

### 13.10 PLANNING PROPOSAL, ROCKS CENTRAL

**Officer** Steve Schwartz, Co-ordinator Strategic and Environmental Planning

**File No** KLEP2013-AM-28

**Attachments** 1. 6262 Planning Proposal Rocks Central [13.10.1]

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#### PURPOSE

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

**Proposal:** Amend Kempsey Local Environmental Plan (KLEP) 2013 to rezone land from *B1 – Neighbourhood Centre* to *B2 – Local Centre*

**Location:** Land containing the Rocks Central Shopping Centre at 255-279 Gregory Street at South West Rocks

**Proponent:** MPG Property Care of King & Campbell Pty Ltd

**Status:** Planning proposal prepared

#### RECOMMENDATION

**That the Planning Proposal and associated documentation be submitted to the Minister for Planning to seek a Gateway determination pursuant to Sections 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979* and seek delegation to exercise the functions of a local plan-making authority pursuant to Section 3.31 of the Act.**

#### BACKGROUND

Council has received an application to amend the KLEP 2013 to rezone land comprising the Rocks Central Shopping Centre from *B1 – Neighbourhood Centre* to *B2 – Local Centre*. The proponent is the shopping centre operator who cites vacant tenancies due to the limited nature of allowed uses under the current zone. The proposed change would allow for a broader range of land uses. No changes other than the zoning are proposed.

#### Subject Land

The land subject to the planning proposal is identified as Lot 231 DP 754396 and located at 255-279 Gregory Street, South West Rocks (Figure 1).



Figure 1: Site location

The site is 2.5 kilometres south of the South West Rocks CBD and has a total area of 2.37 hectares with primary road frontage to Gregory Street. The land is occupied by a well-established shopping centre. The centre functions as a primary supermarket shopping opportunity for South West Rocks residents and visitors and is the largest shopping centre in the area. The centre accommodates a 2,500 square metre Coles supermarket, a discount store of about 600 square metres, up to fourteen other retail tenancies totalling up to a further 2,500 square metres. The centre includes on-site car parking for 230 visitor spaces and 52 tenant spaces.

### Intended outcomes of the Planning Proposal

The intended outcomes of the Planning Proposal are to:

- permit a range of uses that are appropriate and compatible with the location of Rocks Central within an established urban area of South West Rocks, which will provide local services and employment opportunities for existing and future residents, and
- ensure that the retail hierarchy within South West Rocks and across the broader LGA will be supported.

### Proposed amendments to the KLEP 2013

The B1 – *Neighbourhood Centre* zone applying to the subject land (Figure 2 at left) permits a limited range of commercial activities consistent with the objective of the zone:

*‘to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work within the surrounding neighbourhood’*

At present, the scale and function of the current shopping centre is not consistent with the development provisions of the KLEP 2013 in that it is of a greater size than the KLEP 2013 would otherwise allow. The shopping centre was originally approved in 1998 under an earlier Local Environmental Plan (LEP). Size limitations were not a consideration at the time.

There are two defined land uses being ‘*neighbourhood shops*’ and ‘*neighbourhood supermarkets*’. Both uses are limited by Clause 5.4 of the KLEP 2013 to 120 square metres and 1,000 square metres respectively. These limits are clearly exceeded by the current 2,500 square metre supermarket and 600 square metre discount store.

