

4 March 2019

NSW Department of Planning & Environment
Northern Region
Locked Bag 9022
Grafton NSW 2460
Via email to northern@planning.nsw.gov.au

Dear Sir / Madam,

Kempsey LEP 2013 – Amendment 28 – Request for Gateway determination

Kempsey Shire Council (Council) has received an application to rezone land identified as Lot 231 DP754396 comprising the Rocks Central Shopping Centre from *B1-Neighbourhood Centre to B2-Local Centre*. I am seeking a Gateway determination for the attached planning proposal and authorisation for Council to make the local environmental plan.

On review, Council acknowledges that the present scale and function of the shopping centre is not consistent with the current zone. This situation is likely due to the translation from the previous zoning categories when preparing the Standard Instrument compliant local environmental plan.

To support this request, the following files are attached:

1. A response to the evaluation criteria for authorising Council to make the local environmental plan
2. The applicant's planning proposal
3. Council report and resolution

I look forward to your Gateway determination and authorised delegation. Please contact me if you need any further information.



Steve Schwartz
Coordinator Strategic and Environmental Planning
Kempsey Shire Council

Attachment 1: Evaluation criteria for authorising Council to make the local environmental plan

Local Government Area: Kempsey Shire

Name of draft LEP: Kempsey Local Environmental Plan Amendment 28

Address of Land: 255-279 Gregory Street, South West Rocks Lot 231 DP754396

Intent of draft LEP:

- 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, that 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.

Additional supporting points/information: See attached planning proposal and Council report.

	Council Response		Department assessment
	Y/N	Not Relevant	Agree/Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		
Does the planning proposal contain details related to proposed consultation?	Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?	Y		
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions	Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPP)?	Y		
Minor Mapping Error Amendments			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N		
Heritage LEPs			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N		
Reclassifications		X	
Spot Rezoning			
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	N		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		

If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X	
Does the planning proposal create an exception to a mapped development standard?	N		
Section 3.2.2 matters			
<p>Does the proposed instrument</p> <ul style="list-style-type: none"> a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? <p>(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed)</p>	N		