

10.2 Planning Proposal PP2300005 - SWR Structure Plan Building Heights

Officer Marnie Jeffery, Strategic Planning Officer

File Number PP2300005

PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

Proposal: To amend the KLEP 2013 Height of Building map to align with the adopted South West Rocks Structure Plan

Location: Various identified lots within the South West Rocks Structure Plan study area

Proponent: Kempsey Shire Council

Status: Planning proposal lodged

The next stage is to forward the planning proposal to the Minister for Planning and Public Spaces for gateway consideration. The Minister (or delegate) will consider if there is enough justification to proceed with the planning proposal and make a gateway determination.

RECOMMENDATION

That Council:

- 1. submits the planning proposal which seeks to amend the *Height of Buildings Map* for various lots within South West Rocks, to the Minister for Planning and Public Spaces for gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979;**
- 2. requests that the Secretary of the Department of Planning and Environment issue Council with written authorisation to exercise plan making delegations in relation to this proposal; and**
- 3. undertakes, subject to the gateway determination, community consultation for the planning proposal as required.**

BACKGROUND

South West Rocks is the principle coastal township within the Kempsey Shire and is recognised as both an important tourist destination and sea change location. Population projections identify South West Rocks is expected to continue experiencing the highest rate of residential growth within the Kempsey Shire over the next 20 years.

This expected rate of growth will place pressure on existing public services, infrastructure, and facilities. This will be in addition to the challenges of protecting and conserving the existing natural environment and cultural heritage of the place as residential and commercial development increases.

To ensure this expected growth rate can be provided for, Council developed the South West Rocks (SWR) Structure Plan which provides a strategic framework for the future growth and demonstrates how it can be managed. It guides changes to land use, built form and public spaces that together achieve economic, social and environmental objectives for the study area.

The SWR Structure Plan study area includes the town centre of South West Rocks, and the villages of New Entrance, Arakoon and Jerseyville (Figure 1).

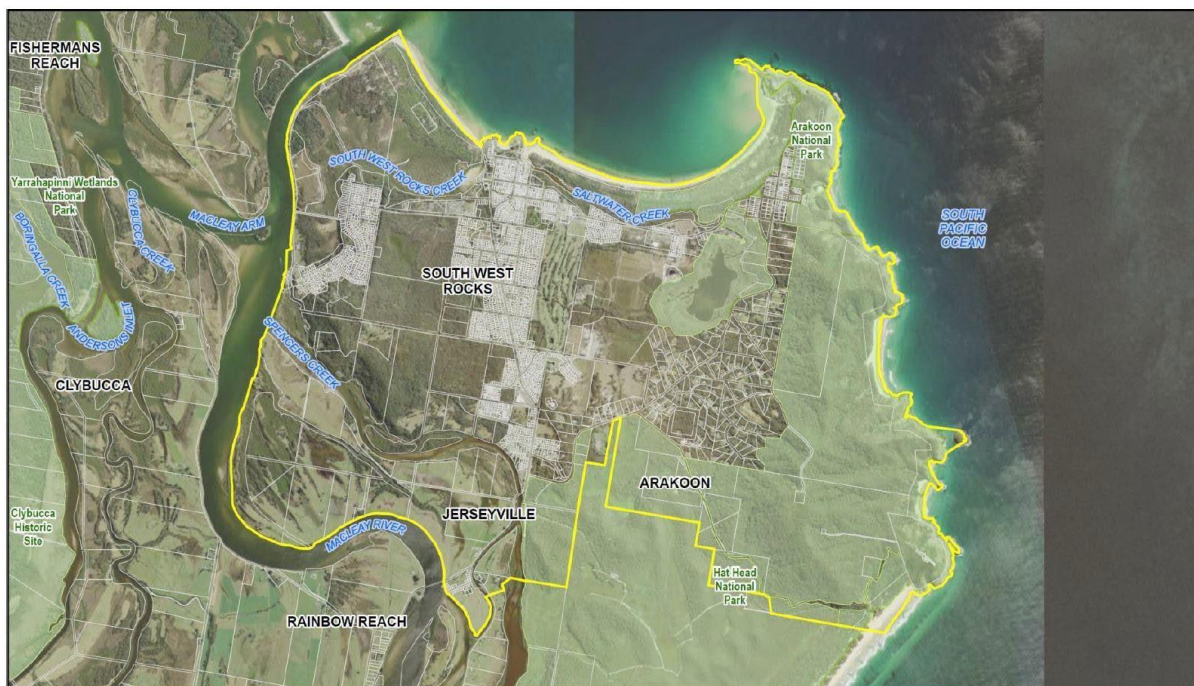


Figure 1 - SWR Structure Plan study area.

