



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 81)

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*. (G01/00087/PC)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 462

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 81)

Kempsey Local Environmental Plan 1987 (Amendment No 81)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 81)*.

2 Aims of plan

The aims of this plan are:

- (a) to protect environmentally sensitive land, and
- (b) to allow certain land to be developed for industrial purposes, and
- (c) to require satisfactory arrangements to be made for the provision of essential infrastructure, facilities and services.

3 Land to which plan applies

This plan applies to the land shown edged heavy black and coloured on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 81)” kept at 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 81)

[2] Clause 65

Insert after clause 64:

65 Development on land east of Pacific Highway, South Kempsey

(1) Application

This clause applies to the land shown edged heavy black and coloured on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 81)”.

(2) Objectives

The objectives of this clause are:

- (a) to provide additional opportunities for industrial use of land in Kempsey Shire, and
- (b) to protect land identified as having environmental value, and
- (c) to promote opportunities for industries to operate sustainably by encouraging a variety of servicing options on site.

(3) Restrictions on retail development

Development consent must not be granted for development on land to which this clause applies for the purpose of retail developments (including, but not limited to, bulky goods retailing and excluding highway service centres) and commercial developments.

(4) Management of land within Zone 7 (b)

Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that arrangements have been made for the ongoing management of the part of that land within Zone 7 (b).

(5) Public utility infrastructure arrangements

Development consent must not be granted for development on land to which this clause applies that is within Zone 4 (a) unless

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

- (6) **Development control plan required**
- Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (7) has been prepared for the land.
- (7) The development control plan must provide for all of the following:
- (a) a stormwater management plan that addresses water quality targets for surface water and groundwater and incorporates the use of roof water collection tanks for reuse for toilet flushing and landscaping and garden irrigation purposes,
 - (b) an acoustic management plan that provides for satisfactory setbacks,
 - (c) a traffic management plan,
 - (d) an infrastructure servicing plan that encourages the provision of on-site services (such as water, sewer and effluent disposal) independent of, or in conjunction with, other on-site services and disposal areas,
 - (e) a hazards management plan that addresses bushfire and industrial hazards and evacuation procedures,
 - (f) an urban development plan that provides for a noise and landscape buffer along the western boundary of the land within Zone 4 (a) that takes the Roads and Traffic Authority's design for the upgrade of the Pacific Highway into consideration and is suitable for reducing the visual impact of future development.
- (8) In this clause:
- public utility infrastructure*** includes infrastructure for any of the following:
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.