



New South Wales

Kempsey Local Environmental Plan 2013 (Amendment No 14)

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*.

DAVID RAWLINGS, GENERAL MANAGER, KEMPSEY SHIRE COUNCIL
As delegate for the Minister for Planning

Kempsey Local Environmental Plan 2013 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kempsey Local Environmental Plan 2013 (Amendment No 14)*.

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 RU3 Forestry,
- (d) Zone RU4 Primary Production Small Lots,
- (e) Zone RU5 Village,
- (f) Zone R5 Large Lot Residential,
- (g) Zone E2 Environmental Conservation,
- (h) Zone E3 Environmental Management,
- (i) Zone E4 Environmental Living.

Schedule 1 Amendment of Kempsey Local Environmental Plan 2013

[1] Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones

Insert after clause 4.2A (3) (c):

- (ca) is a lot resulting from a subdivision for which development consent has been granted under clause 4.6, being land in a zone where a dwelling house is permitted under the Land Use Table, or
- (cb) is a lot resulting from a subdivision for which development consent (or equivalent) was granted under *State Environmental Planning Policy No 1—Development Standards* before this Plan commenced and in relation to which concurrence was granted for the purpose of the erection of a dwelling house, or

[2] Clause 4.2A (3) (e)

Omit “paragraph (a), (b), (c) or (d)”. Insert instead “this subclause”.

[3] Clause 4.2A (3) (e) (i)

Omit “minor”.

[4] Clause 4.2C Boundary changes between lots in certain rural, residential and environment protection zones

Omit clause 4.2C (1). Insert instead:

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be changed in certain circumstances, to give landowners a greater opportunity to achieve the objectives of the relevant zone.

[5] Clause 4.2C (3)–(5)

Omit clause 4.2C (3) and (4). Insert instead:

- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:
 - (a) an increase in the number of lots,
 - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
 - (a) the subdivision will result in the continued protection and long-term maintenance of any land in Zone E2 Environmental Conservation, and
 - (b) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (c) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape, the agricultural viability of the land will not be adversely affected as a result of the subdivision, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.
- (5) This clause does not apply if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

[6] Clause 4.6 Exceptions to development standards

Insert “4.2C,” after “clause” in clause 4.6 (8) (ca).