



## **Planning Proposal**

### **KLEP 2013 Amendment No 32**

#### **Flood planning mapping and development standards for Kempsey CBD Study Area**

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# **1. PART 1 – OBJECTIVES OR INTENDED OUTCOMES**

## **1.1 INTRODUCTION**

The Kempsey CBD Flood Risk Management Study (FRMS) and Flood Risk Management Plan (FRMP) of May 2017 was developed by specialist consulting engineers, WMA Water, in accordance with the Floodplain Risk Management Process contained in the State Governments Floodplain Development Manual (2005). Consultation with the New South Wales Office of Environment and Heritage, Water, Floodplain and Coast Division was undertaken.

The primary aim of the FRMP is to reduce the flood hazard and risk to people and property in the community, and to ensure future development is controlled in a manner consistent with the current flood hazard and risk, and as a result of climate change.

The Kempsey CBD FRMS and FRMP provided prioritisations and costings for several floodplain risk management measures recommended for implementation within the Kempsey CBD Study Area.

On 17 October 2017, Kempsey Shire Council resolved to adopt the Kempsey CBD FRMS and FRMP prepared by WMA Water, dated May 2017, and include the recommended actions in future Operating Plans, Work Programs and Budgets for implementation.

The Kempsey CBD FRMS and FRMP recommended the revision of the Kempsey Local Environmental Plan (KLEP), with supporting changes to the Development Control Plan (DCP), to ensure the latest flood information would be utilised and to provide development controls to manage development on flood liable land within the study area.

## 1.2 Objectives and Aims

The aim of this planning proposal is to ensure the most recent flood data is adopted in the LEP for the Kempsey CBD study area and to ensure future and existing development minimises the risk to residents and emergency services during flood events.

The objectives of the proposed changes are to ensure:

- Flood Planning Area (FPA) and Probable Maximum Flood (PMF) mapping is adopted.
- Development on the floodplain with particular evacuation or emergency response issues, provide safe occupation and evacuation from the land.
- Protection of the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- Consistency between LEP and DCP objectives as they relate to development on flood prone land.

## 1.3 Land to which the planning proposal applies

The land to which this proposal refers to on the Kempsey Floodplain is as shown in Figure 1.

