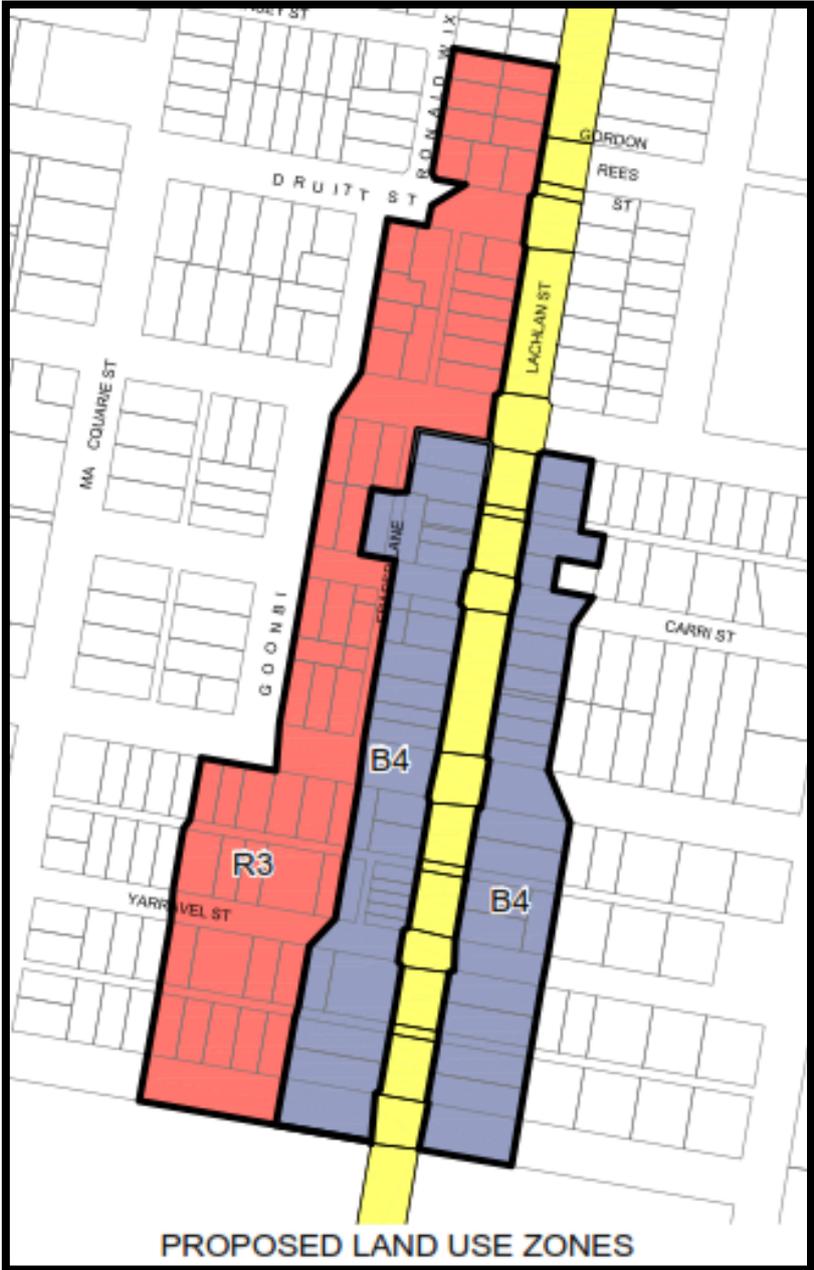
facilities; Light Industries, Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service Stations, Shop top housing; Vehicle sales or hire premises, Veterinary hospital, Any other development not specified in item 2 or 4.

