



Planning Proposal

KLEP 2013 Amendment No 7

**Rezone Land in West Kempsey from B1
Neighbourhood Centre to R1 General
Residential**

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1. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 INTRODUCTION

This planning proposal has been prepared by Kempsey Shire Council ('Council') and is Draft Kempsey Local Environmental Plan (KLEP) 2013 Amendment No. 7.

This proposal refers to Lot 34 DP 261268, 22 North Street West, Kempsey zoned *B1 Neighbourhood centre*. Council is seeking to amend the zoning of the lot described to *R1 General Residential*.

1.2 Objectives and Aims

The objectives of this planning proposal are:

- Amend the zoning of Lot 34 DP 261268, 22 North Street, West Kempsey from *B1* to *R1* to allow for a range of residential uses on the site.

The aims of the planning proposal are:

- Re-zone Lot 34 DP 261268, 22 North Street, West Kempsey from zoned *B1 Neighbourhood centre* to *R1 General Residential*.
- Amend the Floor Space Ratio (FSR) Map by removing the subject lot from the FSR Map
- Amend the Height of Building (HOB) Map by adding the subject lot with 8.5 m height limit
- Amend the Lot Size (LSZ) Map by adding the subject lot with a 500m² minimum lot size.

1.3 Land to which the planning proposal applies

The land to which this proposal refers to is Lot 34 DP 261268, 22 North Street, West Kempsey

1.4 Site context and setting

Lot 34 DP 261268 is positioned on the corner of North Street and Warwick Street within the residential area of West Kempsey. The Lot is zoned *B1 Neighbourhood centre* which allows for neighbourhood shops and other business developments which may support residents in the area. The current zone limits the types of development permissible for the lot and re-zoning the lot to *R1 General Residential* allows for a range of development which is more relevant the current setting. It is noted that neighbourhood shops are also permissible in *R1* zonings. The lot is adjoined on three sides by land zoned *R1 General Residential* and on the north by the Racecourse which is zoned *RE2 Public Recreation*.



Figure 1 Site Location

2. PART 2 – EXPLANATION OF PROVISIONS

2.1 Existing Planning Controls

The land is currently Zoned B1 Neighbourhood Centre.

Zone B1 Neighbourhood Centre

1 Objectives of zone

To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Environmental protection works; Home-based child care

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Home industries; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top 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; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and

building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Landscaping material supplies; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

The objectives of Zone B1 Neighbourhood Centre of KLEP 2013 are to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Home occupations are permitted without consent in B1 zone. The types of development permitted with consent within the B1 zone of the KLEP 2013 are as follows; Boarding houses, Business premises, Child care centres, Community facilities, Medical centres, Neighbourhood shops, Respite day care centres and Shop top housing.

In accordance with the KLEP 2013, B1 zone also has a floor space ratio of 1:1 as indicated on Map 11A of FSR map.

2.2 Proposed Planning Controls

It is proposed to rezone the land to R1 General Residential. The land use table for the R1 General Residential Zone is:

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- 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; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top 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; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; 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; 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

Mapping Amendments

The following table describes what Map Amendments are proposed:

Map Sheet	Current	Proposed
Floor Space Ratio Map-Sheet FSR _ 011A	1:1 FSR	Remove FSR attribute
Height of Buildings Map-Sheet HOB _011A	No HOB indicated	Add to HOB with 8.5m attribute
Lot Size Map – Sheet LSZ_011A	No LSZ indicated	Add to LSZ with 500sqm attribute

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?

No not specifically. It has been identified that the land has been undeveloped and vacant for many years in the current B1 zoning or comparative business zoning. The B1 zone is restrictive in terms of permissible landuses, for many types of development. The current zoning is no longer relevant in relation to the existing development in the location of the site. The change of the zoning to R1 would allow for a range of development options on the site which are consistent with the existing surrounding residential development. The change is considered appropriate given the range of landuses now permissible in the R1 General Residential zone, which now permits Neighbourhood shops as permissible development with consent.

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

An amendment to the KLEP 2013 via a planning proposal is the only way to change the zoning of the lot and the FSR, HOB and LSZ map.

3.1.3 Is there a net community benefit?

There is a net community benefit from allowing a range of residential development options for the site by rezoning the lot to R1. It is unlikely that development will occur on the lot with the restrictive current B1 zoning.

A detailed Net Community Benefit Test is provided as *Appendix A*.