Subject land

The land subject to the Planning Proposal is located within the above study area and consists of various land use zones and minimum lot sizes. However, all the land subject to this Planning Proposal are parcels which do not currently have, but are identified as requiring, a regulated building height applied under the provisions of the Kempsey Local Environmental Plan (LEP) 2013.

Building height amendments under the provisions of the Kempsey LEP 2013, are recommended to apply to the land parcels identified in the following table and as shown in Figure 2. These height restrictions align with the recommendations of the South West Rocks Structure Plan.

Table 1 - Land subject to building height amendments.

Lot and DP	Street Address	Building Height Change	
		Current	Proposed
Lot 2 DP 1091323	Phillip Drive	-	8.5m
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
Lot 7001 DP 1073214			-
Lot 7002 DP 1073215		-	8.5m

Lot 7041 DP 1120754	2A Livingstone Street	-	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
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
Lot 3 DP 20188	98 Gregory Street	-	11m
Lot 2031 DP 579067	102 Gregory Street	-	11m
Lot 231 DP 754396	255-279 Gregory Street	-	11m
Part of Lot 68 DP 1276442	Keith Andrews Avenue	-	8.5m
Lot 5 DP 1261555	34 Keith Andrews Avenue	-	8.5m
Lot 70 DP 1257013	36 Keith Andrews Avenue	-	8.5m
Lot 71 DP 1257013	38 Keith Andrews Avenue	-	8.5m
Lot 72 DP 1257013	40 Keith Andrews Avenue	-	8.5m
Lot 4 DP 1261555	42 Keith Andrews Avenue	-	8.5m
Lot 3 DP 1261555	44 Keith Andrews Avenue	-	8.5m
Lot 73 DP 1257013	46 Keith Andrews Avenue	-	8.5m

