



New South Wales

Kempsey Local Environmental Plan 2013 (Amendment No 33)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

DANIEL THOMPSON

As delegate for the Minister for Planning and Public Spaces

Kempsey Local Environmental Plan 2013 (Amendment No 33)

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1 Name of plan

This plan is *Kempsey Local Environmental Plan 2013 (Amendment No 33)*.

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 to which *Kempsey Local Environmental Plan 2013* applies.

4 Maps

The maps adopted by *Kempsey Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

Schedule 1 Amendment of Kempsey Local Environmental Plan 2013

[1] Clause 1.8A Savings provision relating to development applications

Insert after clause 1.8A(2)—

- (3) The amendments made to this plan by *Kempsey Local Environmental Plan 2013 (Amendment No 33)* do not apply to—
 - (a) a development application made, but not finally determined, before the commencement of *Kempsey Local Environmental Plan 2013 (Amendment No 33)*, or
 - (b) concept development application DA2300926, or
 - (c) a development application made after the commencement of *Kempsey Local Environmental Plan 2013 (Amendment No 33)* if the development application is subsequent to, and made in reliance on, concept development application DA2300926.

[2] Part 7 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Design excellence for development in South West Rocks

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of South West Rocks.
- (2) This clause applies to land identified as a “Key Site” on the Key Sites Map.
- (3) Development consent must not be granted to development involving the erection of a new building, or external alterations or additions to an existing building, on land to which this clause applies unless the consent authority—
 - (a) has considered—
 - (i) the desired future character of the area, and
 - (ii) the *South West Rocks Structure Plan* published by the Council in June 2023, and
 - (b) is satisfied the development—
 - (i) is consistent with the *NSW Coastal Design Guidelines 2023*, published by the Department in October 2023, and
 - (ii) exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must consider the following—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts view corridors,
 - (d) whether the development provides for active frontages to key streets and pedestrian thoroughfares,
 - (e) how the development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,

- (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) the bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts, including sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access and circulation requirements,
 - (x) the impact on, and proposed improvements to, the public domain.
- (5) This clause does not apply to development that the consent authority considers to be minor.

[3] Dictionary

Insert in appropriate order—

Key Sites Map means the Kempsey Local Environmental Plan 2013 Key Sites Map.