
KEMPSEY SHIRE COUNCIL

FLOOD POLICY 2024



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Kempsey Shire Council Flood Policy

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POLICY: KEMPSEY SHIRE COUNCIL FLOOD POLICY

1. INTRODUCTION

The Macleay River, renowned for its rapid flow during floods, traverses a vast floodplain where natural ecosystems and agricultural activities coexist. Flooding poses significant challenges to sustainable development, housing needs, and climate resilience. This policy outlines a framework for floodplain management to safeguard lives, property, and the environment while ensuring sustainable land use in flood-prone areas

2. POLICY STATEMENT AND SCOPE

This policy provides a structured approach to managing flood risks within the Kempsey Shire Council jurisdiction. It establishes development controls and planning measures based on state and national guidelines to:

- Protect communities and assets from the adverse impacts of flooding.
- Reduce flood risks through informed planning decisions.
- Ensure sustainable and resilient development practices in flood-affected areas.

This policy applies to land affected by flooding within the Kempsey Shire Council Local Government Area, with a focus on developments on flood-prone land. For detailed operational implementation, refer to:

- **Procedures:** Detailed steps to be followed for development assessment and flood management measures, as outlined in **PART 1** of the operational document.
- **Guidelines:** Best practices and recommendations for sustainable development and community engagement in flood-prone areas, as outlined in **PART 2** of the operational document.

3. POLICY OBJECTIVES

The primary objectives of this policy in terms of achieving sound flood management are to:

- (i) Maintain the existing flood regime and flow conveyance capacity.
- (ii) Reduce the impact of flooding and flood liability on individual owners and occupiers of flood-prone property.
- (iii) Minimize private and public losses resulting from floods.
- (iv) Increase public safety concerning flood events.
- (v) Protect the operational capacity of emergency services and response facilities during flood events.
- (vi) Enhance public awareness of potential flooding risks, covering the full range of flood events up to the Probable Maximum Flood level.
- (vii) Inform the community of Council's policy regarding the use and development of flood-prone land.
- (viii) Ensure that planning and development of essential services and land uses appropriately consider flood-related risks.
- (ix) Apply best engineering practices for determining flood conditions, impacts, and risks.



- (x) Use ecologically sustainable methods of flood protection wherever possible.
- (xi) Ensure that new development or modifications to existing development reduce existing flood risks, and that flood risks are not increased.
- (xii) Address flood-related matters consistently and equitably in accordance with NSW Government guidelines.
- (xiii) Establish Flood Planning Levels (FPLs) to guide development design and mitigate flood risks for various land use categories (FPLs are in **APPENDIX 2 – Flood Planning Levels (FPLs)**)
- (xiv) Implement prescriptive controls, including minimum floor levels, flood-proofing measures, flood impact assessments, and evacuation requirements, to reduce flood risks and ensure compliance with flood management standards.

4. CLIMATE CHANGE CONSIDERATIONS

Flood Planning Area mapping has been developed based on flood modelling for existing conditions, as well as, where available, the anticipated impacts of climate change. Scientific evidence suggests that peak flood levels for events of a specified frequency will increase over time due to climate change drivers. The key climate change drivers impacting flood levels in the Kempsey Local Government Area (LGA) are:

1. Sea Level Rise (SLR)

Based on the NSW Government's Sea Level Rise Policy Statement (2009), it is projected that mean sea level will rise by 0.4 meters by 2050 and 0.9 meters by 2100.

2. Increased Rainfall Intensity

Scientific projections suggest increased rainfall intensity will lead to more frequent and severe flood events.

As a result, flood planning levels (FPLs) and flood planning areas (FPAs) are likely to change in the future due to climate change. The climate change impact varies across the catchment area, with the upper catchment being more impacted by increased rainfall intensity and narrow waterway areas, while coastal areas are primarily affected by sea-level rise.