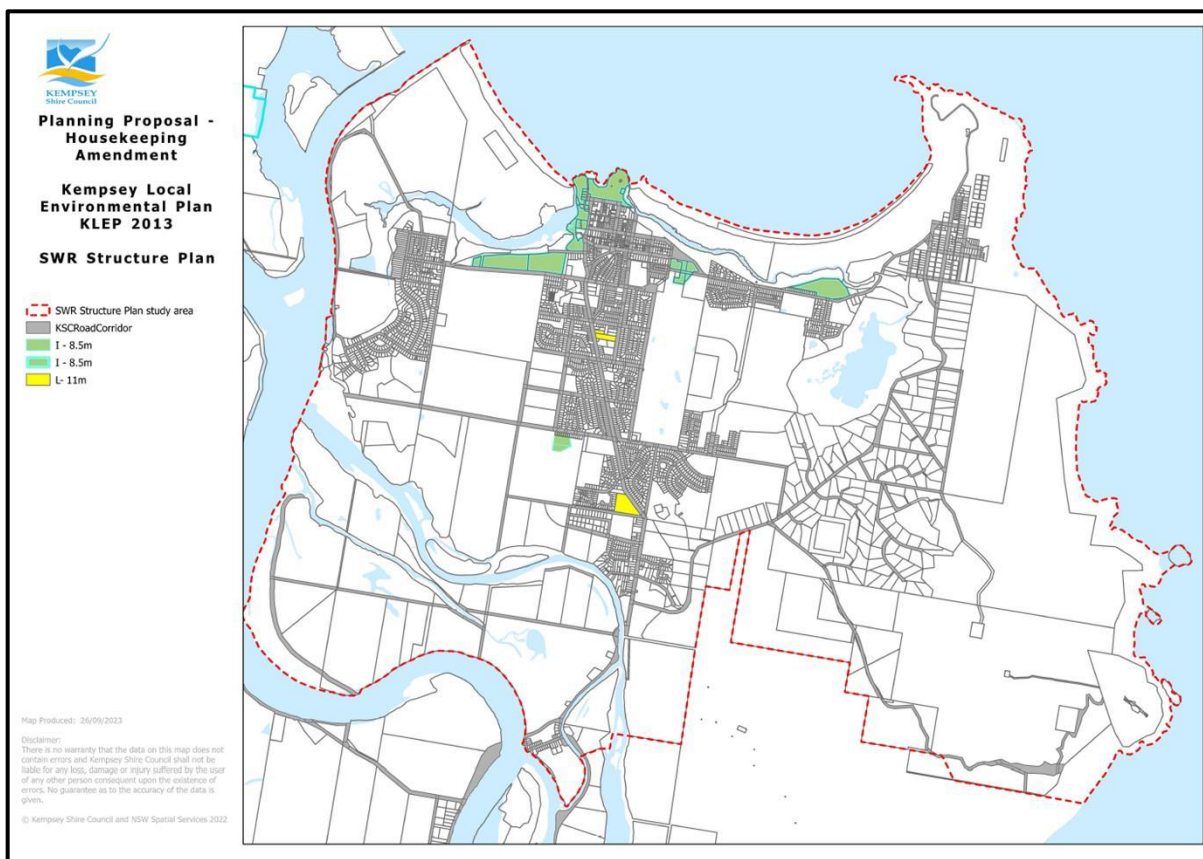


Figure 2 - Land subject to building height amendments.

Objectives of the Planning Proposal

The SWR Structure Plan aims to ensure that the character of South West Rocks coastal setting 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.

The intended outcome of this Planning Proposal is to support the proposed Kempsey LEP amendments identified in the SWR Structure Plan for land requiring building height amendments only.

It is intended to stage the implementation of the Kempsey LEP amendments identified in the SWR Structure Plan. Land parcels identified for zoning and building height amendments will be addressed in subsequent planning proposals to ensure correlation between permissible land uses and the building height limit.

Justification for the Planning Proposal

The subject sites are identified within the adopted SWR Structure Plan as requiring amendments to the regulation building height.

KEY CONSIDERATIONS

Policy and Legislation

In accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, the planning proposal may be forwarded by Council to the Minister for a gateway determination. The gateway determination will determine whether the proposal may proceed; identify any further information that may be required; identify if and what consultation is required; and identify a timeline for completion.

Strategic Alignment

The amendment of the building height for the subject sites ensures that the important characteristics that make this area distinctive are maintained, enhanced and protected, which is consistent with the strategic intent expressed in the South West Rocks Structure Plan.

Impact on Financial Sustainability

The proposal will not result in extra demand for infrastructure or impose additional costs on council services.

Stakeholder Engagement

Should the Minister for Planning and Public Spaces issue a favourable gateway determination, the next step will include undertaking community consultation in accordance with the conditions of the gateway determination and council's Development Control Policy and Rezoning Procedure 1.1.9. Part of this process will be to consult with the relevant government authorities.

Once community consultation is complete, the matter will be reported back to council to consider any submissions received and whether to proceed to the making of amendments to the Local Environmental Plan.

Other Matters

Nil

CONCLUSION

The building height amendments proposed are consistent with Council's *South West Rocks Structure Plan 2023* in that the desired outcome aligns with the community's expectations and enhances the identified vision for this area.

ATTACHMENTS

1. SWR Housekeeping Amendment_Buiding Heights PP [10.2.1 - 34 pages]
2. SWR Structure Plan June 2023 [10.2.2 - 52 pages]

10.2 Planning Proposal PP2300005 - SWR Structure Plan Building Heights

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File Number PP2300005

2023.198 RESOLVED (Cr Riddington/Cr Butterfield):

That Council:

1. submits the planning proposal which seeks to amend the *Height of Buildings Map* for various lots within South West Rocks, to the Minister for Planning and Public Spaces for gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979;
2. requests that the Secretary of the Department of Planning and Environment issue Council with written authorisation to exercise plan making delegations in relation to this proposal; and
3. undertakes, subject to the gateway determination, community consultation for the planning proposal as required.

CARRIED (6 / 1)

FOR: Cr Bain, Cr Butterfield, Cr Hauville, Cr Riddington, Cr Ring and Cr Wyatt

AGAINST: Cr Saul