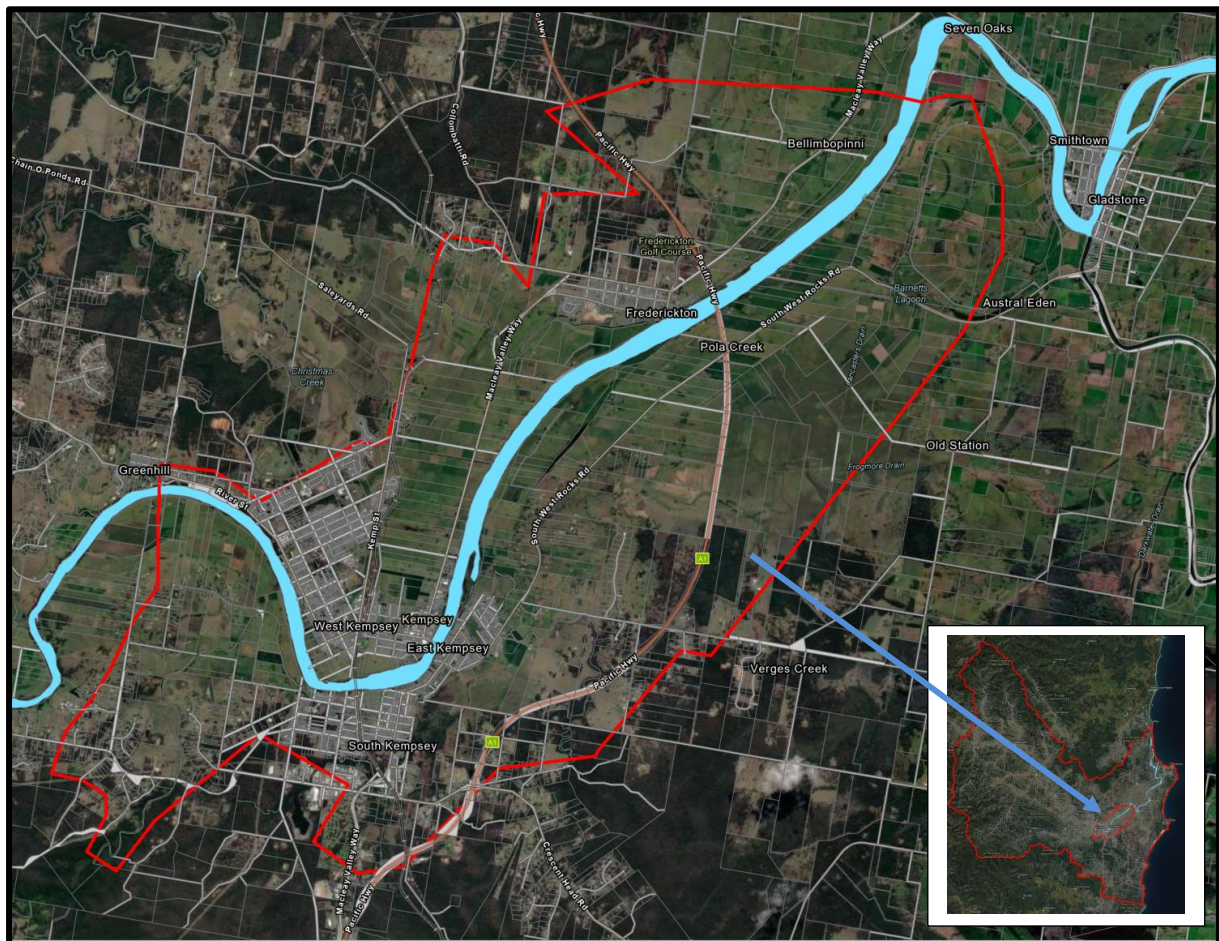


Figure 1 - Kempsey CBD Study and the Site Area

## **1.4 Site context and setting**

Kempsey Shire has been impacted by several major floods in recent historical times. The 1949 and 1950 floods are considered the most significant and caused significant destruction in the town of Kempsey. The 1949 flood cleared a large part of the natural hydraulic floodway in the Kempsey CBD.

As a result of these significant flood events, of a series of flood mitigation works were constructed during the 1950s and 1960s including levees, drains and control structure throughout the floodplain. Kempsey Shire Council continues to maintain existing flood mitigation measures and implement new measures where recommended or required.

The Kempsey CBD study area covers an area of approximately 7,331 hectares within the Macleay River catchment. This catchment covers an area of approximately 11,500 km<sup>2</sup> with the upper reaches located within the New England Tablelands. Kempsey Shire Council was reliant upon a 2004 plan, the Lower Macleay Floodplain Risk Management Plan prepared by Webb McKeown and Associates, to inform flood behaviour and risk. The Kempsey CBD FRMS and FRMP of May 2017 provides an updated floodplain risk management plan for the area between Kempsey and Frederickton. The updated study and plan consider the following:

- Updates to hydraulic modelling technology
- NSW Governments Floodplain Development Manual
- Climate change projections for sea level rise
- NSW Government's guidelines for rainfall

A variety of land zonings and uses exist within the study area. This planning proposal does not amend any land zonings or existing uses.



## 2. PART 2 – EXPLANATION OF PROVISIONS

### 2.1 Existing Planning Controls

#### Kempsey Local Environmental Plan (KLEP) 2013 - Clause 7.3 Flood planning

Provisions for development on land at or below the flood planning level is delivered via Clause 7.3 of Kempsey LEP 2013. As recommended in the Kempsey CBD FRMS and FRMP it is intended to also apply this clause to land identified within the 'Flood Planning Area'.

#### Additional KLEP 2013 clause

It is proposed to introduce an additional clause to KLEP 2013 to deliver provisions for Floodplain Risk Management. This clause proposes to ensure development on the floodplain with particular evacuation or emergency response issues, provide safe occupation and evacuation from the land and to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events. This clause will apply to land between the 'Flood Planning Area' and the 'Probable Maximum Flood'.

