

DCP 23

Central Business District

Woolworths - McDonalds Precinct



Kempsey
Shire Council

Development Control Plan 23



**DEVELOPMENT CONTROL PLAN FOR THE COMMERCIAL DEVELOPMENT /
REDEVELOPMENT OF THE WOOLWORTHS – McDONALDS PRECINCT SMITH
STREET/FORTH STREET, KEMPSEY**

1 What is this plan called?

The name of this plan is Development Control Plan No.23 – Central Business District, Woolworths – McDonalds Precinct (DCP No.23).

2 Where does this Plan apply?

This DCP applies to that area in the CBD of Kempsey bounded by Forth Street, Smith Street, the McDonalds property and the Macleay River, as shown in Figure1.

3 Commencement

This plan was adopted by Council on 9 December 1997 and shall be effective on and from 17 December 1997.

4 What is the purpose of this Plan?

The purpose of this plan is to rationalise the planning and development controls and articulate Council's preferred development intentions of this strategically important part of the CBD.

5 What are the objectives of this Plan?

The objectives of the DCP are:

- (a) To provide a comprehensive and rational framework for the development and re-development of part of the Kempsey CBD.
- (b) To provide clear guidelines for future desirable traffic management outcomes and car parking
- (c) To encourage consolidation of smaller properties and their re-development as larger, integrated, commercial/retail sites with logical linkages and relationships to other sites within the DCP area, the CBD and the river.
- (d) To protect the safe and efficient functioning of the Pacific Highway (Smith Street) by discouraging a proliferation of entrances/access points onto the Pacific Highway.
- (e) To require development to be consistent with Council's Flood Policy and with the flood characteristics of this area.
- (f) To require developments to be consistent with these themes, recommendations and proposals in the Kempsey Town Centre Master Plan (August 1997).

- (g) To encourage development to address the Macleay River in a sympathetic manner and take advantage of the scenic potential and amenity of the river and parkland corridor.
- (h) To encourage aesthetic, innovative and sympathetic built form in new development including extensions to existing development.
- (i) To encourage landscaping areas of new development and re-development in a manner sympathetic and consistent with themes adopted for the Kempsey CBD with particular emphasis to enhancing the CBD as viewed from the river front.
- (j) To ensure that adequate public facilities and amenities are provided as part of new development or re-development.

6 What type of Development does this Plan cover?

This DCP covers development comprising commercial/retail and other business development including shops, offices, retail outlets, motels, service stations, refreshment rooms, take-away food outlets and the like.

In particular, Council is keen to see the development/re-development of the area in a comprehensive manner and therefore encourages larger scale development on larger/consolidated sites; or smaller scale developments that relates well to desired traffic management, parking and pedestrian strategies.

7 How does this Plan relate to other Plans?

Environmental Planning Instruments

Section 72 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 1994 requires this DCP to be consistent with State Environmental Planning Policies (SEPP's), Regional Environmental Plans (REP's) and Local Environmental Plans (LEP's).

Relevant SEPP's include:

SEPP No 22 – Shops and Commercial Premises

The relevant REP is the *North Coast REP 1988*.

Kempsey Local Environmental Plan 1987 is the relevant principal LEP for the Kempsey Shire. Kempsey LEP 1987 adopts the 1980 Model Provisions including a number of relevant clauses referred to in section 7.3.1 of this DCP. In cases of inconsistency with or between this DCP and an environmental planning instrument the planning instrument will prevail.

Council Codes and Policies

Other Council Codes and Policies that are relevant include:

- * Flood Plain Management Strategy Policy.
- * Parking Code
- * Height of Building Code
- * Development Control Plan No. 24: Access and Mobility
- * Smith Street Contributions Plan.

