

Planning Proposal

South West Rocks Housekeeping Amendment Building Heights

Amendment to Kempsey Local Environmental Plan 2013

SEPTEMBER 2023

Contents

Introduction	3
1. PART 1 – OBJECTIVES AND INTENDED OUTCOMES.....	3
1.1 Objectives	3
1.2 Intended outcomes.....	3
1.3 Land to which the planning proposal applies	4
1.4 Site context and setting	4
PART 2 – EXPLANATION OF PROVISIONS.....	4
1.5 Proposed Planning Controls.....	5
3. PART 3 – JUSTIFICATION	6
Section A – Need for the planning proposal	6
Section B – Relationship to the strategic planning framework.....	6
Section C – Environmental, social and economic impact	16
Section D – Infrastructure (Local, State and Commonwealth).....	17
Section E – State and Commonwealth interests.....	17
4. PART 4 – MAPPING.....	18
5. PART 5 - COMMUNITY CONSULTATION	19
6. PROJECT TIMELINE	19
APPENDIX A	20

Amendments	Version	Date Amended	Amended by
Update Section B (Part 3)	V5	14 November 2023	Peter Orr



Introduction

Kempsey Council recently developed the Kempsey Local Growth Management Strategy (KLGMS) to set the direction for future population growth and development within the Shire to 2041 (KLGMS, 2023). The KLGMS was adopted by Council in June 2023 and endorsed by the Department of Planning and Environment in August 2023.

In parallel, Kempsey Council developed the South West Rocks (SWR) Structure Plan to address the ability for the South West Rocks area, incorporating South West Rocks, Arakoon and Jerseyville, to cater for the majority of the projected population and housing growth within the Kempsey Shire to 2041 (SWR Structure Plan, 2023). The SWR Structure Plan was adopted by Council in July 2023.

The SWR Structure Plan aims to ensure that the coastal setting of South West Rocks is maintained through the management of development, height, scale and density, and the protection of significant vegetation and key scenic views corridors (SWR Structure Plan, 2023), and identifies amendments to Kempsey Local Environmental Plan (LEP) 2013 building heights and land zoning to assist in achieving this.

This Planning Proposal has been prepared to support the proposed Kempsey LEP amendments identified in the SWR Structure Plan. It is proposed to stage the implementation of the Kempsey LEP amendments, commencing with land parcels requiring building height amendments only.

1. PART 1 – OBJECTIVES AND INTENDED OUTCOMES

1.1 Objectives

As coastal towns are under pressure to absorb growing demand for housing, the existing character of these towns can easily be lost from the impact of increased traffic, subdivisions/suburbanisation and inappropriate scale or height of new buildings (KLGMS Local Character Statements Review, 2022). The introduction of the proposed regulatory building heights complements the existing character of the South West Rocks area and ensures that Council and community values and expectations for their town are achieved.

The objective of this Planning Proposal is to amend the Kempsey LEP to implement building heights that align with the SWR Structure Plan.

1.2 Intended outcomes

The intended outcomes are to:

- apply appropriate building heights to urban land parcels that currently do not have a building height in place; and
- amend the relevant Kempsey LEP Height of Building map.



1.3 Land to which the planning proposal applies

The land to which this proposal refers to are within study area of the SWR Structure Plan as shown in Figure 1.



Figure 1 – SWR Structure Plan study area.

1.4 Site context and setting

South West Rocks is a large relaxed coastal town popular with residents and visitors. Council recognises the growth pressures coastal towns are under and due to its idyllic location, the South West Rocks area is anticipated to continue experiencing steady growth pressure.

As the South West Rocks area is anticipated to cater for the majority of the projected population and housing growth within the Kempsey Shire over the next 20 years, the competing balance to accommodate growth whilst retaining the existing character of the place is a key challenge.

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the Kempsey LEP Height of Buildings (HOB) map HOB_013B (Figure 2) to introduce building heights on urban land that currently has no regulatory building height assigned.

By assigning building heights to these land parcels, it will ensure that future development on these sites will align with the recommended strategic provisions within the SWR Structure Plan.

Land parcels identified within the SWR Structure Plan to amend the building height and land zoning are not included in this Planning Proposal.