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?

Mid North Coast Regional Strategy

Relevant chapters of the Mid North Coast Regional Strategy (MNCRS) are addressed below.

Mid North Coast Regional Strategy Aims

The aims of the MNCRS are to:

- *Protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring that new urban development avoids these important areas and their catchments.*

The amendments proposed in this planning proposal will not result in ecological impacts as these would be assessed during the development application stage.

- *Cater for a minimum housing demand of 59,600 new dwellings by 2031 to accommodate the forecast population increase of 94,000 and any anticipated growth beyond this figure arising from increased development pressures in the Region.*

The amendments proposed in this planning proposal would not result in any significant negative impact on housing demand or housing provision and will potentially assist with accommodating the 2031 forecast population increase.

- *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.*

The amendments proposed in this planning proposal would not result in any significant negative impact on dwelling diversity and will provide for a variety of housing types and densities.

- *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.*

The amendments proposed in this planning proposal would not result in any significant negative impact to the commercial and employment areas in the region.

- *Encourage the growth and redevelopment of the Region's four major regional centres and six major towns as a means of protecting sensitive coastal and natural environments and strengthening the economic and administrative functions of these centres as well as meeting increased housing density targets.*

The amendments proposed in this planning proposal would encourage growth and redevelopment within the Kempsey surrounds, which is designated as one of the six major towns of the region, and would subsequently benefit the economic and administrative function of this centre.

- *Protect the coast and the character of coastal villages by limiting growth to the agreed growth areas of towns and villages leaving greenbelts between settlements.*

The proposed changes to the KLEP 2013 will not impact the coast or character of the coastal villages.

- *Direct new rural residential development to areas close to existing settlements away from the coast.*

The amendments proposed in this planning proposal will not change plans for new rural residential development in the region.

- *Only consider additional development sites outside of growth areas if they can satisfy the Sustainability Criteria (Appendix 1).*

This planning proposal does not involve additional development sites.

- *Designate a coastal area east of the proposed final alignment of the Pacific Highway from which application of the Sustainability Criteria will be excluded (noting that approximately 70 per cent of the future dwelling capacity identified within growth areas is already within the Coastal Area).*

This planning proposal does not involve any exclusion from the sustainability criteria.

- *Limit development in places constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic and conservation value.*

The planning proposal is not situated on land that is constrained by coastal processes, flooding, wetlands, important primary industry land and landscapes of high scenic conservation value.

- *Protect the cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes.*

All potential impacts, including impacts on cultural and Aboriginal heritage values and visual character of rural and coastal towns and villages and surrounding landscapes of development (*General Residential development*) proposed as a result of the amendments in this planning proposal would be assessed at the development application stage, and therefore any significant impacts would be avoided.

- *Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the infrastructure having regard to the NSW Government State Infrastructure Strategy and equity considerations.*

This planning proposal will not result in an increase in the need for State infrastructure.

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

Macleay Valley 2036 Community Strategic Plan June 2013

The following core values are identified in the *Macleay Valley 2036 Community Strategic Plan June 2013* (Macleay Valley 2036 CSP).

- being healthy;
- being safe;
- being wealthy; and
- being sociable.

Under each of the above core values the Macleay Valley 2036 CSP identifies matters that impact upon the core values, such as education, biodiversity, environment, earnings and self-esteem. The Macleay Valley 2036 CSP provides strategies and goals to be used to achieve the core values of the plan in the Kempsey LGA.

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

The planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs). Comments are provided in *Appendix B* in regards to each SEPP.

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

The planning proposal is inconsistent with s117 Directions 1.1 Business and Industrial Zones and 4.4 Planning for Bushfire Protection. These inconsistencies are considered to be of minor significance. A detailed evaluation of the consistency of the planning proposal in relation to the s117 directions is provided in *Appendix C*.

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?

It is highly unlikely that the proposal would affect any critical habitat or threatened species, populations or ecological communities or their habitats.

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 other environmental effects as a result of the proposal have been identified.

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

A net community benefit test has been completed (see Appendix A). It is considered that the proposal will not have any negative social and economic impacts.

3.4 Section D – State and Commonwealth interests

3.4.2 Is there adequate public infrastructure for the planning proposal?

The Kempsey LGA has varying levels of public infrastructure available depending on the location. The adequacy of available public infrastructure services for any future development of the site is sufficient. Water, sewer, electricity and vehicular access is available to the land of the subject planning proposal.