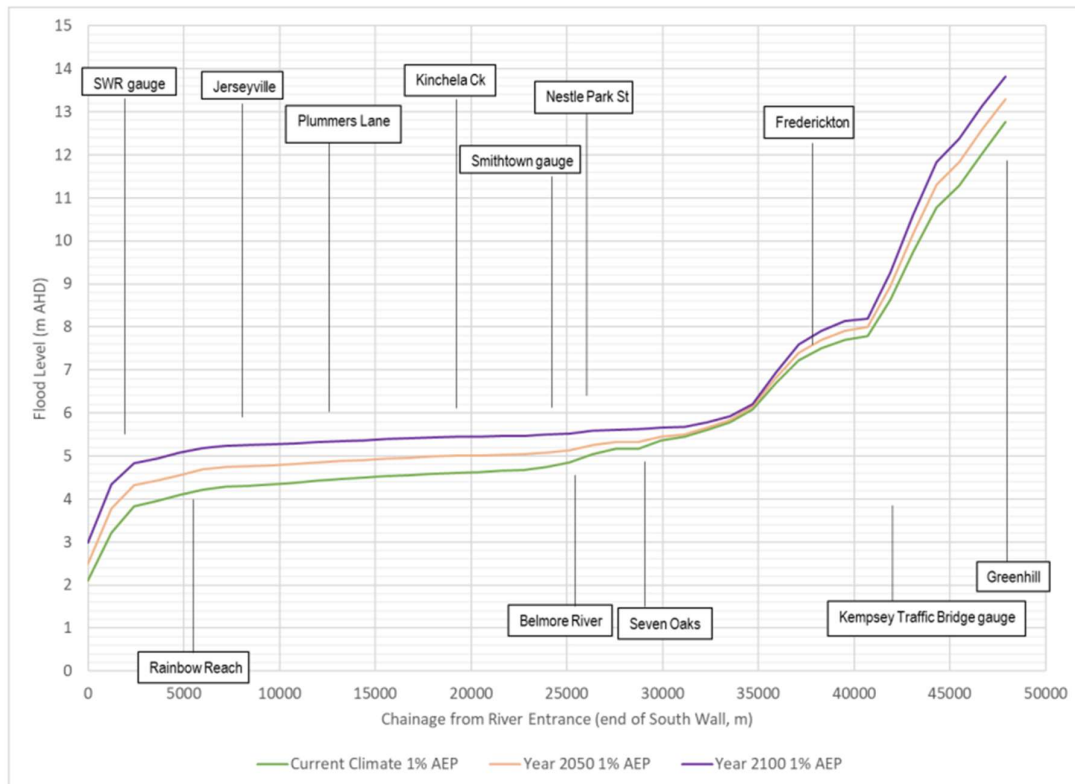


Figure 3: Climate Change Impacts (Jacobs, 2023)

This policy considers these changes when determining flood planning levels and the approach to development in flood-prone areas. For developments with a long serviceable life, future climate change impacts are accounted for in FPLs, ensuring that new developments are resilient to these risks.

Given the likely impacts of climate change, not all Council's flood studies may contain the most up to date climate change modelling information. Council proposes to progressively complete climate change modelling for all major catchments in line with latest research recommendations. Where updated modelling does not exist, a suitable allowance will be made by Council staff.

5. RESPONSIBILITIES AND AUTHORITIES

Strategic and Asset Planning Team:

- Development and management of flood risk strategies.
- Oversight of hydraulic and floodplain risk studies.

Development Control Officers:

- Assessment of development applications to ensure compliance with flood management controls.
- Enforcement of prescriptive standards, including floor levels and floodproofing.

Community Consultation Team:



- Facilitation of community awareness programs on flood risks and safe practices.
- Engagement with stakeholders during policy reviews and updates.

6. REFERENCES

This policy should be read in conjunction with the following documents and plans to ensure consistency and alignment with broader flood risk management and planning objectives:

- NSW Flood Risk Management Manual (2023)
- NSW Government's Flood Prone Lands Policy (2005)
- Environmental Planning & Assessment Act (1979)
- Kempsey Shire Council Local Environmental Plan (LEP)
- Kempsey Shire Council Development Control Plan (DCP)

Where there is an inconsistency between this policy and any other environmental planning instrument, the provisions of the other instrument will prevail.

This policy also aligns with regional flood risk management studies, including:

- Lower Macleay Flood Risk Management Study and Plan (2024)
- Lower Macleay Flood Study (2023, Updated and Extended)
- CBD Flood Risk Management Study and Plan (2017)

These documents provide detailed flood hazard mapping and technical data used to guide planning and development decisions.

For detailed implementation, the following sections of the operational document should be consulted:

- **Procedures:** detailing the necessary steps for development assessment and flood management measures.
- **Guidelines:** providing best practices for managing flood risks and engaging with the community.

7. DEFINITIONS

This policy incorporates definitions and acronyms from the NSW Flood Risk Management Manual and other key documents.

For a complete list of terms and acronyms, refer to **APPENDIX 1 - DEFINITIONS AND ACRONYMS**.