1.5 Proposed Planning Controls

The building height of the land parcels listed in [Table 1 \(below\)](#) are the subject of this Planning Proposal. [Appendix A](#) provides details of the existing and proposed building height amendments for each land parcel. The amended HOB_013B map is as shown in [Figure 3](#).

Table 1 - Land parcels subject to HOB amendment.

Item No.	Lot and DP	Street Address	Building Height Change	
			Current	Proposed
(i)	Lot 2 DP 1091323	Phillip Drive	-	8.5m
(ii)	Lot 364 DP754396	2 Sportsmans Way	-	8.5m
	Lot 367 DP754396		-	8.5m
	Lot 4 DP 1032643		-	8.5m
	Lot 5 DP 1032643		-	8.5m
	Lot 6 DP 1032643		-	8.5m
	Lot 7 DP 1032643		-	8.5m
(iii)	Lot 7001 DP 1073214	2A Livingstone Street	-	8.5m
	Lot 7002 DP 1073215		-	8.5m
	Lot 7041 DP 1120754		-	8.5m
	Lot 7042 DP 1120754		-	8.5m
	Lot 7308 DP 1138202		-	8.5m
	Lot 372 DP 704869	Buchanan Drive	-	8.5m
	Lot 1 DP 778105	Livingstone Street	-	8.5m
	Lot 337 DP 754396	Livingstone Street	-	8.5m
	Lot 7305 DP 1127502	Livingstone Street	-	8.5m
	SP62275	1 Ocean Drive	-	8.5m
	Lot 375 DP 822657	3 Ocean Drive	-	8.5m
	Lot 374 DP 822657	9 Ocean Drive	-	8.5m
	Lot 373 DP 822657	Ocean Drive	-	8.5m
	Lot 286 DP 754396		-	8.5m
	Lot 235 DP 754396	1 Gregory Street	-	8.5m
	Lot 269 DP 754396		-	8.5m
	Lot 341 DP 754396		-	8.5m
	Lot 2331 DP 1196964	19A Gregory Street	-	8.5m
	SP 100324	17 Gregory Street	-	8.5m
(iv)	Lot 377 DP 823789	Gordon Young Drive	-	8.5m
	Lot 376 DP 823789	39-89 Gordon Young Drive	-	8.5m



	Lot 379 DP 823785	91 Gordon Young Drive	-	8.5m
(v)	Lot 3 DP 20188	98 Gregory Street	-	11m
	Lot 2031 DP 579067	102 Gregory Street	-	11m
(vi)	Lot 231 DP 754396	255-279 Gregory Street	-	11m

3. PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. The Planning Proposal is consistent with the recommendations, goals and priorities of the following strategic plans and reports that have been prepared and endorsed by Council.

- Kempsey Local Growth Management Strategy 2023
- South West Rocks Structure Plan 2023

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal to amend the nominated building height map within the Kempsey LEP is considered to be the best way to achieve the intended outcomes and objectives, as it is considered to be the simplest administrative and most transparent approach. Amending the Kempsey LEP 2013 is the only identified way to achieve the intended outcomes.

Section B – Relationship to the strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The planning proposal presents an opportunity to meet the regional focused goals of the North Coast Regional Plan 2041 (NCRP):

- *Liveable, sustainable and resilient*
- *Growth change and opportunity*

These goals are proposed to be met through various objectives under the NCRP. The relevant objectives are outlined below.



Goal	Objective	Comment
Liveable, sustainable and resilient	Objective 3: Protect regional biodiversity and areas of high environmental value	The implementation of regulatory building heights, particularly on land within the Coastal Environment Area and Coastal Use Area, along with land adjacent/adjoining Coastal Wetlands, will assist in ensuring more intensive development is located away from these sensitive areas.
	Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change	Several land parcels subject to this Planning Proposal are identified as being within the Coastal Vulnerability Area (Coastal Hazards Mapping Risk Assessment 2021 (JBP). An amendment to building heights on land parcels within these areas aims to reduce impact on and from people and property.
Growth Change and Opportunity	Objective 18: Plan for sustainable communities	The SWR Structure Plan has been developed and adopted by Council, which: <ul style="list-style-type: none"> • establishes a local vision, • provides a planning framework for the long-term growth of the town, • provides specific design principles to enhance the character and environment of the town, • guides strategies and the consideration of future development projects in a sensitive and sustainable manner.
	Objective 20: Celebrate local character	Character statements developed as part of the LGMS identified that Council will prepare a structure plan for the entire South West Rocks area to guide development over the next 20 years. The SWR Structure Plan 2023 provides development guidance.
		<p>This plan aims to protect, enhance and add to the natural and cultural environment in maintaining the area as a tourism destination and a great place to live and work, by managing development height, scale and density, whilst also protecting significant vegetation and key scenic views corridors.</p> <p>Along with its distinctive natural setting and coastal landforms, the character of the South West Rocks area is strongly influenced by its Aboriginal cultural heritage and maritime heritage.</p>