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

State and Commonwealth public authorities have not been formally involved in this planning proposal as it is yet to receive Gateway approval. Relevant public authorities will be consulted during formal consultation and exhibition of the planning proposal, and as directed by the Gateway determination, should Planning and Environment issue a determination to proceed.

There are no issues associated with this planning proposal of interest to Commonwealth Authorities.

4. PART 4 – MAPPING

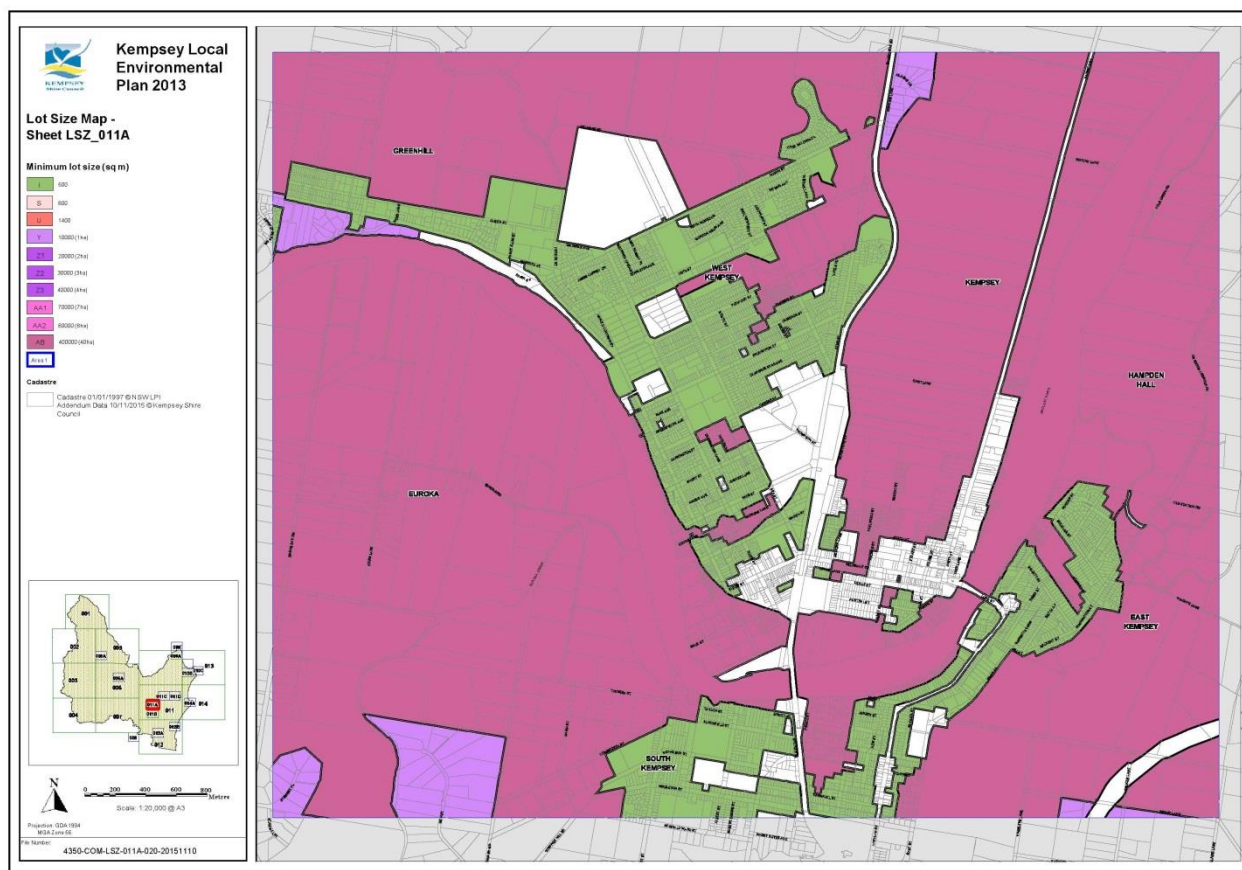
Formal Map Sheet Amendments to be inserted prior to seeking Gateway Determination



