



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 117)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2012 No 164

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 117)

Kempsey Local Environmental Plan 1987 (Amendment No 117)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kempsey Local Environmental Plan 1987 (Amendment No 117)*.

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 Lot 19, DP 752436, Diamond Flat Trail, Comara, known as Misty Mountain Health Retreat.

Schedule 1 Amendment of Kempsey Local Environmental Plan 1987

[1] Clause 5 Definitions

Omit the definitions of *recreation facility (indoor)* and *serviced apartment* from clause 5 (1).

[2] Clause 37 Development on certain lands

Omit the matter relating to land at Diamond Flat Trail, Comara, from the Schedule to the clause.

Insert instead in Columns 1 and 2, respectively:

Lot 19, DP 752436, Diamond Flat Trail, Comara. Eco-tourist facility, meaning a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact, and
- (d) may include facilities that are used to provide information or education to visitors and to exhibit or display items.