		The introduction of regulated building heights on land without regulated building heights aims to ensure Aboriginal and maritime heritage is not impacted and the local character of the area is maintained.
--	--	--

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the following endorsed local strategies or strategic plans.

2042 Your Future Community Strategic Plan (2022)

This plan outlines the community's hopes, aspirations and dreams for the Kempsey Shire. It is based on collaboration between all levels of government, local agencies, residents and visitors to the Shire, with a vision *'From the mountains to the sea, our people are given the opportunities and infrastructure to build a safe, sustainable and welcoming community'*.

This planning proposal is consistent with the following:

What are we working towards?	How will we get there?
Changes to our towns and villages balance the needs of built and natural environment	We use building controls that recognise the character and existing natural and cultural assets
Strong physical and emotional connections boost our quality of life	We maintain a sense of place in our towns and villages, while responding to change
Meaningful, informed partnerships, and evidence guide our decision making	We provide and participate in genuine community engagement opportunities to influence decision making

Future Macleay, Growth & Character – Local Strategic Planning Statement (2020)

The Local Strategic Planning Statement (LSPS) creates a 20 year vision for the Kempsey Shire and identifies the special characteristics which contribute to the local identity and how growth and change will be managed into the future.

The 20 year vision for growth and development in the Kempsey Shire comprises the following principles:

- Our natural amenity and coastal and rural environments are valued and provide a landscape and character that attract new residents and are the reason people want to stay in the Macleay Valley.
- Our built environment will retain the important aspects of local character that give use a sense of place.
- Our homes, buildings and infrastructure will be resilient to significant natural events and any future changes in population, climate and the economy.



- Our heritage and culture will be valued and evident in our streets, public spaces and surroundings.

To realise this vision, a number of themes and planning priorities have been developed. This planning proposal aligns with the following strategic directions of the LSPS:

Theme	Planning priority
Healthy Environment	<ul style="list-style-type: none"> • Deliver growth that does not compromise the Shire's rich biodiversity
Connected Communities	<ul style="list-style-type: none"> • Provide great places to live and work • Respect and protect the Shire's heritage • Maintain the Shire's distinctive built character

Kempsey Local Growth Management Strategy (KLGMS) 2041 (2023)

The KLGMS sets the direction for future population growth and development within the Kempsey Shire to 2041. It builds on the work of the LSPS and aligns with the NCRP 2041 and other Council strategies.

It anticipates that future residential growth within the Kempsey Shire will mostly be provided in Kempsey, South West Rocks, Frederickton, Crescent Head and Stuarts Point, with South West Rocks expected to accommodate most of the predicted future growth. The Local Housing Strategy, prepared to support the KGLMS, provides direction to the SWR Structure Plan process by identifying the projected need for South West Rocks to achieve a dwelling target of an additional 1,582 dwellings between 2020-2041. This target represents over 56% of all new predicted dwellings in the Kempsey Shire for this period. The Local Housing Strategy identifies (section 6.4) that there is sufficient capacity to meet the housing demand for Kempsey (with a particular emphasis on the South West Rocks Structure Plan to address the significant growth envisaged). Further that there is no identified need for new areas of land release or an extension to the urban growth boundary.

The KLGMS states the vision for South West Rocks is to:

- Maintain its picturesque coastal setting through the management of development height, scale and density and protection of significant vegetation and key scenic view corridors;
- Is the key coastal lifestyle and tourism township for Kempsey Shire, providing a range of housing densities and types, supported by commercial, retail and industrial development appropriate for the scale of the township;
- Maintains a high quality public realm and pedestrian amenity through street tree planning within residential areas, which assists in unifying the character of the town;
- Promotes its key tourism destinations as a major attractor to the town;
- Does not allow growth in residential development to occur at the expense of maintaining important scenic and environmental values.