Figure 2 Draft FSR Map



Figure 3 Draft HOB Map



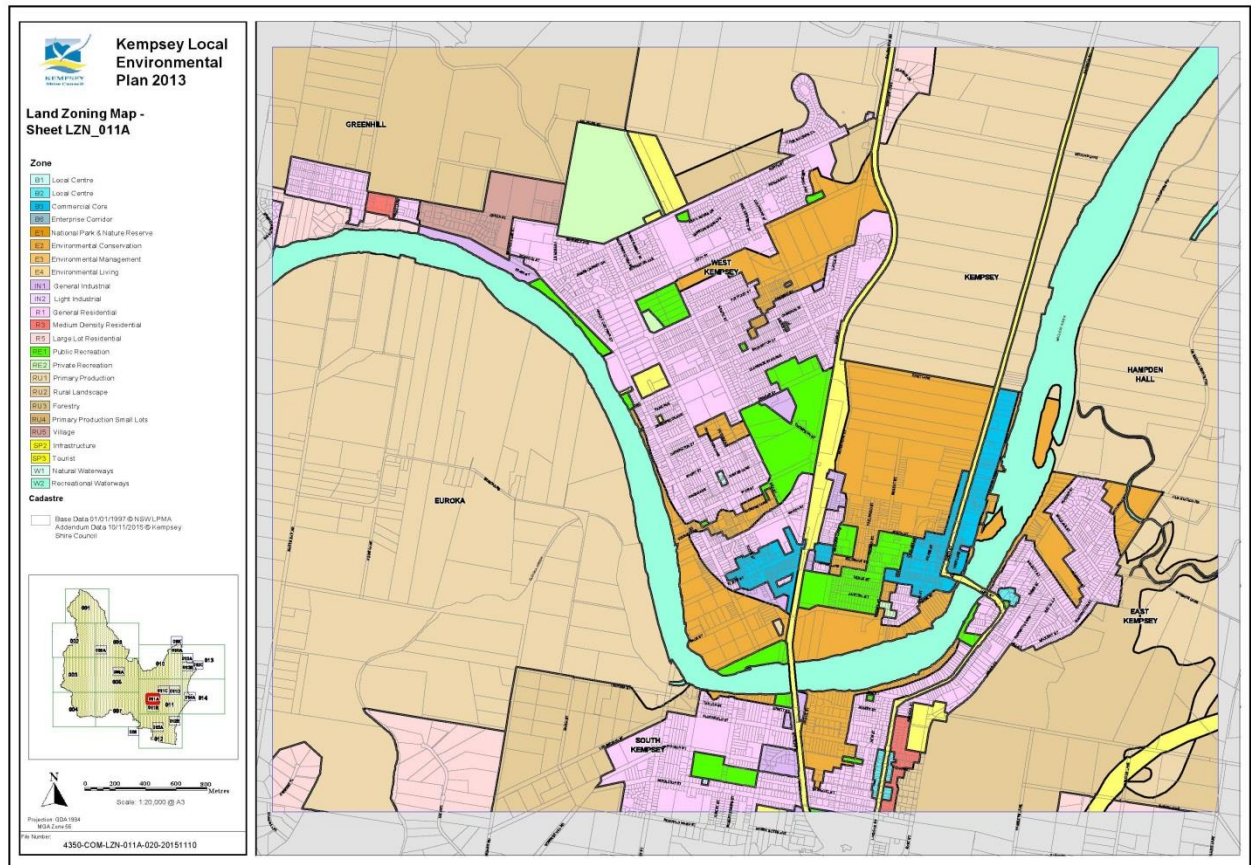


Figure 5 Draft LZN Map

5. PART 5 - COMMUNITY CONSULTATION

Community consultation will be undertaken following the Gateway determination. Community consultation will be undertaken in accordance with the conditions specified in the Gateway Determination, as well as Kempsey Shire Council's 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.

Information relating to the Planning Proposal would also be displayed at Kempsey Shire Council's Customer Service Centre located at 22 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 March 2016.

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

Table 6.1 – Project Timeline

LEP Amendment Steps	Estimated Project Timing
Submit Planning Proposal to DP&E	November/December 2015
Receive Gateway determination	January/February 2016
Authority consultation - pre-exhibition*	February/March 2016
Preparation of materials for public exhibition & authority consultation	March/April 2016
Public exhibition of Planning Proposal & government authority consultation	April/May 2016
Review and consideration of submissions	May/June 2016
Council report preparation	June/July 2016
Public submissions report and draft LEP amendment to Council for adoption	July/August 2016
Submission to the department to finalise the LEP	August/September 2016
Submit request for drafting of LEP to Parliamentary Counsel's Office^	September/October 2016
Forward to the department for notification	September/October 2016
* If required	
^ If delegated	

Appendix A

Net Community Benefit Test

Net Community Benefit Test

“a. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?”