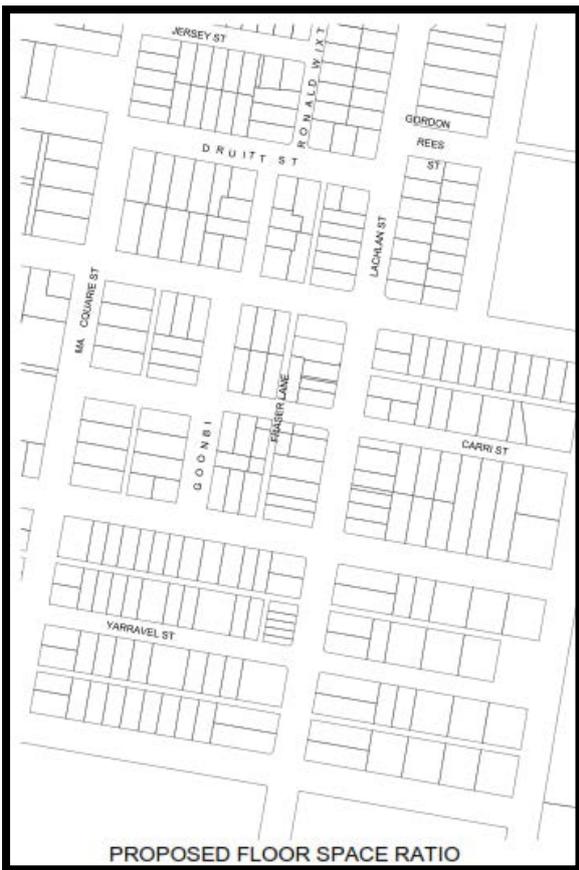
4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; 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 villages; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Recreation facilities (major); Resource recovery facilities; Rural industries; Sewage treatment plants; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water treatment facilities; Wharf or boating facilities.

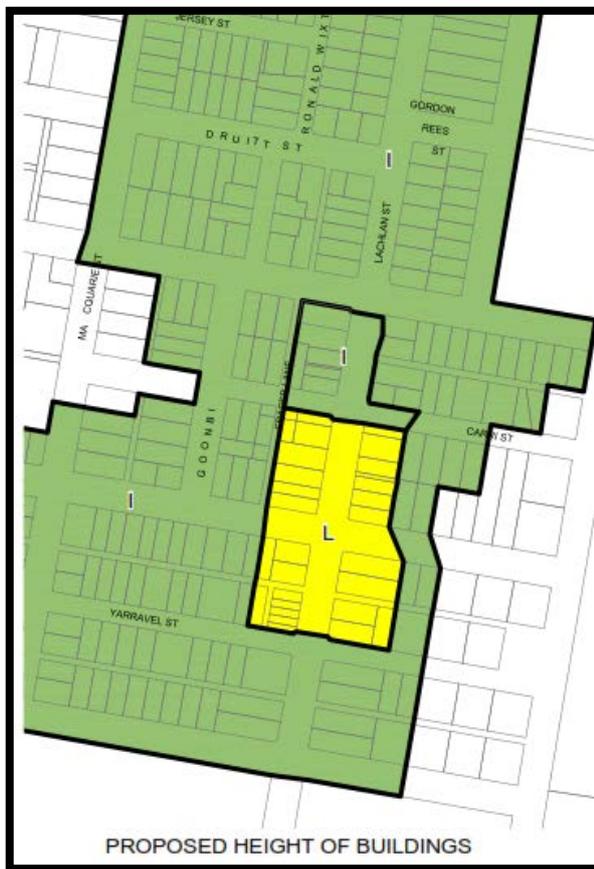
The proposed zone amendments would support additional residential density and opportunity for a vibrant activated village business hub.

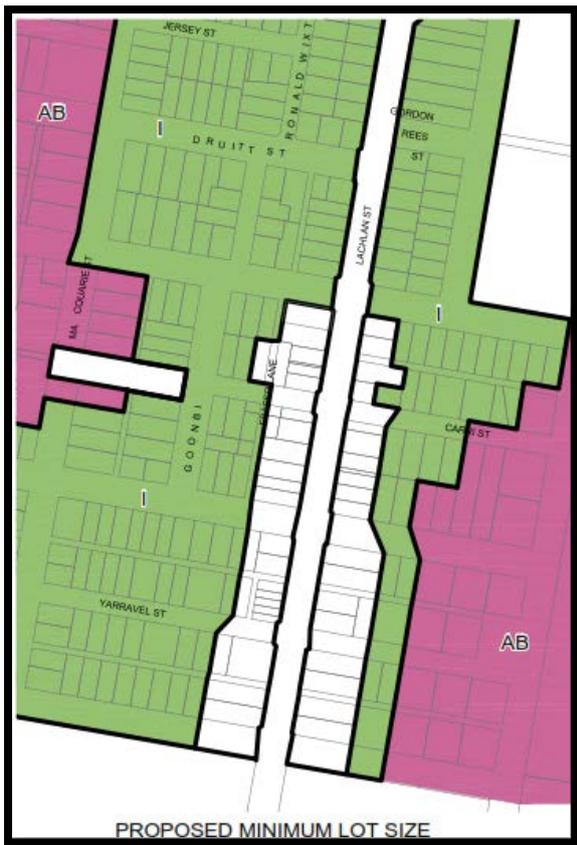
The proposed zone amendments and corresponding maps are:





Nil FSR proposed.