A SWR Structure Plan has been developed to address the future growth potential in the South West Rocks area, inclusive of amendments to Kempsey LEP zoning and building heights.

South West Rocks Structure Plan (2023)



In planning for the predicted growth and anticipated changes in the South West Rocks area, it is important that the characteristics that make the area distinctive are maintained, enhanced and protected, along with the extent and manner in which the area grows aligns with the aspirations of the community and Council strategy.

The SWR community expressed to Council that they value the maritime history, Aboriginal heritage and cultural heritage, the relaxed coastal village atmosphere, the local economic opportunities of tourism and the protection of High Environmental Value areas. They will not accept development that is inconsistent with the desired future character and the relevant planning controls.

Council developed the SWR Structure Plan with the aim to:

- *provide a planning approach that supports the community's long-term vision for the town;*
- *consider land use opportunities and other supporting controls for the long term growth of the town and its immediate surrounds;*
- *provide specific design principles to enhance the character and environment of the town;*
- *guide strategies and consideration of future development projects, either public or private, in a sensitive and sustainable manner; and*
- *inform the LEP and more specific Development Control Plan updates that regulate future development.*

The existing built form is generally low scale and comprising detached dwellings, even within the large area of medium density zone along the central spine of South West Rocks. The introduction of regulated building heights will assist in the achievement of the above aims while also ensuring that a significant infill capacity remains for South West Rocks into the future. The building heights amendments proposed apply to restricted areas and in totality will not have a meaningful impact on restricting housing supply.

This Planning Proposal aligns with the recommended building height amendments within this Plan. Land parcels identified with both a recommended zoning and a building height amendment are not included in this proposal but will be addressed in a subsequent planning proposal to ensure correlation between the zoning & height limit.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is consistent with the following applicable State and regional studies or strategies.

- Draft NSW Coastal Design Guidelines (2022)
The planning proposal includes land within the coastal environment area and coastal use area, and the coastal wetland proximity area. The implementation of regulated building heights to this land will achieve the desired coastal outcomes.
- Urban Design for Regional NSW 2020
South West Rocks is a unique coastal town with a strong sense of place and identity, shaped by its landscape, people and culture. The implementation of regulated building heights to land within South West Rocks aims compliments the unique qualities of the town and achieve the design objectives for the built environment.



- Better Placed – an integrated design policy for the built environment in NSW (2017)
Regulated building heights aim to ensure good design is delivered by not just how a place looks, but also captures the aspirations and expectations for places where we work, live and play.
- Design Guide for Heritage (2019)
The South West Rocks area is characterised by Aboriginal and non-Aboriginal heritage. The focus for protecting these items into the future is to identify, conserve and consistently manage places and areas of cultural significance which contribute to the unique identity and character. The ongoing recognition, conservation and identification of places of significance are important to the local community and the Kempsey Shire as a whole.

The implementation of regulated building heights to land within South West Rocks will ensure that the built environment conserves, maintains and enhances the heritage significance of the area through good design.

- Connecting with Country (2023)
South West Rocks is located on the traditional lands of the Dunghutti/Thunggutti people. Their culture is shaped by the surrounding mountains and the proximity to the sea. South West Rocks contains a number of traditional sites of significance and was a place of gathering and ceremony for the Dunghutti/Thunggutti, Gumbaynggir and Biripi nations. The headland represents a ‘song line’ or ‘energy line’ between Mount Yarrhapinni and the hills around Arakoon.

The implementation of regulated building heights within South West Rocks aims to ensure the cultural significance of the area remains undisturbed and aligns with the Connecting with Country framework.

6. Is the planning proposal consistent with applicable SEPPs?

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to this Planning Proposal.

State Environmental Planning Policy	Consistency
SEPP (Biodiversity and Conservation) 2021	Yes. This Planning Proposal is not inconsistent with the SEPP. The proposed amendments aim to ensure future works proposed do not impact on the biodiversity of the sites.
SEPP (Building Sustainability Index: BASIX) 2004	N/A. This SEPP outlines requirements for all future residential development to achieve mandated levels of energy and water efficiency, along with thermal comfort. Not residential development is proposed as part of this proposal.