#### Map sheets

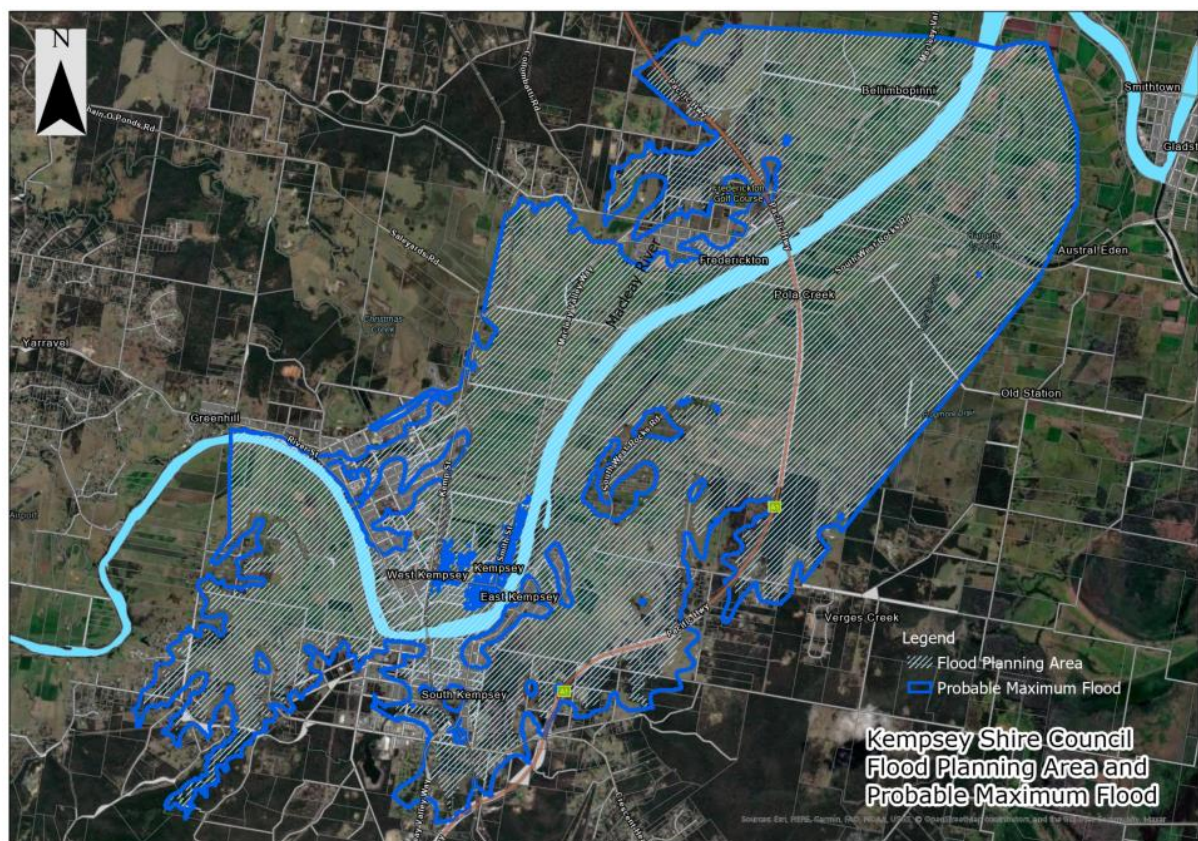


Figure 2 - Flood Planning Area and Probable Maximum Flood mapping for Kempsey CBD study area.

Flooding is not currently reflected in the KLEP 2013 mapping. Flood Planning maps indicating the 'Flood Planning Area' and 'Probable Maximum Flood' contour are to be incorporated into KLEP 2013 for the Kempsey CBD study area (Figure 2).

The Kempsey CBD flood study area is shown within the 011, 011A, 011B and 011C map sheets in the Kempsey LEP (Refer Part 4).

## 2.2 Proposed Planning Provisions

### Principal Development Standards

It is proposed to amend Clause 7.3 of the LEP which ensures flood planning is considered for development on land subject to flooding. In addition, it is proposed to introduce an additional clause to KLEP which ensures measures are considered for sensitive development on the floodplain.

#### Clause 7.3 Flood planning

An amendment to the flood planning clause is proposed to meet the following objectives of this planning proposal.

- To ensure the latest flood modelling data is adopted in the study area.
- To clearly identify land affected by this clause.

Additional wording is proposed to be added to the Part 7 Additional local provisions Clause 7.3(2) of the LEP. The suggested amendments to Clause 7.3(2) are shown below in red italics, subject to drafting advice from the Office of Parliamentary Counsel:

- (1) The objectives of this clause are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to –
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and*
  - (b) land at or below the flood planning level.*
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and



- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause—  
***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

***Flood Planning Map*** means the *Kempsey Local Environmental Plan 2013 Flood Planning Map*.

### **Additional Clause for Floodplain risk management**

The proposed inclusion of an additional clause to Part 7 Additional local provisions for Floodplain risk management is shown below in red italics, subject to drafting advice from the Office of Parliamentary Counsel:

- (1) The objectives of this clause are as follows—
  - (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
  - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.**
- (2) This clause applies to—
  - (a) land between the flood planning area and the line indicating the level of the probable maximum flood as shown on the Flood Planning Map, and*
  - (b) land surrounded by the flood planning area,*but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*
- (3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—
  - (a) caravan parks,*
  - (b) correctional centres,*
  - (c) emergency services facilities,*
  - (d) group homes,*
  - (e) hospitals,*
  - (f) residential care facilities,*
  - (g) tourist and visitor accommodation.**
- (4) In this clause—*

*probable maximum flood has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.*

**Note—**

*The **probable maximum flood** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.*

The general intent of these changes is to provide consistency with the associated objectives in the development control plan and to be explicit that flooding measures are considered when assessing development applications in these potentially constrained areas.

To compliment these objectives, it is proposed to include maps into the LEP identifying Flood Planning Area and Probable Maximum Flood (Refer Part 4).

### **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?**

The proposed changes arise from the Kempsey CBD Flood Risk Management Plan and Study prepared in 2017 that identified land affected by flooding from up-to-date modelling.

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

To successfully achieve the outcome sought, a means to control future development is essential. This planning proposal is an essential component to the overall development control response to this issue. A complementary amendment to the Development Control Plan is also being prepared.

#### **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?**

The planning proposal is consistent with the principles of the North Coast Regional Plan listed below.

