



New South Wales

Kempsey Local Environmental Plan 2013 (Amendment No 4)

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*.

CRAIG DISS

As delegate for the Minister for Planning

Kempsey Local Environmental Plan 2013 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kempsey Local Environmental Plan 2013 (Amendment No 4)*.

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 land in the following zones under *Kempsey Local Environmental Plan 2013*:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone R5 Large Lot Residential.

Schedule 1 Amendment of Kempsey Local Environmental Plan 2013

[1] Land Use Table

Omit “Dual occupancies (attached)” from item 3 of the matter relating to Zone RU1 Primary Production.

Insert instead “Dual occupancies”.

[2] Land Use Table, Zone RU1

Insert “Secondary dwellings;” in alphabetical order in item 3.

[3] Land Use Table, Zone RU2

Omit “Dual occupancies (attached)” from item 3. Insert instead “Dual occupancies”.

[4] Land Use Table, Zone RU2

Insert “Secondary dwellings;” in alphabetical order in item 3.

[5] Land Use Table, Zone RU4

Omit “Dual occupancies (attached)” from item 3. Insert instead “Dual occupancies”.

[6] Land Use Table, Zone RU4

Insert “Secondary dwellings;” in alphabetical order in item 3.

[7] Land Use Table, Zone R5

Omit “Dual occupancies (attached)” from item 3. Insert instead “Dual occupancies”.

[8] Land Use Table, Zone R5

Insert “Secondary dwellings;” in alphabetical order in item 3.

[9] Clause 4.2E

Insert after clause 4.2D:

4.2E Erection of dual occupancies (detached) and secondary dwellings on land in certain rural and residential zones

- (1) The objectives of this clause are as follows:
 - (a) to provide alternative accommodation for rural families and workers,
 - (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (c) to set out consent considerations for development of detached dual occupancies and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential.

- (3) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or a secondary dwelling on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development will not impair the use of the land for agriculture or rural industries, and
 - (b) any dwellings on the land will use the same vehicular access to and from a public road, and
 - (c) any dwellings on the land will be situated within 100 metres of each other, and
 - (d) the land is physically suitable for the development, and
 - (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (f) the development will not have a significant adverse impact on the scenic amenity or character of the rural environment.
- (4) In determining whether to grant development consent under this clause, the consent authority must consider whether there is likely to be an adverse impact on any riparian areas or on the supply of water to adjoining land.