SEPP (Housing) 2021	Yes. This Planning Proposal is not inconsistent with the SEPP. It aims to minimise adverse climate and environmental impacts on new housing development by applying appropriate building height limits and reinforces the importance of designing housing in a way that reflects and enhances its locality.
SEPP (Industry and Employment) 2021	N/A. The provisions of this SEPP are not relevant to this Planning Proposal.
SEPP 65 – Design Quality of Residential Apartment Development	N/A. The provisions of this SEPP are not relevant to this Planning Proposal.
SEPP (Resilience and Hazards) 2021	Yes. This Planning Proposal is not inconsistent with the SEPP. The land parcels subject to the Planning Proposal are located within the Coastal environment area and coastal use area, with some land parcels adjacent to coastal wetlands or land in proximity to a coastal wetland. The Planning Proposal aims to manage development in the coastal zone and protect the environmental assets of the coast.
SEPP (Resources and Energy) 2021	N/A. The provisions of this SEPP are not relevant to this Planning Proposal.
SEPP (Sustainable Buildings) 2022	N/A. The provisions of this SEPP are not relevant to this Planning Proposal.
SEPP (Transport and Infrastructure) 2021	N/A. The provisions of this SEPP are not relevant to this Planning Proposal.

Table 2 - State Environmental Planning Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table provides a brief assessment of consistency against the s9.1 Ministerial Directions.

Ministerial Direction	Consistency
<u>Focus area 1: Planning Systems</u>	
Direction 1.1: Implementation of Regional Plans	Consistent. The planning proposal is consistent with the NCRP 2041.
Direction 1.2: Development of Aboriginal Land Council land	Not applicable.
Direction 1.3: Approval and Referral Requirements	Not applicable. The planning proposal does not alter any existing approval or referral requirements.



Direction 1.4: Site Specific Provisions	Consistent. The planning proposal utilises the building height provisions of KLEP 2013 to achieve the intended outcome.
<i><u>Focus area 1: Planning Systems – Place based</u></i>	
Direction 1.5: Parramatta Road Corridor Urban Transformation Strategy	Not applicable
Direction 1.6: Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
Direction 1.7: Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
Direction 1.8: Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
Direction 1.9: Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
Direction 1.10: Implementation of Western Sydney Aerotropolis Plan	Not applicable
Direction 1.11: Implementation of Bayside West Precincts 2036 Plan	Not applicable
Direction 1.12: Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
Direction 1.13: Implementation of St Leonards and Crows Next 2036 Plan	Not applicable
Direction 1.14: Implementation of Greater Macarthur 2040	Not applicable
Direction 1.15: Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
Direction 1.16: North West Rail Link Corridor Strategy	Not applicable
Direction 1.17: Implementation of the Bays West Place Strategy	Not applicable
Direction 1.18: Implementation of the Macquarie Park Innovation Precinct	Not applicable



Direction 1.19: Implementation of the Westmead Place Strategy	Not applicable
Direction 1.20: Implementation of the Camellia-Rosehill Place Strategy	Not applicable
Direction 1.21: Implementation of South West Growth Area Structure Plan	Not applicable
Direction 1.22: Implementation of the Cherrybrook Station Place Strategy	
<u>Focus area 2: Design and Place: No Directions</u>	
<u>Focus area 3: Biodiversity and Conservation</u>	
Direction 3.1: Conservation Zones	Consistent. The planning proposal aims to facilitate the protection and conservation of environmentally sensitive areas within close proximity of the land subject to the amendments.
Direction 3.2: Heritage Conservation	Consistent. The planning proposal aims to facilitate the conservation of heritage items and areas on or within close proximity of the land subject to the amendments.
Direction 3.3: Sydney Drinking Water Catchments	Not applicable
Direction 3.4: Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
Direction 3.5: Recreation Vehicle Areas	Not applicable
Direction 3.6: Strategic Conservation Planning	Not applicable
Direction 3.7: Public Bushland	Not applicable
Direction 3.8: Willandra Lakes Region	Not applicable
Direction 3.9: Sydney Harbour Foreshores and Waterways Area	Not applicable
Direction 3.10: Water Catchment Protection	Not applicable

<u>Focus Area 4: Resilience and Hazards</u>	
Direction 4.1: Flooding	Consistent. The planning proposal aims to reduce impact on flood prone land.