The LEP will be compatible with the Mid North Coast Regional Strategy and is within an existing growth area.

“b. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?”

The LEP is not located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy.

“c. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?”

The LEP is unlikely to create a precedent.

“d. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?”

The cumulative effects of other spot rezoning proposals in the locality have been considered and the proposal is a one off rezoning due to bringing the land parcel into line with other surrounding land uses. It is considered a more appropriate rezoning having regard to the variety of landuses now permissible in the R1 General Residential Zone.

“e. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?”

The LEP amendment will result in the rezoning of Business/Neighbourhood land to General Residential however there has been no uptake of business developments on the site and under the proposed zoning, neighbourhood shops are still permissible.

“f. Will the LEP impact upon the supply of residential zoned land and therefore housing supply and affordability?”

The LEP amendment will impact in a positive way upon the supply of residential zoned land.

“g. Is the existing public infrastructure (roads, rail, utilities etc.) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?”

The lot is positioned within an existing residential area and the existing public infrastructure is capable of servicing the proposed site.

“h. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?”

The proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

“i. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?”

There are no significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal.

“j. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?”

The proposal will not impact on land that the Government has identified a need to protect (land with high biodiversity values) or other environmental impacts.

“k. Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community?”

The LEP amendment will be compatible/ complementary with surrounding land uses.

“l. Will the public domain improve?”

The proposal does not have a direct impact on the public domain, however the block has been vacant for many years and the re-zoning of the block is likely to result in development of the lot.

“m. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?”

The proposal will not increase choice and competition by increasing the number of retail and commercial premises operating in the area.

“n. If a stand-alone proposal and not a centre does the proposal have the potential to develop into a centre in the future?”

The proposal does not have the potential to develop into a centre in the future.

“o. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?”

The land will likely remain vacant if the land remains zoned B1 and it is considered in public interest that the land be made available for residential use so that the land will be developed.

Appendix B

Consistency with State Environmental Planning Policies

No.	SEPP Title	Summary	Consistency
14	Coastal Wetlands	Seeks to ensure the State's coastal wetlands are preserved and protected.	Not applicable The land does not contain any mapped SEPP 14 wetland.
15	Rural Landsharing Communities	Seeks to facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices.	Not applicable The site is not part of a rural land sharing community.
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.	Not applicable Caravan parks are not permitted in the proposed R1 zoning for the site.
26	Littoral Rainforests	Seeks to protect littoral rainforests from development.	Not applicable The site does not contain any mapped SEPP 26 littoral rainforest.
30	Intensive Agriculture	Requires development consent and additional requirements for cattle feedlots and piggeries.	Not applicable The planning proposal does not provide for cattle feedlots and piggeries.
32	Urban Consolidation	Seeks to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	Consistent The planning proposal is consistent with the aims and objectives of SEPP 32 Urban Consolidation.
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive development.	Consistent The planning proposal will not facilitate hazardous or offensive development.
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Consistent The planning proposal does not seek to amend the application of the Manufactured Homes Estate SEPP.

44	Koala Habitat Protection	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas.	Not applicable SEPP 44 does not apply to the planning proposal. The land is covered by the Kempsey Comprehensive Koala Plan of Management. The land contains no koala habitat.
50	Canal Estate Development	Prohibits canal estate development.	Not applicable The planning proposal does not facilitate canal estate development.
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	Consistent The planning proposal would not alter the requirements for remediation of land in accordance with SEPP 55. Council is not aware of past land uses which may have led to any contamination. Further assessment under SEPP 55 would occur in conjunction with any development application on the subject land.
62	Sustainable Aquaculture	Seeks to encourage and regulate sustainable aquaculture development.	Consistent The planning proposal will not be impacting aquaculture developments.
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.	Consistent The planning proposal does not change the development controls in regards to advertising and signage.
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	Consistent The planning proposal does not seek to amend the application of the Design and Quality of Residential Flat Development SEPP.
71	Coastal Protection	Seeks to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	Not applicable The planning proposal is not situated within the coastal zone.
	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 planning proposal does not seek to amend the application of the Affordable Rental Housing SEPP. The planning proposal has the potential to increase the amount of rental housing within the Kempsey LGA.

