



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 94)

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*. (G04/00017/PC-1)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 368

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 94)

Kempsey Local Environmental Plan 1987 (Amendment No 94)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kempsey Local Environmental Plan 1987 (Amendment No 94)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Aims of Plan

This Plan aims to amend *Kempsey Local Environmental Plan 1987*:

- (a) to rezone the land to which this Plan applies from Zone No 5 (a) (Special Uses "A" Zone) to Zone No 2 (a) (Residential "A" Zone) so as to permit residential development on the land, with the consent of Kempsey Shire Council, and
- (b) to set out certain controls applying to the development of the land.

4 Land to which Plan applies

This Plan applies to Lot 1, DP 445196, Phillip Drive, South West Rocks, as shown edged heavy black and lettered "2 (a)" on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 94)" deposited in the office of Kempsey Shire Council.

Schedule 1 Amendment of Kempsey Local Environmental Plan 1987

[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 94)

[2] Clause 68

Insert in appropriate order:

68 Development of land at Phillip Drive, South West Rocks

(1) Application

This clause applies to Lot 1, DP 445196, Phillip Drive, South West Rocks, and known as the former Shell depot, as shown edged heavy black and lettered “2 (a)” on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 94)”.

(2) Remediation of land required

Development consent must not be granted for development on the land to which this clause applies (other than an application for the undertaking of remediation works) unless the consent authority has received a validation report by an accredited auditor stating that the land has been remediated and is suitable for the proposed development.

(3) Development control plan required

Development consent must not be granted for development on the land to which this clause applies unless a development control plan has been prepared for the land that provides for all of the following:

- (a) stormwater and water quality management controls,
- (b) amelioration of contamination hazards,
- (c) an urban development plan, showing general subdivision pattern, residential densities and built form to achieve well-designed urban development, including a range of site sensitive lot sizes.

(4) Electricity infrastructure

Development consent must not be granted for development on the land to which this clause applies unless the consent authority is satisfied that any infrastructure for the supply of electricity that

2009 No 368

Kempsey Local Environmental Plan 1987 (Amendment No 94)

Schedule 1 Amendment of Kempsey Local Environmental Plan 1987

is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

- (5) Subclause (4) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any infrastructure for the supply of electricity.