- **Principle 1: Direct growth to identified urban growth areas** – The Kempsey CBD study area is located within and on the Macleay River floodplain. The planning controls are to ensure the risk to property and life is minimised as much as possible.
- **Principle 3: Provide great places to live and work in a unique environment** – The proposed controls are aimed at minimising the flood risk to property and life, as well as infrastructure and services. The planning controls will provide greater resilience against natural hazards.

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

The planning proposal is consistent with the following Community Strategic Plan strategies:

- HS-04 to 'use planning controls to ensure environmental impacts do not negatively affect lifestyle',
- SAS-01 to 'Build community resilience for, during and after emergencies', and

- SAS-02 to *‘Implement systems to minimise and mitigate the impact of disasters’*.

The planning proposal is also consistent with the following Local Strategic Planning Statement action:

H3.3 to *‘review and update Council’s planning instruments and policies to reflect the recommendations of the Kempsey CBD Flood Risk Management Plan’*.

### **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). A full list of applicable SEPPs is at Appendix A.

### **3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (S 9.1 directions)?**

The planning proposal is consistent with all applicable s9.1 Directions.

A comprehensive evaluation of the consistency and applicability of each of the s9.1 is provided in Appendix B.

## **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, the proposed changes are not likely to adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats. The proposed changes are aimed at minimising risk to people and property from a flood event.

### **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, the proposed changes are aimed at preventing environmental harm from a flood event.

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

The report informing this planning proposal has considered the social, economic and environmental risk from a varying flood event.

## **3.4 Section D – State and Commonwealth interests**

### **3.4.2 Is there adequate public infrastructure for the planning proposal?**

Yes, the planning proposal does not introduce increased demand for public infrastructure.

### **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 consulted prior to the preparation of the planning proposal. Views of these public authorities are to be consulted in accordance with the Gateway determination.

## 4. PART 4 – MAPPING

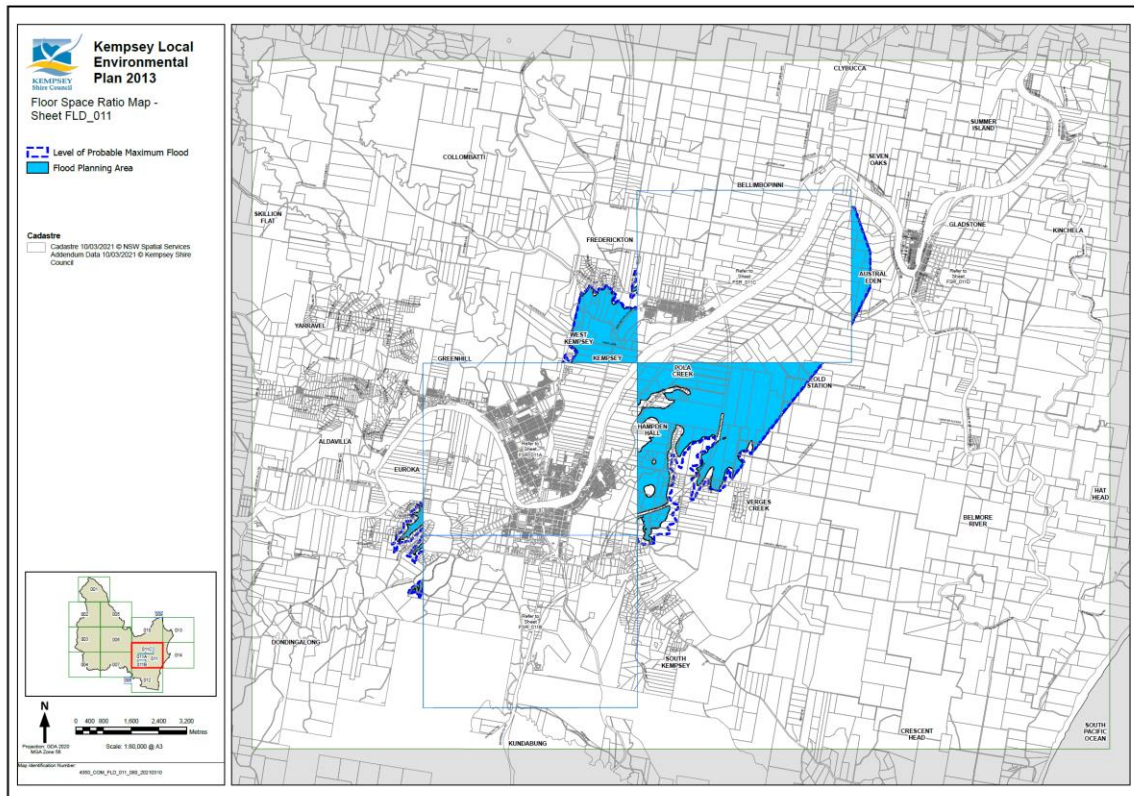


Figure 3 - Proposed Flood Mapping, Sheet 11.