8 Development Elements and Issues: Considerations and Criteria

In considering any proposals and applications the major issues and elements of concern are:

- (a) flooding;
- (b) parking;
- (c) loading and unloading of goods
- (d) access and traffic management and pedestrian flow;
- (e) aesthetics, appearance and design of existing and future built forms, streetscape, riverscape;
- (f) landscaping;
- (g) public access to the river bank;
- (h) site consolidation and rationalisation of ownership;
- (i) provision of public amenities and facilities

8.1 Flooding

- 8.1.1** All new development (including extensions to existing buildings and structures) will be required to comply with Council's current Flood Plain Management Policy (Policy No 5.09.01).
- 8.1.2** Council will give preference to development that features the construction of elevated buildings with floor levels above the 1 in 100 year flood level and with sufficient height/clearance to permit ground level/under cover parking. This requirement applies more particularly to larger scale developments on larger sites.
- 8.1.3** The substantial filling of sites to achieve floor level requirements required by the flood policy is not preferred but may be permitted if sufficient justification exists on or most of the other objectives of this DCP can be achieved. Any proposal that requires the filling of land will need to be accompanied by a comprehensive Statement that addresses the impact of fill on flooding behaviour in the locality and the impact of flooding on the proposed filling.

8.2 Off Street Parking

- 8.2.1** All car parking generated by development including new development, extensions to existing development and "change of use" development must be provided on-site. Provisions may be made to provide car parking on another site

within the Development Control Plan area subject to appropriate contributions being paid and/or satisfactory legal agreements being entered into. All car parking associated with current and future development within the DCP area must be provided on land within the DCP area.

8.2.2 Car parking requirements will be determined by reference to Council's Parking Code (Policy No 4.55.03).

8.2.3 Council encourages the provision of on-ground undercover car parking on larger sites or in larger scale developments beneath commercial development. Elevated car parking construction will also be permitted. Refer also to clause 7.1.2.

8.3 Loading and Unloading of Goods

8.3.1 Clause 13 of the 1980 Model Provisions, which is adopted by Kempsey Local Environmental Plan 1987, specifies provisions in relation to off-street loading facilities for land zoned for commercial purposes. Clause 13 states:

"Off street loading, etc, facilities

13 (1) *Subject to this clause, the consent authority shall not consent to the erection or use of any building on land zoned for commercial or industrial purposes unless provisions is make with in the site area do loading and unloading facilities satisfactory to the consent authority.*

(2) *If a building referred to in subclause (1) has access to a rear lane, the loading and unloading facilities shall be provided from that lane unless the consent authority is satisfied that the lane is inadequate for the purpose.*

(3) *This clause does not apply to development being minor alterations to an existing building, if, in the opinion of the consent authority, the size and shape of the land having regard to existing buildings render the provisions of facilities in accordance with this clause impracticable.*

(4) *Where in the opinion of the consent authority provision cannot be made in subclause (1) for loading and unloading, the consent authority may consent to the erection or use of a building subject to any conditions it may impose."*

Council will require strict compliance with this requirement, particularly in relation to new development or re-development of sites in the area.

8.3.2 Council will require all facilities associated with loading and unloading, including manoeuvring associated therewith, to be located within individual sites.

8.3.3 The configuration of loading docks, bays and facilities shall conform with AS2890.2, relevant Roads and Traffic Authority Guidelines, AustRoads and Council's Off-Street Parking Requirements and otherwise be located in positions

that are to Council's satisfaction and will not conflict with vehicle and pedestrian movement.

8.4 Access and Traffic Management

8.4.1 The preferred access and traffic management scenario for the are is depicted at **Figure 2**. It features a new access point and a round-a-bout, including a 4-way intersection at the Stuart Street/Smith Street intersection. This will provide new and upgraded access into the precinct as well as to re-development of the sites to the north, including McDonads.

Note: The position and dimensions of the access features shown in Figure 2 are conceptual only. The exact location, dimension and other design requirements will be negotiated with Council at the development application stage or other such stage when there are dealings associated with the relevant affected properties.