8. PROCESS OWNER

The Strategic and Asset Planning Department is responsible for:

- Policy development and revisions.
- Coordination of flood studies and technical updates.
- Monitoring compliance with floodplain management measures.



9. AMENDMENTS

All amendments to this policy must adhere to the Kempsey Shire Council's document control standards. Version updates and changes will be recorded in a dedicated version control register, accessible for review. Any revisions to the procedures or guidelines referenced in the policy will be updated in the operational document, ensuring consistency and clarity in flood management and development assessments.

10. APPENDICES

- APPENDIX 1 - DEFINITIONS AND ACRONYMS
- APPENDIX 2 – FLOOD PLANNING LEVELS (FPLS)
- APPENDIX 3 – DOCUMENT CONTROLS



APPENDIX 1 - DEFINITIONS AND ACRONYMS

Definitions and Acronyms

This section defines key terms and acronyms used throughout the Kempsey Shire Council Flood Policy to ensure clarity and consistent interpretation.

Table 1: Acronyms

AEP	Annual Exceedance Probability
AHD	Australian Height Datum (1971)
AIDR	Australian Institute of Disaster Resilience
ARI	Average Recurrence Interval (years)
AR&R	Australian Rainfall and Runoff
DCP	Development Control Plan
EP & A Act	Environmental Planning and Assessment Act, 1979
EP & A Regulation	Environmental Planning and Assessment Regulation, 2000
FPL	Flood Planning Level
GFPL	General Flood Planning Level
GIS	Geographic Information System
LEP	Local Environmental Plan
Local Policy	Local Flood Risk management policy
Management Committee	Floodplain Risk Management Committee
Management Plan	Floodplain Risk Management Plan (FRMP)
Management Study	Floodplain Risk Management Study (FRMS)
Manual	Flood Risk Management Manual 2023 and/or Floodplain Development Manual, 2005
PMF	Probable Maximum Flood
NSW Policy	NSW Government's Flood Prone Land Policy
SES	State Emergency Service



Table 2: Definitions

Annual Exceedance Probability (AEP)	refers to the chance of a Flood of a given or larger size occurring in any one year, usually expressed as a percentage (e.g. 1% AEP = 1 in 100-year event).
Australian Height Datum (AHD)	is a national surface level datum corresponding approximately to mean sea level.
Boat Shed	refers to a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.
Boundary Adjustments	refers to realignment of a boundary between two or more lots of land without creating additional lots.
Climate Change Allowance	refers to an allowance of 900 mm for Sea Level Rise (2100) plus a 19.7% increase in rainfall intensity and volume for 2100.
Caravan Parks (Manufactured Home Estates)	<p>refers to land on which caravans or other moveable Dwellings are installed, placed or parked. Development within the site includes offices, workshops, amenities, mobile homes, cabins, caravans (with and without rigid annexes), camp sites and the like.</p> <p>A manager's residence or similar permanent Dwelling structures (including manufactured homes, cabins) are to be considered <i>Residential Development</i>.</p>
Car Parks and Carparking	refers to buildings, areas or places primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access, whether operated for gain or not. Unless strictly stated, the buildings, areas or places used for parking motor vehicles applies equally to standalone carparking and also developments with carparking.
Commercial & Industrial Development	<p>Commercial Development refers to shops, offices, clubs, recreation facilities, motels, tourist accommodation and tourist Developments.</p> <p>Industrial Development refers to industrial related activities including factories, engineering workshops, warehouses and the like.</p>
Critical Facilities	Includes buildings and services used for emergency purposes or reducing social disruption during or after a Flood where inundation or loss of function in an Extreme Flood would represent an unacceptable level of risk. It includes emergency services facilities (e.g. SES depots/offices, Police Stations, Fire Stations (including Rural Fire Service), Ambulance Stations, correctional facilities, hospitals, public halls (where used for a Flood Evacuation Centre), childcare centres and kindergartens, residential care facilities (e.g. intensive aged care, nursing homes), group homes, electrical generating works, sub stations, telephone exchanges, telecommunication repeaters, Flood Evacuation Centres and Flood Refuges, and critical service facility components (e.g. essential components of sewage treatment works, essential water supply reservoirs). Critical Facilities also includes major roads and bridges within this document.