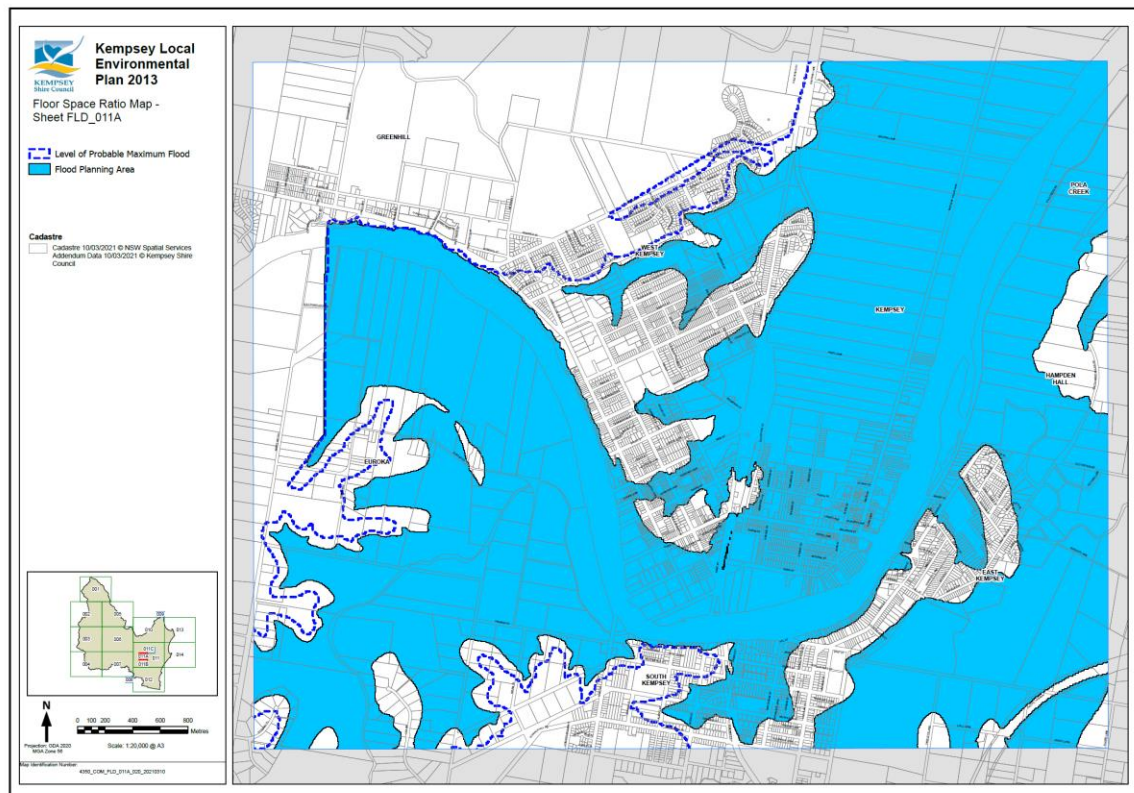
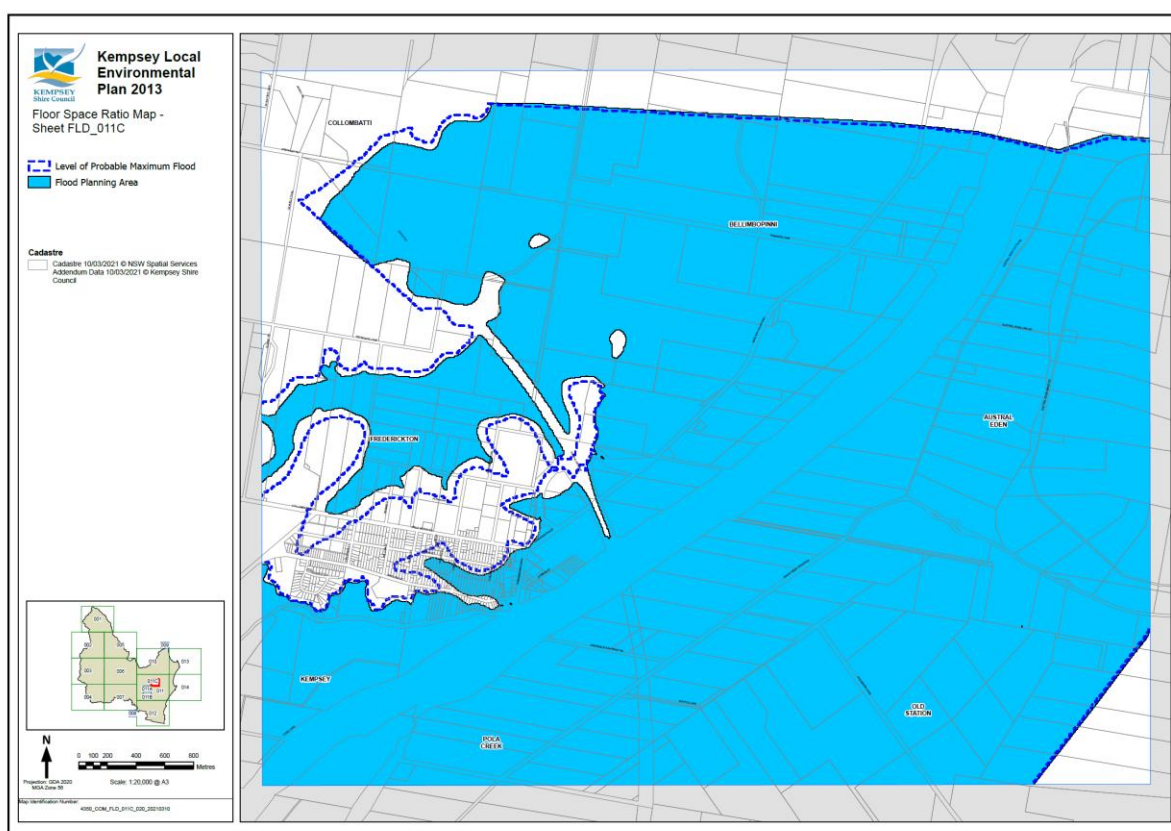
