



New South Wales

# **Kempsey Local Environmental Plan 1987 (Amendment No 100)**

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*. (10/02441-1)

TONY KELLY, MLC  
Minister for Planning

## **2010 No 197**

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 100)

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## **Kempsey Local Environmental Plan 1987 (Amendment No 100)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Kempsey Local Environmental Plan 1987 (Amendment No 100)*.

### **2 Commencement**

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

### **3 Land to which Plan applies**

This Plan applies to Lots 233 and 317, DP 754396, Gregory Street, South West Rocks, as shown edged heavy black and distinctively coloured on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 100)”.

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## Schedule 1      **Amendment of Kempsey Local Environmental Plan 1987**

### [1]    **Clause 5 Definitions**

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

Kempsey Local Environmental Plan 1987 (Amendment No 100)

### [2]    **Clause 69**

Insert after clause 68:

#### **69    Development of land at Gregory Street, South West Rocks**

- (1) This clause applies to Lots 233 and 317, DP 754396, Gregory Street, South West Rocks, as shown edged heavy black and distinctively coloured on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 100)”.
- (2) 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) detailed urban design controls to ensure that the development will not breach the existing vegetated skyline and to maintain a compatible scale with surrounding buildings that minimises bulk and overshadowing impacts by progressively increasing setbacks as the building height increases, including:
    - (i) a maximum building height of no more than 12.5 metres above the level of the pavement on the adjoining part of Gregory Street, and
    - (ii) a minimum setback of 5 metres from Gregory Street,
  - (b) the protection of any Aboriginal heritage relics on the land, including a buffer zone, having a 10 metre diameter around the midden located in the north western corner of the land,
  - (c) a stormwater management plan that addresses water quality targets for surface water and groundwater,
  - (d) amelioration of natural and environmental hazards, including bushfire,
  - (e) the protection and enhancement of riparian areas and vegetation.

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- (3) Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that the following have been prepared for the development:
  - (a) a Floodplain Risk Management Plan,
  - (b) a Heritage Interpretation Strategy.
- (4) 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 following:
  - (a) the ongoing management and protection of land within Zone No 7 (d) (Scenic Protection Zone),
  - (b) the retention or on site relocation and conservation of the existing building on the land, known as the "Old School House".
- (5) Despite clause 24 (1), nothing in this plan prevents the Council from consenting to the carrying out of development on the land to which this clause applies for the purpose of medium density residential flat buildings with a height of no more than 12.5 metres above the level of the pavement on the adjoining part of Gregory Street.
- (6) For the purposes of this clause:

***Floodplain Risk Management Plan*** means a plan that addresses the following for the flood prone portion of the land to which this clause applies:

  - (a) types of development that allow for planned retreat from the lower section either within a specified time frame or based on specific criteria in respect of sea level rise,
  - (b) a climate change factor in determining the flood planning level for the land,
  - (c) the provision of adequate flood access routes from the lower section directly through the land to Gregory Street.

***Heritage Interpretation Strategy*** means a strategy that:

  - (a) defines the land and places to which the strategy relates, and
  - (b) describes the cultural history and heritage assets located on that land, and
  - (c) describes the significance of the cultural history and heritage assets on that land, and
  - (d) provides strategies for the communication of the heritage significance of the land and the heritage assets located on that land.