	<p>This is not intended to be an exhaustive list of critical facilities and Council may elect to define additional Development types as critical.</p>
Development	<p>means:</p> <ul style="list-style-type: none"> (a) the use of land, and (b) the Subdivision of land, and (c) the erection of a building, (d) the carrying out of a work, (e) the demolition of a building or work, (f) any other act, matter or thing that may be controlled by an environmental planning instrument.
Dwelling	<p>means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.</p>
Effective Warning Time	<p>The time available after receiving advice of an impending Flood and before the floodwaters prevent appropriate Flood response actions being undertaken. The Effective Warning Time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.</p>
Flood Evacuation Centre	<p>are areas where Flood affected residents can assemble and receive assistance under the coordination of the SES. The locations of these areas and their intended function in a Flood emergency are to be determined by the SES and Council and identified in the SES Local Flood Plan for each stream system.</p>
Extension	<p>refers to a modification to an existing structure where it provides for additional Habitable or non-Habitable floor space. This is inclusive of renovations that alter the existing structural components.</p>
Extreme Flood	<p>is often used as an approximate estimate of the PMF based on a less rigorous analysis of Flood behaviour. For the purposes of this Policy the PMF and Extreme Flood are the same.</p>
Fencing	<p>refers to a barrier, railing or other upright structure used on a property to mark a boundary, increase privacy or to control access.</p>
Filling	<p>refers to the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land.</p>
Flood	<p>refers to a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam. It is also the local overland flooding associated with major drainage before entering a watercourse, and/or coastal inundation resulting from superelevated sea levels and/or waves overtopping coastal defences (excluding tsunami).</p>



Flood Control Exempt Development	refers to Development such as in-ground domestic swimming pools, bus shelters, minor advertising signs, picnic shelters, and the like.
Flood Fringe Area	is the remaining area of Flood Prone Land after Floodway and Flood Storage Areas have been defined.
Flood Immunity Level	the level at which a road, access way or structure becomes inundated. For example, a road which becomes inundated during the 20 year ARI Flood event (but is Flood free for more frequent events) has a 20 year Flood Immunity Level.
Flood Impact Assessment	considers the potential for Development to result in a significant change to Flood characteristics including peak Flood level, flow velocity and Flood hazard.
Flood Maps	are the maps attached to Council's Flood Studies as amended or extended from time to time as additional approved Flood data becomes available. Maps may also be held on Council's GIS.
Floodplain	is the area of land which is subject to inundation by Floods up to and including the Probable Maximum Flood event (i.e. Flood Prone Land).
Flood Plan (Local)	is a sub-plan of a Disaster Plan that deals specifically with Flooding. They can exist at State, Division and local levels. Local Flood Plans are prepared under the leadership of the State Emergency Service.
Flood Planning Level (FPL)	is the combination of Flood levels (derived from significant historical Flood events or Floods of specific AEPs) and Freeboards selected for Flood Planning purposes, as determined in Floodplain Risk Management studies.
Flood Planning Area (FPA)	represents the area of land below the FPL and subject to Flood related Development controls.
Flood Prone Land	is land susceptible to Flooding by the PMF event. Note that the term Flood Prone Land covers the whole Floodplain, not just that part below the FPL.
Flood Proofing	refers to a combination of measures such as Filling of a site to elevate the structure or the design, construction (and alteration) of buildings or structures with appropriate water resistant materials to reduce or eliminate Flood damage to the building or structure, and its contents, and the risk to occupants.
Flood Refuges	are publicly accessed buildings above the PMF where Flood displaced residents can assemble and receive shelter. They may include a community shelter, public hall, school or the like. A suitably cleared helicopter landing area must also be identified adjacent to the Flood Refuge (see also Evacuation Centres and Community of Support).
Flood Risk	is the potential danger to personal safety and potential damage to property resulting from Flooding. The degree of risk varies with circumstances across the full range of Floods.