Direction 4.2: Coastal Management	Not applicable. The planning proposal includes land within the coastal environment area and coastal use area, and the coastal wetland proximity area. However, no rezoning of this land is proposed.
Direction 4.3: Planning for Bushfire Protection	Not applicable. No development is proposed as part of the Planning Proposal. Bushfire assessments will be required for all development on bushfire prone land.
Direction 4.4: Remediation of Contaminated Land	Not applicable. The Planning Proposal does not include contaminated land.
Direction 4.5: Acid Sulfate Soils	Consistent. The Planning Proposal does not alter the existing KLEP 2013 provisions relating to Acid Sulfate Soils.
Direction 4.6: Mine Subsidence and Unstable Land	Not applicable.
<u><i>Focus Area 5: Transport and Infrastructure</i></u>	
Directions 5.1: Integrating Land Use and Transport	Not applicable.
Direction 5.2: Reserving Land for Public Purposes	Not applicable
Direction 5.3: Development Near Regulated Airports and Defence Airfields	Not applicable
Direction 5.4: Shooting Ranges	Not applicable

<u><i>Focus Area 6: Housing</i></u>	
Directions 6.1: Residential Zones	Consistent. The Planning Proposal does not alter the permissibility of providing different building types to provide for existing and future housing needs as there are no amendments to land zoning. The introduction of a building height to land that currently does not hold one will assist in minimising the impact of residential development on the environment as many of the sites are in a foreshore location or adjacent to environmentally sensitive land.
Direction 6.2: Caravan Parks and Manufactured Home Estates	Not applicable
<u><i>Focus area 7: Industry and Employment</i></u>	
Direction 7.1: Business and Industrial Zones	Consistent. The Planning Proposal retains existing Employment Zones and merely applies a consistent building height limit.



Directions 7.2: Reduction in non-hosted short- term rental accommodation period	Not applicable
Direction 7.3: Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<u><i>Focus area 8: Resources and Energy</i></u>	
Direction 8.1: Mining, Petroleum Production and Extractive Industries	Not applicable
<u><i>Focus area 9: Primary Production</i></u>	
Direction 9.1: Rural Zones	Not applicable
Direction 9.2: Rural Lands	Not applicable
Direction 9.3: Oyster Aquaculture	Not applicable
Direction 9.4: Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. There is no likelihood of an adverse effect to critical habitat or threatened species, populations or ecological communities, or their habitats.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects arising from the planning proposal.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes. A social and economic assessment has not been included with this Planning Proposal, however it is considered that the Planning Proposal delivers positive social and economic impacts for the South West Rocks community as detailed in the SWR Structure Plan. It supports revitalisation to existing commercial centres and gives greater certainty to the community and for the future development of the area.



Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Yes. The Planning Proposal does not alter or increase demand for public infrastructure.

Section E – State and Commonwealth interests

12. What are the views of the state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Council consulted with various state public authorities and government agencies in the development of the SWR Structure Plan. This Planning Proposal activates the recommended KLEP building height amendments within that Plan.

Further consultation will occur with all agencies nominated in the Gateway Determination.



PART 4 – MAPPING

Proposed map amendments to Kempsey LEP 2013 Height of Buildings Map – Sheet HOB_013B as outlined in Part of this planning proposal are illustrated below. Appendix A provides more detailed mapping.



Figure 2 - Existing Height of Buildings Map - Sheet HOB_013B



Figure 3 - Proposed Height of Buildings Map – Sheet HOB_013B



4. PART 5 - COMMUNITY CONSULTATION

The Gateway Determination will specify the duration and extent of public exhibition required, and engagement with the community and public authorities/agencies.

Council's Community Engagement Strategy 2022 may detail additional requirements.

5. PROJECT TIMELINE

An approximate project timeline is provided as *Table 6.1* below. It is estimated that this amendment to the KLEP 2013 will be complete by April 2024.

Council requests delegation to carry out certain plan making functions in relation to this planning proposal. Delegation would be exercised by Council's General Manager or as delegated.