3. PART 3 – JUSTIFICATION

3.1 Section A – Need for the Planning Proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is the direct result of the Kempsey Bypass Strategy (2011) that made clear recommendations that Council “*consider potential town planning (LEP & DCP) implications regarding permissible and desirable land uses associated with the road bypass and existing commercial/employment sites that may be trade affected.*”

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no other mechanism available to achieve the objective.

3.2 Section B Relationship to strategic planning framework

3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Regional Strategy

The planning proposal is consistent with the Draft North Coast Regional Plan Directives:

- *Direction 3.3 Deliver housing choice to suit changing needs*

COMMENT: Expansion of the R3 Medium Density Residential zone will assist in diversifying housing choice to meet the needs of a changing population and assist in the provision of cost effective and affordable housing in the community

- *Direction 4.5 Grow the region’s commercial and business centres*

COMMENT: Expansion of the precinct’s business zoning, and the application of the new B4 – Mixed Use zone supports this Direction through planning for the future retail and commercial needs of the community

The planning proposal is consistent with the Mid North Coast Regional Strategy objectives:

- *Ensure that new housing meets the needs of smaller households and an ageing population by encouraging a shift in dwelling mix and type so that 60 per cent of new housing is the traditional detached style and 40 per cent is of multiunit style.*

COMMENT: The proposal seeks to expand the R3 Medium Density zoning in proximity to the South Kempsey Village precinct and whilst a 40% target may not be met in the short term, the proposal helps facilitate new housing types reflecting the shift to smaller households.

- *Ensure an adequate supply of land exists to support economic growth and the capacity for an additional 48 500 jobs in the Region by protecting existing commercial and employment areas and securing sufficient land to support new employment opportunities.*

COMMENT: The proposal seeks to expand the range of economic activities permissible in the precinct by introducing the B4 Mixed Use Zone into the Kempsey Local Environmental Plan 2013 and specifically applied to the planning proposal area. It protects the existing village precinct and expands it slightly. The planning proposal would support new employment opportunities.

3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes. The proposal is consistent with the following strategic documents:

- Kempsey Shire Council Community Strategic Plan 20 Year Vision (2007) –

The following strategies are consistent the planning proposal

Strategy 2: to plan strategically for development

Strategy 3: to provide employment opportunities

- Macleay Valley 2036 Community Strategic Plan (2013)

The following strategies are consistent the planning proposal

Use planning controls to ensure that environmental impacts do not negatively affect lifestyle (HS-05)

Improve employment opportunities (WS-03)

- Kempsey Pacific Highway Bypass Strategy (2011)

The following action is consistent with the planning proposal

Action 7 - consider potential town planning (LEP & DCP) implications regarding permissible and desirable land uses associated with the road bypass and existing commercial/employment sites that may be trade affected."

3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPP's) relevant to the proposal are the SEPP (Infrastructure) and SEPP 64.

SEPP (Infrastructure) - The land subject of the planning proposal includes the former Pacific Highway, which is still a Classified Road under the Roads Act and the provisions of Division 17 of the SEPP (Infrastructure) may apply to subsequent development applications.

Responsibility for the former Pacific Highway corridor between South Kempsey and Frederickton was ceded to Kempsey Shire Council in 2015

In relation to the planning proposal itself, no new roads or intersections are expected to result from the proposal and the Road Classification is a legacy of the former use of the road as part of the Pacific Highway.

The SEPP 64 Advertising and Signage also applies where subsequent application involve certain categories of signage.

Comments are provided in Appendix A in regards to each SEPP.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (S 117 directions)?

Of the current Section 117 Directions the following are directly relevant to the proposal and/or the subject land and require specific comment.

