



New South Wales

## **Kempsey Local Environmental Plan 1987 (Amendment No 71)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00039/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2002 No 60**

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 71)

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# **Kempsey Local Environmental Plan 1987 (Amendment No 71)**

## **1 Name of plan**

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 71)*.

## **2 Aims of plan**

This plan aims:

- (a) to allow, with the consent of Kempsey Shire Council, the carrying out of development on part of the land to which this plan applies for the purpose of a cemetery and crematorium, and
- (b) to introduce a new zone into *Kempsey Local Environmental Plan 1987*, being Zone No 7 (b) (the Environmental Protection (Habitat) Zone), and
- (c) to rezone the remainder of the land to the new zone so as to provide for the protection of the environmental qualities and values of natural habitats of that land.

## **3 Land to which plan applies**

- (1) To the extent that this plan allows an additional use, it applies to so much of Lot 36, DP 1011989, Crottys Lane, Yarravel, as is within Zone No 1 (d) and shown coloured light brown, edged heavy black and lettered “1 (d)” on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 71)” deposited in the office of Kempsey Shire Council.
- (2) To the extent that this plan rezones land, it applies to so much of Lot 36, DP 1011989, Crottys Lane, Yarravel, as is within Zone No 7 (b) and shown coloured light green, edged heavy black and lettered “7 (b)” on that map.

## **4 Amendment of Kempsey Local Environmental Plan 1987**

*Kempsey Local Environmental Plan 1987* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Kempsey Local Environmental Plan 1987 (Amendment No 71)

### [2] Clause 8 Zones indicated on the map

Insert in appropriate order:

Zone No 7 (b) (Environmental Protection (Habitat) Zone)—coloured light green, edged heavy black and lettered “7 (b)”.

### [3] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Table to the clause:

#### **Zone No 7 (b) (Environmental Protection (Habitat) Zone)**

##### **1 Objectives of zone**

The objectives are:

- (a) to protect the environmental qualities and values of natural habitats, and
- (b) to permit the roads and services to cross habitat areas in a manner that has minimal adverse impacts on habitat values.

##### **2 Without development consent**

Nil.

##### **3 Only with development consent**

Advertisements; recreation areas (other than sporting fields); roads; utility installations (other than radio or television transmission towers).

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Schedule 1      Amendments

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### 4 Prohibited

Any purpose other than a purpose included in Item 3.

#### [4] Clause 62

Insert in appropriate order:

##### 62 Development at Crottys Lane, Yarravel

- (1) This clause applies to so much of Lot 36, DP 1011989, Crottys Lane, Yarravel, as is within Zone No 1 (d) and shown coloured light brown, edged heavy black and lettered “1 (d)” on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 71)”.
- (2) Nothing in this plan prevents the Council from granting consent to the carrying out of development on the land to which this clause applies for the purpose of a cemetery and crematorium, subject to subclause (3).
- (3) Before granting consent under subclause (2), the Council must consider the impact of the proposed access route to the land on habitat trees identified in the document entitled *Threatened Species and SEPP 44—Koala Habitat Assessment of Proposed Cemetery and Associated Facilities* undertaken for the Council by Jason Berrigan and dated September 1999, that document being available for inspection from the office of the Council.

BY AUTHORITY

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