Flood Risk Assessment	considers the risk for loss of life either for those within a particular Development during the onset of a Flood or those that may seek to access or vacate a Development. A Flood Risk Assessment considers emergency response management issues including the potential for evacuation in rare Floods up to the PMF.
Flood Storage Area	an area of the Floodplain that is important for reducing Flood severity by providing temporary detention/storage of floodwater during the passage of a Flood.
Flood Study	is a comprehensive technical investigation of flood behaviour that defines the variation over time of flood levels, extent, and velocity for flood events of various severities, up to and including the PMF.
Floodway	is the area of a Floodplain where a significant discharge of floodwater occurs during Floods. Floodways are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of Flood flow, or a significant increase in Flood level.
Freeboard	is a factor of safety to provide reasonable certainty that the risk exposure selected is actually provided. Freeboard is incorporated into the FPL. The Freeboard may vary with different land uses, parts of the Floodplain or types of mitigation works.
Habitable (room)	<p>means:</p> <ul style="list-style-type: none"> ▪ in a residential situation a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom, workroom, study or the like. ▪ in an industrial or commercial situation an area used for offices or to store possessions susceptible to Flood damage. <p>Note: Council may use its discretion to determine whether a particular room is to be regarded as a Habitable room for the purposes of this definition by having regard to the nature of the design and/or layout of the room, its potential use and its situation in the building</p>
Infill Development	refers to Development of vacant land that is generally surrounded by developed properties. Infill Development generally refers to urbanised areas rather than rural or rural residential areas.
Mainstream Flooding	means, inundation of normally dry land when water overflows the banks of a river. It excludes consideration of minor tributaries and local drainage paths.
Measurable	means, in relation to effect on Flood behaviour, at least 0.015m (15mm) for Flood heights and at least 0.1m/sec for average channel and overbank velocities.
Minor Development	<p>refers to non-Habitable Development such as above-ground domestic swimming pools, garden sheds, non-enclosed verandas and patios, decks, pergolas, carports, and the like.</p> <p>Building Extensions may be considered Minor Development if the area of the Extension covers no more than 40m².</p>



If separate Extensions are proposed for the building/Dwelling, the total area of all Extensions will be assessed to determine whether or not Minor Development provisions apply.

For building Extensions to be considered Minor Development, no additional rooms are to be included, only Extension of existing rooms.

Should any subsequent Extension be proposed under a separate application, Council will consider all previous Extensions approved under this clause.

New Development

refers to Development that may be of the same or different to that of the existing use.

Probable Maximum Flood (PMF)

is a Flood calculated to be the maximum which is likely to occur at a particular location. The PMF defines the extent of Flood Prone Land, that is, the Floodplain.

Redevelopment

refers to rebuilding on the same footprint as previously or immediately adjacent to the previous Development site and generally involves replacement of a structure with something similar without a change of use or Extension of services.

Replacement Dwelling (Existing Entitlement)

refers to the replacement of an existing Dwelling within Flood prone areas (like for like replacement).

Residential Development

refers to residential Dwellings, including houses, dual occupancies, flats, units, apartments, and tourist & visitor accommodation. Also includes associated out-buildings such as sheds or external garages.

Riverine Processes

refers to the effect of flowing water on the riverbank and surrounding landscape, and can include impacts such as river bank erosion, river bank slumping, meandering migration of the main stream bed and the like.

Special Purpose Facilities

applies to Development such as schools, marine rescue buildings, oyster sheds, Boat Sheds, jetties, pump stations, amenity buildings, change rooms, ancillary sports facilities and the like.

Subdivisions

refers to the division of land into two or more parts that, after the division, would be adapted for separate occupation, use or disposition. Strata Subdivision, community title and Boundary Adjustment are also considered Subdivision.

**Safe Access
(Safe Reliable Evacuation)**

refers to the safe velocity and depth relationships for pedestrians and vehicles as shown in Figure L1 of the NSW Governments *Floodplain Management Manual 2005* and the *Australian Rainfall and Runoff (AR&R) Book 9, Chapter 6 - Safety Design Criteria 2013*.

For the purposes of this Policy, Safe Access (Safe Reliable Evacuation) is considered to be via vehicular means.



APPENDIX 2 – FLOOD PLANNING LEVELS (FPLS)

Flood Planning Levels are the combination of Flood levels and Freeboard selected for Flood Planning purposes. These levels can be combined with topographic data to determine Flood Planning Areas.

1. Flood Planning Level (FPL) Categories

Council has adopted a standard Freeboard of 500mm across the Kempsey LGA coupled with inclusion of consideration of Climate Change impacts.

The Kempsey LGA FPL's are listed in **Table 4**.

Table 4: Flood Planning Level (FPL) Categories

Category	Proposed - FPL Category Description
FPL1	5% Flood level ¹ (No allowance for Climate Change, No Freeboard)
FPL2	The Maximum of {(1% Flood level ² + Climate Change Allowance) or (1% + 500mm Freeboard)}
FPL3*	1% Flood Level + Climate Change Allowance + 500mm Freeboard
FPL4	Probable Maximum Flood (PMF) as defined in Table 2

* Defines the Flood Planning Area (FPA) in the Kempsey LEP.

1 5% AEP = 20 Year ARI

2 1% AEP = 100 Year ARI

2. Flood Planning Levels Data

Council will provide relevant levels for specific Developments upon request via a Flood Search Application which can be found on the KSC website.