8.4.2 To facilitate the preferred access and traffic management scenario the following actions are identified and/or need to occur:

- (a) acquisition/dedication/resumption of the Red Cross site (action complete);
- (b) construction of the round-a-bout, associated works and new access road at the Red Cross site (in progress as at December, 1997);
- (c) convert existing Smith Street access point to Woolworths car park into an "exit only" access point;
- (d) convert Forth Street access point to Woolworths into an "entry only" access point.

8.4.3 Construction of a roundabout and internal access road into the Red Cross site will be undertaken by Council partly funded by contributions from developers.

8.4.4 Proliferation of individual access points from individual sites along Smith Street is to be discouraged. Existing individual access points on Smith Street will be permitted to remain for the life of the current development on that site.

8.4.5 Contributions for those items referred to in 7.4.3 will be determined in accordance with the Smith Street Contributions Plan.

8.5 Aesthetics and Appearance of Built Forms

8.5.1 Council will give the preference to built forms that front and address the river in a thoughtful and unobtrusive manner.

8.5.2 Built forms that feature high, unrelieved blank walls or facades, as a continuation of or as presented by the current Woolworths building, will not be encouraged and will not be permitted fronting or overlooking the Macleay River bank.

8.5.3 The types of designs and architectural styles that will be encouraged include (but will not be limited to):

- (a) elevated structures with attractive balconies/awnings/patios/decks and rails/post;
- (b) elevations/walls/facades that are broken or that are indented with returns and/or feature landscaping bays or other architectural features or treatments;
- (c) architectural themes relevant or sympathetic to the river history of Kempsey or the current river context.

The architectural design and style of development should be consistent with the themes and underlying objectives and recommendations of the Kempsey Town Centre Master Plan.

8.6 Landscaping

8.6.1 Landscaping of the area adjacent public area is considered to be an important objective to achieve.

8.6.2 A landscaping plan is to be submitted as part of any development application for development or re-development within the area. The landscaping plan should be prepared in consultation with Council's Environmental Services staff and is to be consistent with the objectives, themes and recommendations outlined in the Kempsey Town Centre Master Plan.

8.6.3 The main aims for landscaping should be to:

- (a) complement and where required assist in screening or reducing the scale of built forms;
- (b) attract shoppers and patrons to specific sites within the CBD and to the CBD generally and to provide amenity, pleasure, convenience and comfort to the users and patrons of establishments in this part of the CBD
- (c) use plant species that are predominantly indigenous/endemic to the Macleay region and other appropriate plant species including species that may be specified by Council;
- (d) screen and soften car parking, loading/unloading and other service areas;
- (e) enhance the appearance of Smith Street and river frontage of the area.

Note: Landscaping in this plan is taken to mean any structural works that aim to beautify and improve the amenity of the area along with plating of appropriate plant materials.

8.7 Public Access to the River Bank

- 8.7.1** A primary objective is to facilitate and increase the opportunity for public access to the river.
- 8.7.2** To achieve the objectives referred to in 7.7.1 above Council will require the provision of additional public access points between Forth Street and the northern end of the area.
- 8.7.3** Additional public access should be of such a dimension as to be capable of accommodating pedestrian traffic in addition to vehicular access and limited car parking adjacent to the river bank reserve.
- 8.7.4** Council will require dedication to the public of the eastern sections of the properties in the area (that constitute the river bank and river flat area) as public reserve.

8.8 Provision of Public Amenities and Facilities

- 8.8.1** The part of the CBD to which this plan applies has been identified as being deficient in the provision of and access to public toilets.
- 8.8.2** Any expansion or re-development of the Woolworths Supermarket shall make provision for public toilets which are accessible to the public at all times during trading hours.

8.9 Site Consolidation and Rationalisation of Ownerships

- 8.9.1** A primary objective is to encourage the consolidation of smaller sites within the DCP area into larger sites involving fewer ownerships.
- 8.9.2** To compliment the objective referred to in 7.9.1 Council will give preference to developments or re-developments on larger sites that feature building and site designs that are efficient, function well and relate well to each other and compliment CBD planning objectives and principles expressed by Kempsey Town Centre Master Plan.