117 Direction No. 1.1	Business and Industrial Zones
117 Direction No. 2.3	Heritage Conservation
117 Direction No. 3.1	Residential Zones
117 Direction No. 3.4	Integrating Land Use and Transport
117 Direction No. 4.1	Acid Sulphate Soils
117 Direction No. 4.3	Flood Prone Lands
117 Direction No. 4.4	Planning for Bushfire Protection
117 Direction No. 5.1	Implementation of Regional Strategies
117 Direction No. 6.1	Approval and Referral Requirements
117 Direction No. 6.3	Site Specific Provisions

Appendix A addresses the relevant S117 directions and where relevant justifies any inconsistencies.

The key considerations under the S117 Directions for the site and the proposed zone are:

Business Zones

Conversion of the existing B2 Local Centre zone to a B4 Miscued Use is conserved justified under the Direction.

Heritage Conservation

An identified cultural heritage site of the Kempsey Local Aboriginal Land Council in proximity to (south of) the planning proposal area is the South Kempsey Keeping Place. Consultation with representative of the Kempsey Local Aboriginal Land Council indicates no concerns regarding the proposal in relation to the Keeping Place

Residential Zones

The planning proposal seeks to extent the R3 Medium Density zone to facilitate new housing stock and making use of existing urban infrastructure of facilities.

Integrating Land Use and Transport

A key component of the Kempsey Highway Bypass Strategy May 2011 and the Lachlan Street Concept Design June 2015 is to facilitate greater us of local transport services, cycling and pedestrian activation of the South Kempsey Village precinct.

3.3 Section C – Environmental, Social and Economic Impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Area subject of the planning precinct is an existing long standing urban area developed with traditional low density housing and mixed business.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No additional matters to those discussed above.

3.3.3 How has the planning proposal adequately addressed any social and economic effects?

The intended outcome of the planning proposal is to support and encourage a vibrant and prosperous village precinct. The potential social and economic effects are anticipated to be positive.

3.4 Section D – State and Commonwealth interests

3.4.2 Is there adequate public infrastructure for the planning proposal?

Yes, adequate existing road, water, sewer and stormwater infrastructure. Lachlan Street is part of the former Pacific Highway route which now benefits from the Kempsey Highway Bypass, as such the road surface, lane widths and line marking currently carry over highway provisions. The Lachlan Street Concept Design June 2015 identifies landscape treatments, footpath and kerb bulbs to create outdoor dining and gathering areas, delineated on street parking and adjustments to road line marking to reduce traffic speeds and encourage pedestrian activity within the Village Precinct.