	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.	Consistent The planning proposal does not seek to amend the application of the BASIX SEPP in the R1 zone.
	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 seek to amend the application of the Exempt and Complying Development Codes SEPP in the R1 zone.
	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 does not seek to amend the application of the Housing for Seniors or People with a Disability SEPP in the R1 zone.
	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.	Consistent The planning proposal does not seek to amend the application of the Infrastructure SEPP in the R1 zone.
	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.	Consistent The planning proposal does not seek to amend the application of the Major Development SEPP in the R1 zone.
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources.	Consistent The planning proposal does not seek to amend the application of the Mining, Petroleum and Extractive Industries SEPP in the R1 zone.
	Rural Lands 2008	Seeks to facilitate the orderly and economic use and development of rural lands for rural and related purposes.	Not applicable The planning proposal is not situated on rural land.

	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Consistent The planning proposal does not seek to amend the application of the State and Regional Development SEPP in the R1 zone.
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Appendix C

Consistency with Section 117 Directions

Direction	Objectives	Application	Consistency
1. Employment and Resources			
1.1 Business and Industrial Zones Issued 1 July 2009	- 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).	Inconsistent but of minor significance The planning proposal is to rezone the land from B1 <i>Neighbourhood centre</i> to R1 <i>General Residential</i>, however this does not detract from employment growth in the area. Boarding houses, Childcare centres, Community facilities, Hostels, Neighbourhood shops, Respite day care centres and shop top housing are permitted with consent in R1 <i>General Residential</i> zones. It is also noted that the planning proposal is situated on land within an existing residential area and not an existing business or industrial zone. The land has been zoned B1 (or comparable) for at least 10 years, but has yet to be developed for any of the permitted uses in the zone.
1.2 Rural Zones Issued 1 July 2009	To protect the agricultural production value of rural land.	Applies when a planning proposal is prepared that affects land within an existing or proposed rural zone (includes alteration of any existing rural zone boundary).	Consistent This planning proposal will not alter the zoning of any rural land.
1.3 Mining, Petroleum Production and Extractive Industries Issued 1 July 2009	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.	Consistent This planning proposal will not prohibit or restrict the mining or future extraction of State or regionally significant coal, other minerals, petroleum and extractive materials.

1.4 Oyster Aquaculture Issued 1 July 2009	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).	Not applicable The planning proposal is not for land located in a priority Oyster Aquaculture Area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy Second Edition (NSW Department of Primary Industries, 2014).
1.5 Rural Lands Issued 1 July 2009	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.	Not applicable The planning proposal is not for land within an existing or proposed rural or environmental protection zone and the proposal does not change the existing minimum lot size on land within a rural or environmental protection zone.
2. Environment and Heritage			
2.1 Environment Protection Zones Issued 1 July 2009	To protect and conserve environmentally sensitive areas.	Applies when a planning proposal is prepared.	Consistent The planning proposal will not result in impacts to environmentally sensitive areas.
2.2 Coastal protection Issued 1 July 2009	To implement the principles of the NSW Coastal Policy.	Applies to the Coastal Zone as defined in the Coastal Protection Act 1979.	Not applicable The planning proposal is not for land within the coastal zone.
2.3 Heritage Conservation Issued 1 July 2009	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.	Consistent KLEP 2013 contains provisions that are consistent with this direction. This planning proposal does not seek to change those provisions or alter how they apply to any future development applications.

2.4 Recreation Vehicle Areas Issued 1 July 2009	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Limits the development of land for the purpose of a recreational vehicle area.	Not applicable The planning proposal does not relate to development of land for the purpose of a recreational vehicle area.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones Issued 1 July 2009	- 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. - To minimise the impact of residential development on the environment and resource lands.	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.	Consistent The planning proposal is to rezone B1 (Neighbourhood Centre) to R1 (General Residential) which will encourage a variety and choice of housing types for the land and provide for existing and future housing needs. The proposed R1 zoning will be more complementary with the existing surrounding residential development. Appropriate infrastructure and essential services are available to the land which is proposed to be rezoned to R1. Rezoning the land to R1 will not impact on environmental and resource lands.
3.2 Caravan Parks and Manufactured Home Estates Issued 1 July 2009	- To provide for a variety of housing - To provide opportunities for caravan parks and manufactured home estates.	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.	Not applicable The planning proposal does not relate to any existing or proposed caravan park or manufactured home estates.
3.3 Home Occupations	To encourage the carrying out of low-	Planning proposals must permit home occupations to be carried	Consistent

