



New South Wales

# **Kempsey Local Environmental Plan 1987 (Amendment No 89)**

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*. (GRA6322540/PC)

FRANK SARTOR, M.P.,  
Minister for Planning

## **2006 No 14**

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 89)

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## **Kempsey Local Environmental Plan 1987 (Amendment No 89)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 89)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to restrict the type and scale of permissible development on the land to which this plan applies, and
- (b) to provide planning objectives for the land to which this plan applies to better reflect key issues and the significance of that land to the Aboriginal community, local residents and tourists.

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

This plan applies to the land shown hatched and edged heavy black on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 89)” deposited in the office of the Kempsey Shire Council.

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

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

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## Schedule 1 Amendment

(Clause 4)

### Clause 64

Insert after clause 63:

#### **64 Development of land in the vicinity of Point Plomer Road**

- (1) This clause applies to the land shown hatched and edged heavy black on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 89)” deposited in the office of the Council.
- (2) The objectives of this clause are:
  - (a) to provide for the preservation of natural resources to ensure their availability for the benefit of future generations, and
  - (b) to minimise the negative impacts of all new development, and
  - (c) to protect and enhance the area’s natural beauty, low key scale and significant flora and fauna communities and habitat, and
  - (d) to protect and conserve environmentally significant land and land that is of particular natural or aesthetic significance, and
  - (e) to protect areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities, and
  - (f) to protect, conserve and enhance evidence of cultural heritage, including Aboriginal heritage, and
  - (g) to enhance the character and identity of the South Crescent Head–Point Plomer Road area, and
  - (h) to allow for the protection and appropriate management of relics, trees or places which have identified heritage significance, including potential archaeological sites, and
  - (i) to ensure development satisfies the principles of ecologically sustainable development having regard to environmental, social and economic impacts, intergenerational equity and the precautionary principle, and
  - (j) to ensure existing tourist facilities remain environmentally and economically sustainable, and

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- (k) to restrict the number of new employment generating developments, including tourist facilities, in order to control tourist and traffic numbers and to minimise environmental harm, and
  - (l) to protect existing residential amenity, and
  - (m) to provide development standards to ensure the number of dwellings and design details for housing is appropriate for the site and surrounding area, and
  - (n) to prevent the fragmentation of rural land into smaller lots and thus restrict development.
- (3) The Council must not grant consent to development on land to which this clause applies unless it is satisfied that the development is consistent with the objectives of this clause.
- (4) Despite any other provision of this plan, the following development is prohibited on land to which this clause applies:
- (a) in relation to land that is within Zone No. 1 (a1), development for any of the following purposes:  
aerodromes; airline terminals; animal boarding and breeding establishments; aquaculture; bulk stores; bus depots; caravan parks (other than campsites); child care centres; churches; clubs; community buildings; equestrian centres; extractive industries; feedlots; forestry; generating works; helipads; heliports; hotels; institutions; intensive animal husbandry; junkyards; marinas; marine service centres; mineral sands mines; mines; miscellaneous forestry; motels; offensive or hazardous industries; places of assembly; places of public worship; public buildings; retail plant nurseries; roadside stalls; sawmills; service stations; stock and sale yards; timber yards; veterinary establishments,
  - (b) in relation to land that is within Zone No. 7 (f1), development for any of the following purposes:  
agriculture; dams; dwelling-houses; recreation establishments; sand extraction; surf life saving clubs; tourist facilities,
  - (c) in relation to land that is within Zone No. 7 (f2), development for any of the following purposes:  
agriculture; dams; dwelling-houses; surf life saving clubs.
- (5) The Council must not grant consent to development on land to which this clause applies for the following purposes unless it is satisfied that the development is of a low impact nature (being

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development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area):

buildings or places of tourist interest; environmental education facilities; holiday cabins; recreation areas; refreshment rooms; rural industries; rural tourist facilities; tourist facilities.

- (6) The Council must not grant consent to development referred to in subclause (5), and may refuse to grant consent to any other development, on land to which this clause applies unless it is satisfied that the following issues have been adequately addressed in relation to the proposed development:
- (a) fauna and flora protection including the requirements of the *Native Vegetation Act 2003*, the *Threatened Species Conservation Act 1995*, *State Environmental Planning Policy No 26—Littoral Rainforests*, *State Environmental Planning Policy No 44—Koala Habitat Protection* and *State Environmental Planning Policy No 71—Coastal Protection* and potential impact on land managed by the Department of Environment and Conservation, wilderness areas and recognised areas of high conservation value,
  - (b) the identification of locally significant koala feed tree species,
  - (c) geotechnical issues,
  - (d) coastal processes and land use impact,
  - (e) Aboriginal heritage, European heritage,
  - (f) visual amenity and landscape,
  - (g) traffic management,
  - (h) bushfire protection.
- (7) The Council must not grant consent to development on land to which this clause applies unless it is satisfied that:
- (a) any proposed buildings that are part of the proposed development have been designed to respect the low scale and discrete character of the area and to be below vegetation canopies and ridge lines, and
  - (b) the proposed development will not generate excessive vehicular traffic, and

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- (c) adequate landscaping has been incorporated into the proposed development, and any significant trees or native vegetation at the proposed development site will be retained, including any locally significant koala feed tree species, and
- (d) any proposed vehicular entry has been designed to restrict direct views of the development, and
- (e) any significant Aboriginal heritage has been identified, adequately protected and managed, and
- (f) the proposed development is ecologically sustainable in terms of energy efficient design, disposal of effluent and stormwater, impacts on local flora and fauna and significant habitat and wetlands, and
- (g) the proposed development respects the topography and setting of the site.

BY AUTHORITY

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