Table 6.1 – Indicative project Timeline

LEP Amendment Steps	Estimated Project Timing
Consideration by council	September 2023
Council decision	October 2023
Gateway determination	November 2023
Commencement and completion of public exhibition period	November – December 2023
Consideration of submissions	January 2024
Post-exhibition review and additional studies	February 2024
Submission to the Department for finalisation (where applicable)	March 2024
Gazettal of LEP amendment	April 2024



APPENDIX A

Existing and proposed map amendments



Item (i) – Phillip Drive



Figure 1 – Existing HOB



Figure 2 - Proposed HOB

Item (ii) – Sportsman Way



Figure 3 - Existing HOB



Figure 4 - Proposed HOB

Item (iii) – Horseshoe Bay Reserve

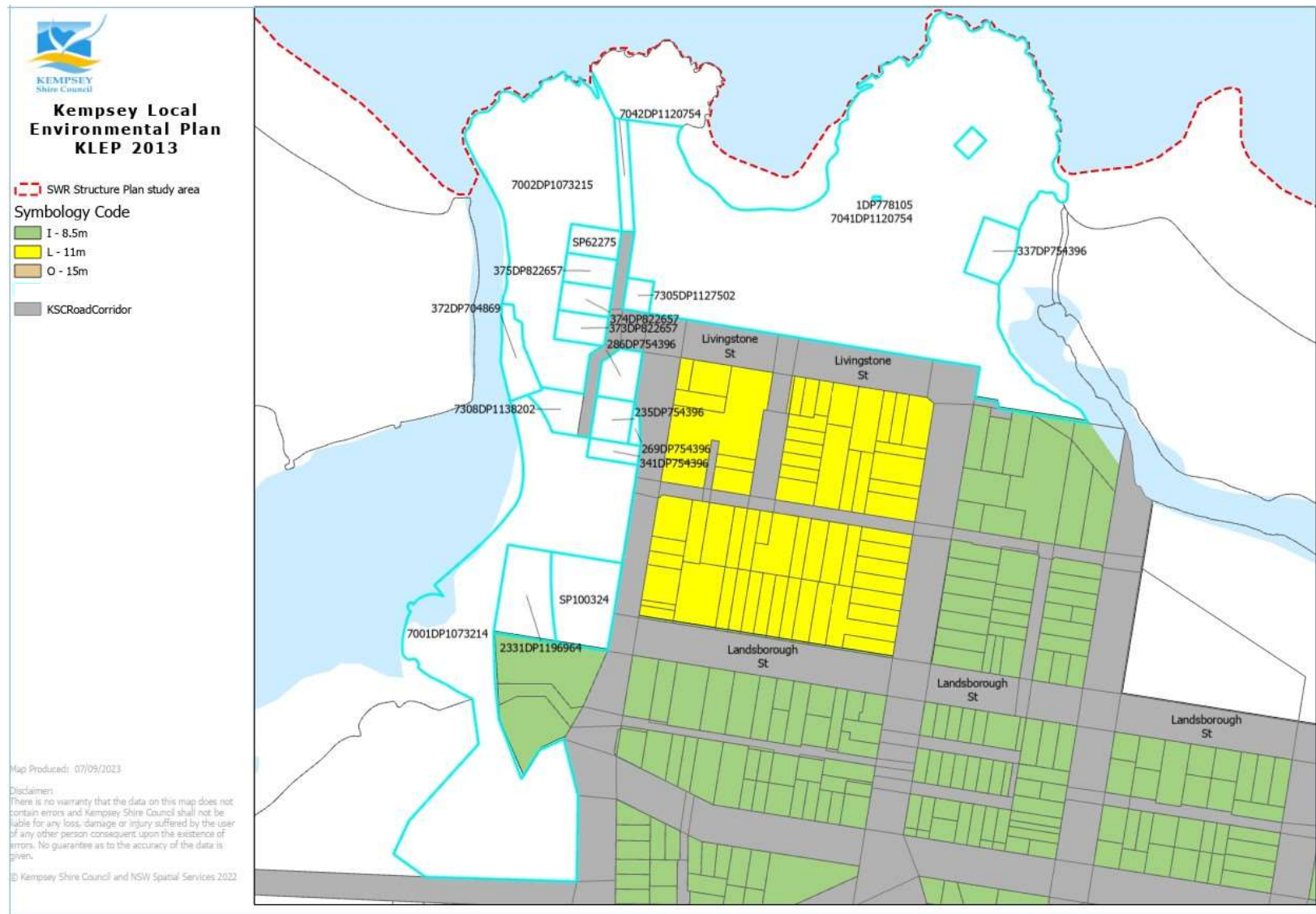


Figure 5 - Existing HOB

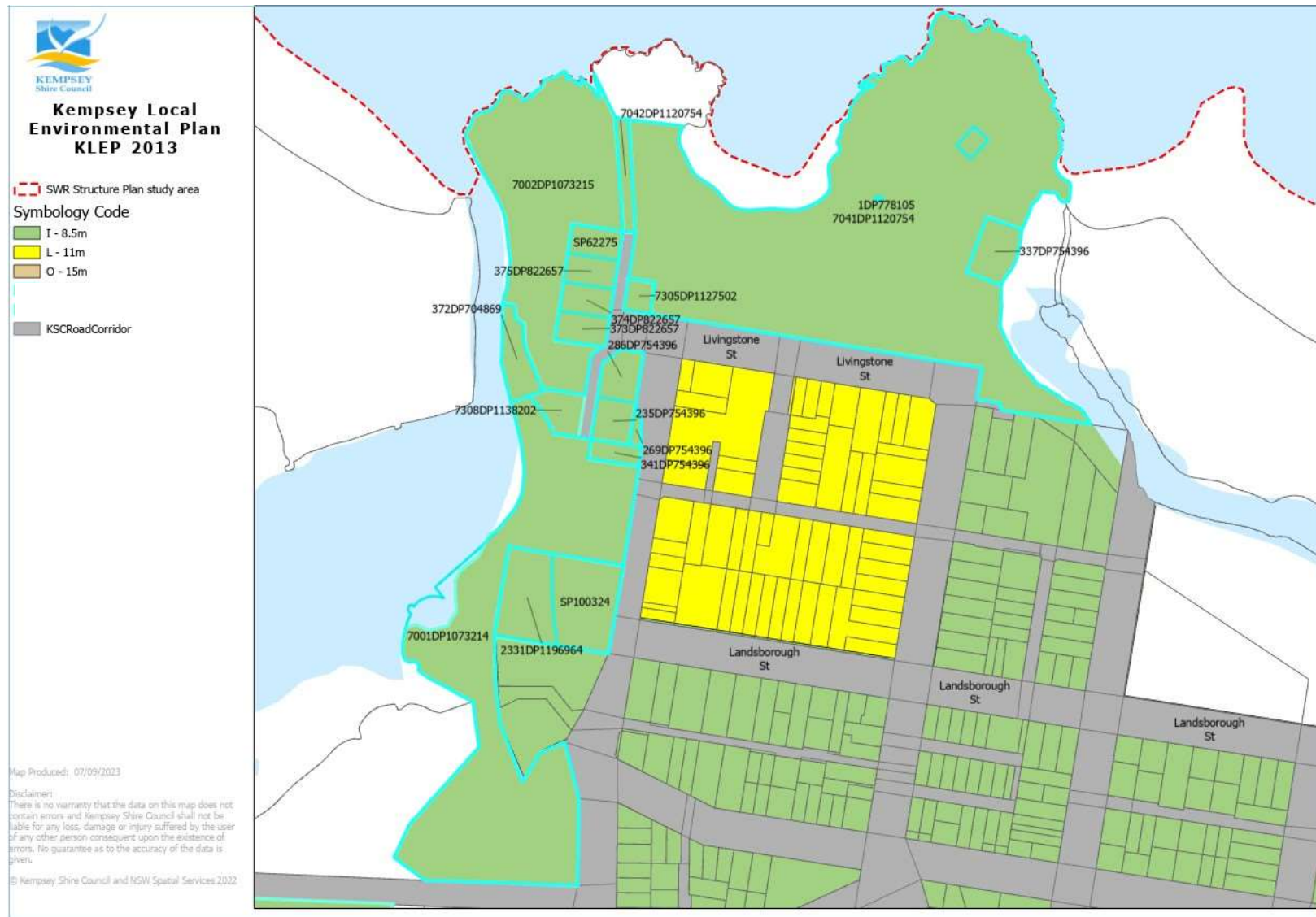


Figure 6 - Proposed HOB

Item (iv) – Gordon Young Drive



Figure 7 - Existing HOB



Figure 8 - Proposed HOB

Item (v) – 98-102 Gregory Street



Figure 9 - Existing HOB



Figure 10 - Proposed HOB

Item (vi) – 255-279 Gregory Street



Figure 11 - Existing HOB



Figure 12 - Proposed HOB