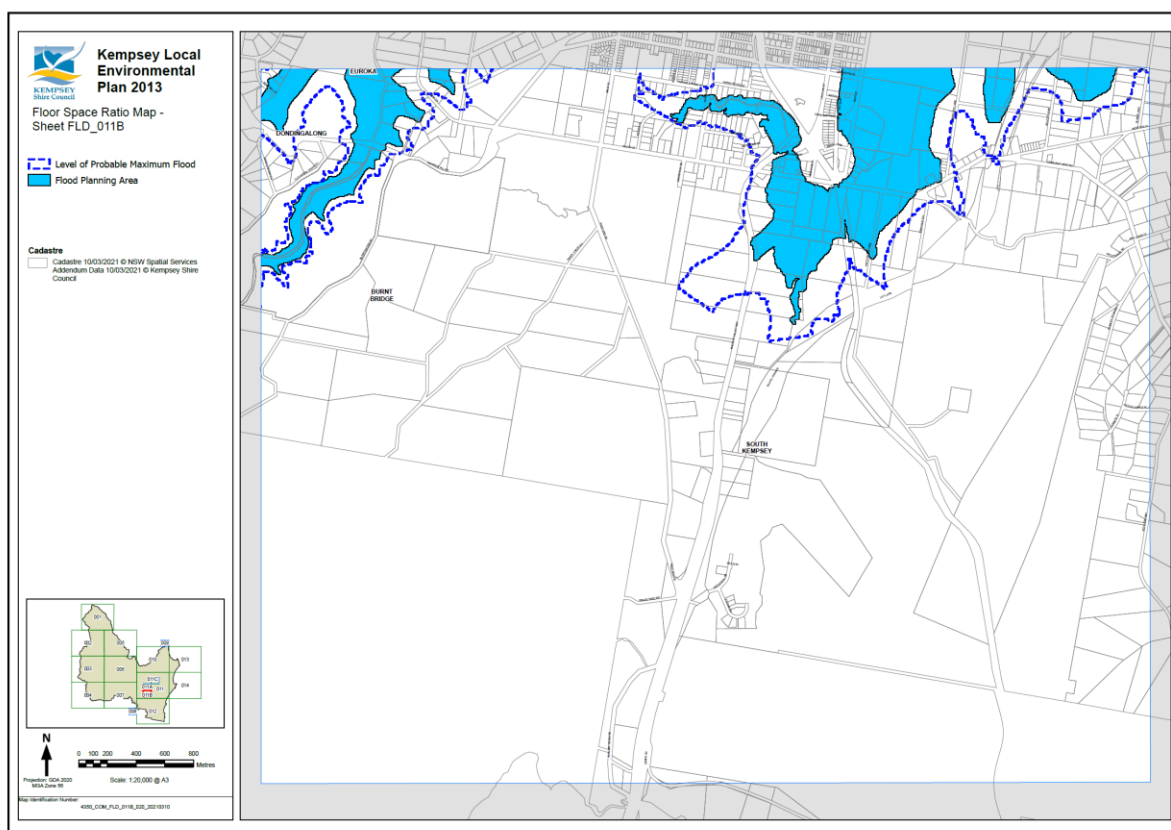