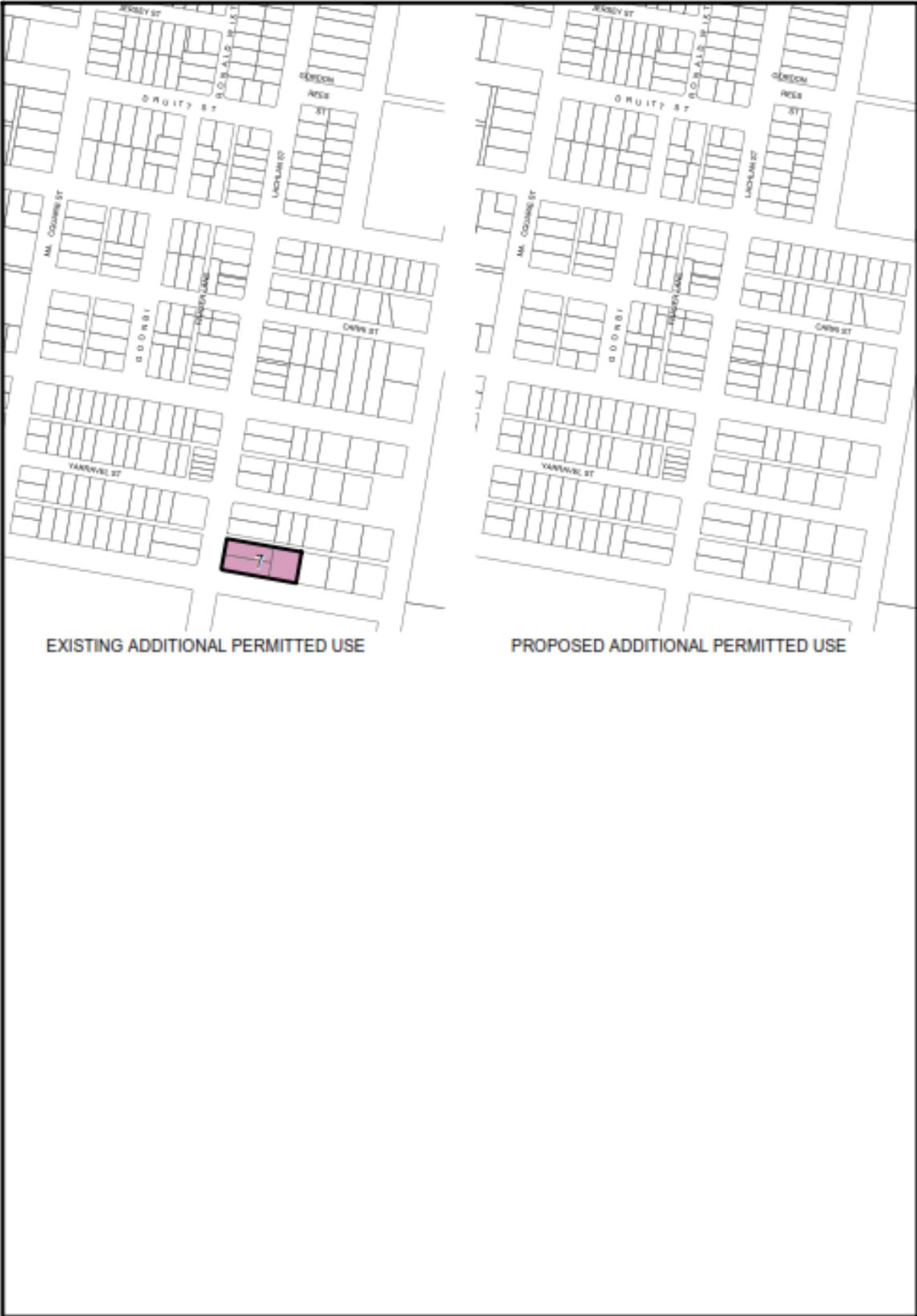
3.4.3 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section is completed following consultation with the State and Commonwealth authorities should the Director General determine to proceed with the Planning Proposal and identifies which authorities are to be consulted with.

4. PART 4 – MAPPING







5. PART 5 - COMMUNITY CONSULTATION

Site specific Community Consultation has been undertaken during preparation of the Planning Proposal with owners and occupants of the land subject to the planning proposal. Letters were sent to each land owner in the area as well as telephone calls to registered stakeholders from the Lachlan Street Concept Design 2015 consultation phase were made. Consultation with representatives of the Kempsey Local Aboriginal Land Council has been undertaken together with contact with representatives of the Dunghutti Peoples.

Further Community Consultation will be undertaken following the Gateway Determination and will be undertaken in accordance with the conditions specified in the Gateway Determination, as well as Kempsey Shire Councils Public Notification Policy.

Public exhibition of the Planning Proposal would include notification on the Kempsey Shire Council website, Department of Planning and Environment website, notice in the newspapers that circulate in the LGA.

The Planning Proposal will be placed on public exhibition for a minimum 28 day period.

Information relating to the Planning Proposal would also be displayed at Kempsey Shire Council Customer Service Centre located on Tozer Street, West Kempsey and Libraries within the Shire.

6. PART 6 – PROJECT TIMELINE

An approximate project timeline is provided as *Table 6.1* below. It is estimated that this amendment to the KLEP 2013 will be complete by October 2017

Council requests delegation to carry out certain plan making functions in relation to this planning proposal. Delegation would be exercised by Councils General Manager or Director Sustainable Environment.