Issued 1 July 2009	impact small businesses in dwelling houses.	out in dwelling houses without the need for development consent.	The planning proposal is to rezone the land to R1, which permits home occupations to be carried out in dwelling houses without the need for development consent.
3.4 Integrating Land Use and Transport Issued 1 July 2009	• 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 of public transport services, and • Provide for the efficient movement of freight.	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.	Not applicable The planning proposal will not result in changes to access, transport, car travel, public transport or the movement of freight.
3.5 Development Near Licensed Aerodromes Issued 1 July 2009	• To ensure the effective and safe operation of aerodromes • To ensure that the operation of aerodromes is not	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.	Consistent The planning proposal is not for land which is in the vicinity of the Kempsey Airport.

	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.		
3.6 Shooting Ranges Issued 16 February 2011	To maintain appropriate levels of public safety and amenity and reduce land use conflict when rezoning land adjacent to an existing shooting range.	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.	Consistent The planning proposal is not for land that is situated near the Kempsey Clay Target Club site (191 Armidale Road) or the Macleay Valley Regional Shooting Complex (Rifle Range Road).
4. Hazard and Risk			
4.1 Acid Sulfate Soils Issued 1 July 2009	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 The planning proposal is positioned on land that is classified in the KLEP 2013 map Sheet 12B as within class 5 potential Acid Sulfate Soils. This indicates that there is a low probability that development would disturb, expose or drain acid sulphate soils and cause environmental damage. Any impact to ASS would be considered in accordance with Clause 7.1 of KLEP 2013.
4. 2 Mine Subsidence and Unstable Land Issued 1 July 2009	To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Applies to planning proposal on land within a mine subsidence district or that has been identified as unstable in a study, strategy or other assessment.	Not applicable The planning proposal does not relate to land within a mine subsidence district or that has been identified as unstable in a study, strategy or other assessment.

4.3 Flood Prone Land Issued 1 July 2009	- 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 Development Manual</i> 2005; and - 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.	Applies to a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Not applicable The planning proposal is not for land that is mapped as being flood prone.
4.4 Planning for Bushfire Protection Issued 1 July 2009	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.	Applies when Council prepares draft LEP that affects, or is in proximity to land mapped as bushfire prone land.	Inconsistent but of minor significance The planning proposal is for land that has been mapped as bushfire prone. This would be considered as part of the development application process for any proposed development on the site. There has been no consultation with the NSW Rural Fire Service. Consultation will be undertaken with the NSW RFS regarding this planning proposal following the Gateway determination and prior to community consultation (if it is supported by DP&E).
5. Regional planning			
5.1 Implementation of Regional Strategies Issued 1 July 2009	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Applies to: Far North Coast, Lower Hunter, Illawarra, South Coast, Sydney–Canberra Corridor, Central Coast and Mid North Coast.	Consistent This planning proposal is consistent with the aims of the Mid North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	To protect water quality in the Sydney drinking	Applies to; Blue Mountains, Campbelltown, Cooma Monaro,	Not applicable

Issued 3 March 2011	water catchment.	Eurobodalla, Goulburn, Mulwaree, Kiama. Lithgow, Oberon, Palerang, Shoalhaven, Sutherland, Wingecarribee, Wollondilly, Wollongong.	The planning proposal does not relate to land within the Sydney drinking water catchment.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast Issued 29 November 2009 Note direction has been recently updated but the update doesn't affect.	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	Consistent The planning proposal does not affect commercial or retail uses along the Pacific Highway.
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 introduce any additional requirements for concurrence with other Government agencies.
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.	Not applicable The planning proposal does not create or remove any land dedicated for public purpose.
6.3 Site Specific Provisions Issued 1 July 2009	To discourage unnecessarily restrictive site specific planning controls.	A planning proposal to amend an environmental planning instrument must either: allow that land use to be carried out in the zone the	Not applicable The planning proposal does not contain site specific controls.

		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.	
7. Metropolitan planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036 Issued 1 February 2011	To give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Does not apply to the Kempsey local government area.	Not applicable The planning proposal does not relate to land identified in the Metropolitan Plan for Sydney.