Figure 4 - Proposed Flood Mapping, Sheet 11A.







## **5. PART 5 - COMMUNITY CONSULTATION**

Community consultation will be undertaken following the Gateway determination. Any consultation 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.

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 January 2022.

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 Operations and Planning.

**Table 6.1 – Project Timeline**

LEP Amendment Steps	Estimated Project Timing
Submit Planning Proposal to DP&E	April 2021
Receive Gateway determination	May 2021
Authority consultation - pre-exhibition*	June 2021
Preparation of materials for public exhibition & authority consultation	June 2021
Public exhibition of Planning Proposal & government authority consultation	July 2021
Review and consideration of submissions	August - September 2021
Council report preparation	October 2021
Public submissions report and draft LEP amendment to Council for adoption	November 2021
Submission to the department to finalise the LEP	December 2021
Submit request for drafting of LEP to Parliamentary Counsel's Office^	January 2022
Forward to the department for notification	February 2022
* 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)
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.	Consistent. Development controls for caravan parks are proposed to ensure development of land for this purpose provides sufficient flood measures for short and long term residents.
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive development	Not applicable
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Not applicable
50	Canal Estate Development	Prohibits canal estate development	Consistent
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	Not applicable
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.	Not applicable
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	Not applicable
	Affordable Rental Housing	To provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Not applicable

	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State	Not applicable
	Coastal Management 2018	Seeks to manage development in the coastal zone and protect the environmental assets of the coast	Consistent
	Educational Establishments and Child Care Facilities 2017	Aims to facilitate the effective delivery of education establishments and early education and care facilities.	Not applicable
	Exempt and Complying Development Codes 2008	Seeks to provide streamlined assessment process for development that complies with specified development standards.	Consistent
	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
	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.	Not applicable
	Koala Habitat Protection 2020	Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	Not applicable



	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.	Not applicable
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources	Not applicable
	Primary Production and Rural Development 2019	Aims to facilitate orderly economic use and development of land for primary production; reduce conflict and sterilisation of rural land; ensure ongoing viability of agricultural uses; encourage sustainable agriculture, and simplify some regulatory processes	Not applicable
	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.	Not applicable
	Vegetation in Non-Rural Areas 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas.	Not applicable

# Appendix B

## Consistency with Section 9.1 Directions

Direction	Objectives	Application	Consistency
<b>1. Employment and Resources</b>			
<b>1.1 Business and Industrial Zones</b> Issued 1 May 2017	<ul style="list-style-type: none"> <li>To encourage employment growth in suitable locations</li> <li>To protect employment land in business and industrial zones, and</li> <li>Support the viability of identified strategic centres.</li> </ul>	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 planning proposal provides businesses and industries with updated flooding information to enable appropriate flood mitigation measures are incorporated into their operation. This will provide better resilience from flood events.
<b>1.2 Rural Zones</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To protect the agricultural production value of rural land.</li> </ul>	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)	Consistent
<b>1.3 Mining, Petroleum Production and Extractive Industries</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>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.</li> </ul>	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.	Not applicable

<b>1.4 Oyster Aquaculture</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>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.</li> </ul>	Applies to Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)	Not applicable
<b>1.5 Rural Lands</b> Issued 28 February 2019	<ul style="list-style-type: none"> <li>To protect the agricultural production value of rural land and facilitate the orderly and economic development of rural land.</li> </ul>	Applies to all planning proposals to which State Environmental Planning Policy (Primary Production and Rural Development) 2019 applies	Not applicable
<b>2. Environment and Heritage</b>			
<b>2.1 Environment Protection Zones</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To protect and conserve environmentally sensitive areas.</li> </ul>	Applies when a planning proposal is prepared.	Consistent
<b>2.2 Coastal protection</b> Issued 3 April 2018	<ul style="list-style-type: none"> <li>To protect and manage coast areas of NSW</li> </ul>	Applies to the Coastal Zone as defined in the Coastal Management Act 2016.	Consistent
<b>2.3 Heritage Conservation</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</li> </ul>	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent

<b>2.4 Recreation Vehicle Areas</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</li> </ul>	Limits the development of land for the purpose of a recreational vehicle area.	Consistent
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b> Issued 2 March 2016	<ul style="list-style-type: none"> <li>To ensure a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast</li> </ul>	Introduction or alteration of E2 or E3 zones, overlay and associated clause	Does not apply to the Kempsey LGA
<b>2.6 Remediation of Contaminated Land</b> Issued 17 April 2020	<ul style="list-style-type: none"> <li>To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered</li> </ul>	Applies to land within an investigation area within the meaning of the Contaminated Land Management Act 1997	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>			
<b>3.1 Residential Zones</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To encourage a variety and choice of housing types to provide for existing and future housing needs.</li> <li>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to</li> </ul>	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



	<p>infrastructure and services, and</p> <ul style="list-style-type: none"> <li>To minimise the impact of residential development on the environment and resource lands.</li> </ul>		
<p><b>3.2 Caravan Parks and Manufactured Home Estates</b> Issued 14 April 2016</p>	<ul style="list-style-type: none"> <li>To provide for a variety of housing</li> <li>Types and opportunities for caravan parks and manufactured home estates</li> </ul>	<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&amp;W Act 1974.</p>	<p>Consistent</p>
<p><b>3.4 Integrating Land Use and Transport</b> Issued 14 April 2016</p>	<ul style="list-style-type: none"> <li>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts:</li> <li>improve access to housing, jobs and services by walking, cycling and public transport,</li> <li>increase transport choice and reduce travel demand and reducing dependence on cars,</li> <li>reduce travel demand including distances travelled, especially by car,</li> <li>support the efficient and viable operation</li> </ul>	<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>Not applicable</p>