Table 6.1 – Project Timeline

LEP Amendment Steps	Estimated Project Timing
Submit Planning Proposal to DP&E	November 2016
Receive Gateway determination	February 2017
Authority consultation - pre-exhibition*	March 2017
Preparation of materials for public exhibition & authority consultation	March 2017
Public exhibition of Planning Proposal & government authority consultation	April – May 2017
Review and consideration of submissions	May – June 2017
Council report preparation	June 2017
Public submissions report and draft LEP amendment to Council for adoption	July 2017
Submission to the department to finalise the LEP	August 2017
Submit request for drafting of LEP to Parliamentary Counsel's Office^	September 2017
Forward to the department for notification	October 2017
* If required	
^ If delegated	

Appendix A

Consistency with State Environmental Planning Policies

No.	SEPP Title	Summary	Consistency - (consistent/inconsistent/not applicable)) (include a brief discussion on the more relevant points)
14	Coastal Wetlands	Seeks to ensure the State's coastal wetlands are preserved and protected.	N/A
15	Rural Landsharing Communities	Seeks to facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices.	N/A
21	Caravan Parks	Seeks to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	N/A
26	Littoral Rainforests	Seeks to protect littoral rainforests from development.	N/A
30	Intensive Agriculture	Requires development consent and additional requirements for cattle feedlots and piggeries.	N/A
32	Urban Consolidation	Seeks to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	N/A
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive development	N/A
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	N/A

44	Koala Habitat Protection	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	N/A
50	Canal Estate Development	Prohibits canal estate development	N/A
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	N/A
62	Sustainable Aquaculture	Seeks to encourage and regulate sustainable aquaculture development	N/A
64	Advertising and Signage	Seeks to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	N/A
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	N/A
71	Coastal Protection	Seeks to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	N/A
	Affordable Rental Housing	To provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Consistent. The proposed zones under the planning proposal are subject to the provisions of the Affordable Rental Housing SEPP and applications under that SEPP are not restricted by the Planning Proposal. Residential Accommodation, including dual occupancies, multi dwelling housing or residential flat buildings are permissible in the residential zone proposed and in the B4 Mixed Use zone The precinct benefits from regular bus services along Lachlan street including key bus stops for the town bus routes..
	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State	N/A

	Exempt and Complying Development Codes 2008	Seeks to provide streamlined assessment process for development that complies with specified development standards.	Consistent. The planning proposal does not alter the application of this SEPP in the precinct. The provisions of the SEPP are available under the R3 Medium Density zone and the B4 Mixed Use zone as appropriate to permissible land uses.
	Housing for Seniors or People with a Disability 2004	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	Consistent. The planning proposal specifically includes housing for Seniors or People with a Disability in the list of permissible uses. The precinct benefits from regular bus services along Lachlan street including key bus stops for the town bus routes. The topography of the area lends itself to future senior housing developments as well.
	Infrastructure 2007	The aim of this policy is to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	N/A
	Major Development 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	N/A
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources	N/A
	Rural Lands 2008	Seeks to facilitate the orderly and economic use and development of rural lands for rural and related purposes	N/A
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning	N/A

		panels to determine development applications.	
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Appendix B

Consistency with Section 117 Directions

Direction	Objectives	Application	Consistency
1. Employment and Resources			
1.1 Business and Industrial Zones Issued 1 July 2009	<ul style="list-style-type: none"> • To encourage employment growth in suitable locations • To protect employment land in business and industrial zones, and support the viability of identified strategic centres. 	Applies when a planning proposal is prepared that affects land within an existing or proposed business or industrial zone (includes alteration of boundary of any existing business or industrial zone)	Consistent: The proposal is consistent with the objectives of the S117 Directive in that it encourages employment growth and protects land in business and industrial zones and supports the viability of the South Kempsey Village business area. The proposal seeks to expand the existing business and range of permissible uses and is consistent with the North Coast Regional Plan and Draft Regional Plan objectives of supporting economic prosperity in the region.
1.2 Rural Zones Issued 1 July 2009	<ul style="list-style-type: none"> • To protect the agricultural production value of rural land. 	Applies when a planning proposal is prepared that affects land within an existing or proposal rural zone (includes alteration of any existing rural zone boundary)	N/A
1.3 Mining, Petroleum Production and Extractive Industries Issued 1 July 2009	<ul style="list-style-type: none"> • To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. 	Applies when planning proposal is prepared that would prohibit or restrict the mining or potential development of coal, other minerals, petroleum production or obtaining extractive minerals of State or regional significance permitting incompatible land use.	N/A