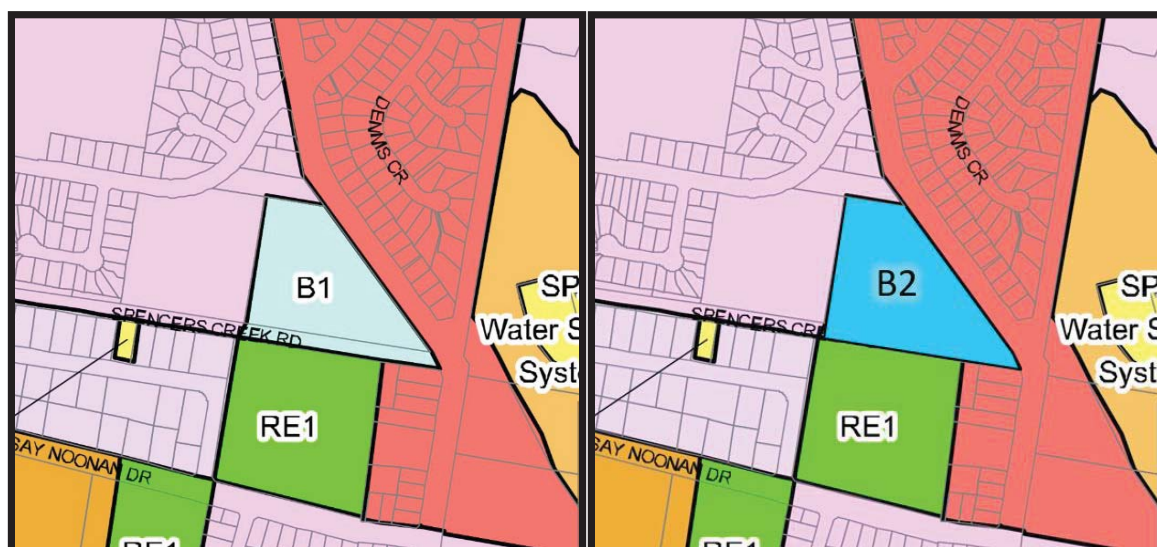


Figure 2: Current (left) and proposed (right) land zones

It is proposed to change the zone to B2 – Local Centre, with no changes to the zone boundary. The objectives of this zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of the people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

The proposed zone will permit, with Council consent, a broader range of commercial uses. The economic development opportunities from access to such uses and services aligns with the community suggestion for more business development in South West Rocks as documented in the South West Rocks Local Community Plan 2009.

A recent example of an unsuccessful potential tenant is that for a gymnasium, a use classified as ‘*recreation facility (indoor)*’ in the KLEP 2013. This use is prohibited in the B1 Neighbourhood Centre zone yet, subject to appropriate design, could be considered an appropriate use within shopping centres of this scale.

A comprehensive assessment of the additional uses under the proposed B2 zone is included in the attached Planning Proposal, however the following table provides a summary of key changes.

	Zone B1 Neighbourhood Centre (current)	Zone B2 Local Centre (proposed)
Zone objectives	To provide a range of small-scale retail, business and community uses that serve the needs of the people who live or work in the surrounding neighbourhood	To provide a range of retail, business, entertainment and community uses that serve the needs of the people who live in, work in and visit the local area.  To encourage employment

		opportunities in accessible locations.  To maximise public transport patronage and encourage walking and cycling.
Permitted without consent	Environment protection works; Home-based child care	No change
Permitted with consent	Current permitted uses that would no longer be listed as permitted with consent:  Bed and breakfast accommodation; Neighbourhood shops; Neighbourhood supermarkets	New uses that would be listed as permitted with consent:  Commercial premises; Educational establishments; Function centres; Information and education facilities; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Restricted premises; Service stations; Tourist and visitor accommodation
Prohibited	Uses that would no longer be listed as prohibited:  Amusement centres; Function centres; Garden centres; Hardware and building supplies; Hospitals; Information and education facilities; Landscaping material supplies; Plant nurseries; Recreation facilities (indoor); Registered clubs; Restricted premises; Rural supplies; Service stations; Specialised retail premises; Timber yards; Tourist and visitor accommodation; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities	Current permitted uses that would be listed as prohibited:  Resource recovery facilities; Waste disposal facilities

## KEY CONSIDERATIONS

### Policy and Legislation

Amendments to the KLEP 2013 are dealt with under Division 3.4 of the Environmental Planning and Assessment Act 1979 (the Act). Under the Act, Council is identified as the 'planning proposal authority'. The amendment process is guided by the State Government guidelines on making and amending LEPs and preparing planning proposals. The Planning Proposal has been prepared following these guidelines.

### Impact on Financial Sustainability

The Planning Proposal process is a standard service offered by Council. The proponent has paid the appropriate fee. There is no impact on Council's financial sustainability.

### **Stakeholder Engagement**

The State Government's Gateway determination will describe the minimum requirements for State agency and public consultation.

### **CONCLUSION**

The justification for the proposed change can be summarised as:

- The proposal addresses an inconsistency between the scale and function of the established development and the LEP zone objectives and development provisions.
- The proposal allows for provision of services and facilities that are appropriate to the needs of the growing local residential population as well as seasonal visitors.