	<p>of public transport services, and</p> <ul style="list-style-type: none"> <li>• Provide for the efficient movement of freight.</li> </ul>		
<p><b>3.5 Development Near Regulated Airports and Defence Airfields</b> Issued 14 April 2016 (amended 20 August 2018)</p>	<ul style="list-style-type: none"> <li>• To ensure the effective and safe operation of regulated airports and defence airfields</li> <li>• To ensure that the operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</li> <li>• To ensure development, if situated on noise sensitive land, incorporate appropriate mitigation measures so not adversely affected by aircraft noise</li> </ul>	<p>Applies to a planning proposal that will create, alter, or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	<p>Not applicable</p>
<p><b>3.6 Shooting Ranges</b> Issued 16 February 2011</p>	<ul style="list-style-type: none"> <li>• To maintain appropriate levels of public safety and amenity and reduce land use conflict when rezoning land adjacent to an existing shooting range.</li> <li>• To reduce conflict arising between</li> </ul>	<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>	<p>Not applicable</p>

	<p>shooting ranges and rezoning of adjacent land</p> <ul style="list-style-type: none"> <li>To identify issues that must be addressed when giving consideration to rezoning land adjacent to a shooting range.</li> </ul>		
<b>4. Hazard and Risk</b>			
<b>4.1 Acid Sulfate Soils</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</li> </ul>	Applies to planning proposal on land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Consistent.
<b>4. 2 Mine Subsidence and Unstable Land</b> Issued 14 April 2016	<ul style="list-style-type: none"> <li>To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</li> </ul>	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	Not applicable
<b>4.3 Flood Prone Land</b> Issued 1 July 2009	<ul style="list-style-type: none"> <li>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</li> </ul>	Applies to a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.	<p>Consistent.</p> <p>The updated Kempsey CBD Flood Risk Management Study and Plan provides updated flood modelling to inform development controls for flood prone land. Amended development controls are proposed to further minimise flood impacts to life and property.</p>

	<ul style="list-style-type: none"> <li>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.</li> </ul>		
<b>4.4 Planning for Bushfire Protection</b> Issued 19 February 2020	<ul style="list-style-type: none"> <li>To protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.</li> <li>To encourage sound management of bush fire prone areas.</li> </ul>	Applies when Council prepares a planning proposal that affects or is in proximity to land mapped as bushfire prone land.	Consistent. The planning proposal includes bushfire prone land and does not impact on bushfire measures.
<b>5. Regional planning</b>			
<b>5.2 Sydney Drinking Water Catchments</b> Issued 3 March 2011	To protect water quality in the Sydney drinking water catchment.	Applies to; Blue Mountains, Campbelltown, Cooma Monaro, Eurobodalla, Goulburn, Mulwaree, Kiama. Lithgow, Oberon, Palerang, Shoalhaven, Sutherland, Wingecarribee, Wollondilly, Wollongong.	Not applicable
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b> Issued 1 May 2017	To ensure that the best agricultural land is available for current and future generations to grow food and fibre	Applies to; Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed LGAs	Not applicable
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	To manage commercial and retail development	Applies to council areas on the North Coast that the Pacific Highway traverses between Port	Not applicable

Issued 21 August 2015	along the Pacific Highway.	Stephens Shire Council and Tweed Shire Council, inclusive	
<b>5.10 Implementation of Regional Plans</b>  Issued 14 April 2016	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.  Action 2.2 Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.  Action 3.1 Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.  Action 3.2 Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.
<b>6. Local Plan Making</b>			
<b>6.1 Approval and Referral Requirements</b>  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 will implement updated flood data and provisions to the LEP for the assessment of development on flood prone land.
<b>6.2 Reserving of Land for Public Purposes</b>  Issued 1 July 2009	<ul style="list-style-type: none"> <li>To facilitate the provision of public services and facilities by reserving land for public purposes</li> <li>To facilitate the removal of reservations of land for public purposes where the land is no longer</li> </ul>	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.	Consistent.  The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

	required for acquisition.		
<b>6.3 Site Specific Provisions</b> Issued 1 July 2009	To discourage unnecessarily restrictive site specific planning controls.	A planning proposal to amend an environmental planning instrument must either: <ul style="list-style-type: none"> <li>• allow that land use to be carried out in the zone the land is situated on, or</li> <li>• rezone the site to an existing zone that allows that land use without imposing any development standards, or</li> <li>• 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.</li> </ul>	Consistent
<b>7. Metropolitan planning</b>			
			No directions applicable to the Kempsey Shire