1.4 Oyster Aquaculture Issued 1 July 2009	<ul style="list-style-type: none"> To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	Applies to Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)	N/A
1.5 Rural Lands Issued 1 July 2009	<ul style="list-style-type: none"> To protect the agricultural production value of rural land and facilitate the orderly and economic development of rural land. 	Applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones Issued 1 July 2009	<ul style="list-style-type: none"> To protect and conserve environmentally sensitive areas. 	Applies when a planning proposal is prepared.	N/A
2.2 Coastal protection Issued 1 July 2009	<ul style="list-style-type: none"> To implement the principles of the NSW Coastal Policy. 	Applies to the Coastal Zone as defined in the Coastal Protection Act 1979.	N/A
2.3 Heritage Conservation Issued 1 July 2009	<ul style="list-style-type: none"> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not inconsistent The planning proposal does not impact upon or alter existing provisions that facilitate the conservation of identified cultural heritage significance. The planning proposal is of minor significance in this regard.

<p>2.4 Recreation Vehicle Areas Issued 1 July 2009</p>	<ul style="list-style-type: none"> To protect sensitive land or land with Significant conservation values from adverse impacts from recreation vehicles. 	<p>Limits the development of land for the purpose of a recreational vehicle area.</p>	<p>N/A</p>
<p>3. Housing, Infrastructure and Urban Development</p>			
<p>3.1 Residential Zones Issued 1 July 2009</p>	<ul style="list-style-type: none"> To encourage a variety and choice of housing types to provide for existing and future housing needs To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and To minimise the impact of residential development on the environment and resource lands. 	<p>Applies when a planning proposal affects land within an existing or proposed residential zone (including the alteration of any existing zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Consistent</p> <p>The land is proposed to be zoned part R3 Medium Density Residential and part B4 Mixed Use.</p> <p>It has a suitable level of services available including sealed road frontage, sewer, water, electricity and telecommunications.</p>

<p>3.2 Caravan Parks and Manufactured Home Estates Issued 1 July 2009</p>	<ul style="list-style-type: none"> To provide for a variety of housing types and opportunities for caravan parks and manufactured home estates 	<p>Applies when a planning proposal is prepared. Does not apply to Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989 (except Crown land reserved for accommodation purposes) or land dedicated or reserved under the NP&W Act 1974.</p>	<p>N/A</p>
<p>3.3 Home Occupations Issued 1 July 2009</p>	<ul style="list-style-type: none"> To encourage the carrying out of low-impact small businesses in dwelling houses. 	<p>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p>	<p>Consistent</p>
<p>3.4 Integrating Land Use and Transport Issued 1 July 2009</p>	<ul style="list-style-type: none"> To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts: improve access to housing, jobs and services by walking, cycling and public transport, increase transport choice and reduce travel demand and reducing dependence on cars, reduce travel demand including distances travelled, especially by car, support the efficient and viable operation 	<p>Applies to planning proposals that create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Consistent</p> <p>The planning proposal supports the previously adopted Kempsey Highway Bypass Strategy May 2011 and the Lachlan Street Concept Design June 2015.</p> <p>It proposes to widen the urban zones in the South Kempsey village precinct and in conjunction with the street and landscape improvement concept would improve access to housing, jobs and services by walking and cycling path improvements and taking advantage of the existing bus routes along Lachlan Street.</p> <p>The proposal would encourage greater density of residences in proximity to Lachlan Street transport and further supports the efficient and viable operation of public transport services.</p>

	<p>of public transport services, and</p> <ul style="list-style-type: none"> • Provide for the efficient movement of freight. 		
<p>3.5 Development Near Licensed Aerodromes Issued 1 July 2009</p>	<ul style="list-style-type: none"> • To ensure the effective and safe operation of aerodromes • To ensure that the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. • To ensure development for residential purposes or human occupation incorporates appropriate mitigation measures 	<p>Applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	N/A
<p>3.6 Shooting Ranges Issued 16 February 2011</p>	<ul style="list-style-type: none"> • To maintain appropriate levels of public safety and amenity and reduce land use conflict when rezoning land adjacent to an existing shooting range. • To identify issues that must be addressed when 	<p>Applies to a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</p>	N/A