3. Adopted FPLs for Land Uses

Flood Planning Levels for various Land Use Categories must be as outlined in **Table 5**.

Note: Unless strictly stated, the FPL applies to each relevant component of a development including all ancillary components (i.e. for a Commercial/Industrial development involving the construction of a shed, storage yard and carparking the applicable FPL for each component will be based on the 'Development Type' heading within **Table 5**).



Table 5: Flood Planning Levels for Land Use Categories

1 DEVELOPMENT TYPE	FLOOD PLANNING LEVEL
Boundary Adjustments	
<ul style="list-style-type: none"> Residential / Large Lot Residential or Commercial/Industrial 	Each lot must have a minimum area of 500m ² at or above FPL2
<ul style="list-style-type: none"> Rural 	Each lot must have a minimum area of 1000m ² at or above FPL2
<hr/>	
Caravan Parks and Manufactured Home Estates	FPL2
<hr/>	
<ul style="list-style-type: none"> Permanent Habitable structures including manufactured homes, managers residences or similar 	FPL2
<hr/>	
<ul style="list-style-type: none"> Amenities Blocks, Visitors Carparking, Community Facilities, Caravan Sites/Camping Sites 	FPL1
<hr/>	
Car Parks and Carparking	
<ul style="list-style-type: none"> Open Carparks 	FPL1
<ul style="list-style-type: none"> Basement and Underground Carparks 	<p>> 1.2m AHD</p> <p>Access ramps and all entry points (windows, etc) = FPL2</p>
<hr/>	
Commercial & Industrial	<p>FPL2 with 25% of the ground floor plan area to be at or above FPL3</p> <p>Consideration will be given to a lower floor level in limited circumstances where mobility access standards are to be met and where compatibility with existing street frontages is required.</p> <p>The absolute minimum floor level will be FPL1.</p>
<hr/>	



Critical Facilities

FPL4

Critical infrastructure must not be constructed on land below the level of the PMF.

Where existing Critical Facilities are located on the Floodplain, they are to be designed / retrofitted to be Flood free during the PMF.

Minor Development

- Building Extensions $\leq 40\text{m}^2$, decks, non- enclosed patios, verandas, pergolas etc. FPL1 or to match existing floor level, whichever is the highest level
 - Carports (unenclosed) and 'other open' structures $> 1.2\text{m AHD}$
 - Garden Sheds, aboveground domestic swimming pools, etc FPL1
 - Other Assessed on a case-by-case basis
-

Residential Development

- Habitable Dwellings (and building Extensions $> 40\text{m}^2$) FPL2
 - Habitable Dwellings (and building Extensions $< 40\text{m}^2$) FPL2 Excluding Climate Change and SLR.
 - Garages and Storage Sheds (enclosed) FPL1
 - Boat Sheds $\leq 60\text{m}^2$ $> 1.2\text{m AHD}$
 - Boat Sheds $> 60\text{m}^2$ FPL1
-



Rezoning of Land

FPL3

-
- Residential / Large Lot Residential or Commercial/Industrial

Each lot must have a minimum area of 500m² at or above FPL3

-
- Rural

Each lot must have a minimum area of 1,000m² at or above FPL3

Special Purpose Facilities

- Oyster sheds, Boat

>1.2m AHD Sheds

- Public amenity blocks, change rooms, ancillary sports facilities

FPL1 or as per Council discretion based on use

- Other Special Purpose Facilities

FPL2 or as per Council discretion based on use

Subdivisions

- Residential and Rural Residential (land)

FPL2 lots, FPL2 roads

- Rural (land)

FPL2 building envelopes/lots, FPL1 roads

- Commercial & Industrial (land)

FPL2 lots, FPL2 roads

Note: All development must comply with the requirements of AS3500 for plumbing, drainage and sewer aspects.



APPENDIX 3 – DOCUMENT CONTROLS

Document Control

Title	Kempsey Shire Council Flood Policy
Policy Number	1.0
Version	1
Document Number	D22/12345
Audience	Public/Internal
Policy Type	Council/Management
Category	
Subcategory	
Date First Approved	
Date Effective	
Date Last Amended	
Date of Next Review	
Responsible Officer	[Officer Title]
Approval Body	Council/Executive Leadership Team
Consultation Requirements	Public/WHS Committee/Consultative Committee
Public Participation Requirements	Nil

Version Control

Version	Date Effective	Approval	Amendment
1			New Policy