	giving consideration to rezoning land adjacent to a shooting range.		
4. Hazard and Risk			
4.1 Acid Sulfate Soils Issued 1 July 2009	<ul style="list-style-type: none"> To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. 	Applies to planning proposal on land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Consistent Exemptions relevant to this planning proposal and future subdivision application are: “(6) Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of less than 1 tonne of soil, and (b) the works are not likely to lower the watertable. The intended outcome of the planning proposal is to enhance the village atmosphere, primarily centred on the revitalised streetscape improvements between Middleton and Bloomfield Streets. It is not anticipated to generate a volume or depth of excavation relevant to Council’s ASS clause.
4. 2 Mine Subsidence and Unstable Land Issued 1 July 2009	<ul style="list-style-type: none"> To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. 	Applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a mine subsidence district or that has been identified as unstable in a study, strategy or other assessment	N/A
4.3 Flood Prone Land Issued 1 July 2009	<ul style="list-style-type: none"> To ensure that development of flood prone land is consistent with the <i>NSW Government’s Flood Prone Land Policy</i> and the principles of the <i>Floodplain</i> 	Applies to a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Consistent The planning proposal is in accordance with Council’s Flood plain risk management policy. It would not introduce any new urban land uses into flood prone areas and increases in future density under the R3 Residential Zone occur is confined to flood free land.

	<p><i>Development Manual</i> 2005; and</p> <ul style="list-style-type: none"> To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 		
<p>4.4 Planning for Bushfire Protection Issued 1 July 2009</p>	<p>To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.</p>	<p>Applies when Council prepares draft LEP that affects, or is in proximity to land mapped as bushfire prone land.</p>	<p>Consistent</p> <p>The proposal has regard for Planning for Bushfire Protection and does not require introduction of additional controls at LEP level. A report by Midcoast Building Environment assessing bushfire hazard in the vicinity is provided at Appendix C.</p>
5. Regional planning			
<p>5.1 Implementation of Regional Strategies Issued 1 July 2009</p>	<p>To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>Applies to: Far North Coast, Lower Hunter, Illawarra, South Coast, Sydney–Canberra Corridor, Central Coast and Mid North Coast</p>	<p>Justification.</p> <p>The proposal is of minor significance and achieves the overall intent of the regional strategy as expressed in the strategy principle below:</p>
<p>5.2 Sydney Drinking Water Catchments Issued 3 March 2011</p>	<p>To protect water quality in the Sydney drinking water catchment.</p>	<p>Applies to; Blue Mountains, Campbelltown, Cooma Monaro, Eurobodalla, Goulburn, Mulwaree, Kiama. Lithgow, Oberon, Palerang, Shoalhaven, Sutherland, Wingecarribee, Wollondilly, Wollongong.</p>	<p>N/A</p>

5.4 Commercial and Retail Development along the Pacific Highway, North Coast	To manage commercial and retail development along the Pacific Highway.	Applies to council areas on the North Coast that the Pacific Highway traverses between Port Stephens Shire Council and Tweed Shire Council, inclusive	N/A
5.10 Implementation of Regional Plans	To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Applies when a relevant planning authority prepares a planning proposal	Consistent Proposal is consistent with adopted local strategy serving the Regional plan objectives and vision statements.
6. Local Plan Making			
6.1 Approval and Referral Requirements Issued 1 July 2009	To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Applies when planning proposal prepared. A planning proposal must minimise or prohibit provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority or the nomination of designated development.	Consistent The planning proposal does not include any provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, other than those already required by existing "Integrated Development provisions and State Environmental Planning Policies.
6.2 Reserving of Land for Public Purposes Issued 1 July 2009	To facilitate the provision of public services and facilities by reserving land for public purposes and the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Applies when a planning proposal is prepared. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority.	N/A

<p>6.3 Site Specific Provisions Issued 1 July 2009</p>	<p>To discourage unnecessarily restrictive site specific planning controls.</p>	<p>A planning proposal to amend an environmental planning instrument must either:</p> <ul style="list-style-type: none"> • allow that land use to be carried out in the zone the land is situated on, or • rezone the site to an existing zone that allows that land use without imposing any development standards, or • allow that land use on the relevant land without imposing any development standards in addition to those already contained in the principal environmental planning instrument being amended. 	<p>Consistent</p> <p>No development specific provisions are proposed</p>
7. Metropolitan planning			
<p>7.1 Implementation of the Metropolitan Plan for Sydney 2036 Issued 1 February 2011</p>	<p>To give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.</p>	<p>Does not apply to the Kempsey local government area.</p>	<p>N/A</p>

Appendix C

Bushfire Hazard Assessment

