

Nambucca LEP Amendment No 11 - Reclassification of Lots 3 and 4 DP 593774 Bowraville Racecourse, Rodeo Drive, Bowraville.

Proposal Title : Nambucca LEP Amendment No 11 - Reclassification of Lots 3 and 4 DP 593774 Bowraville Racecourse, Rodeo Drive, Bowraville.

Proposal Summary : The planning proposal seeks to reclassify Lots 3 and 4 DP 593774 Rodeo Drive, Bowraville from "community" to "operational" pursuant to section 25 of the Local Government Act 1993. The land is part of the Bowraville Racecourse and contains the clubhouse and race track starting area. Council has resolved to sell the land to the Nambucca River Jockey Club and therefore the reclassification to "operational" land is necessary.

PP Number : PP_2012_NAMBU_004_00 Dop File No : 12/12757

Proposal Details

Date Planning Proposal Received : 03-Aug-2012 LGA covered : Nambucca

Region : Northern RPA : Nambucca Shire Council

State Electorate : OXLEY Section of the Act : 55 - Planning Proposal

LEP Type : Reclassification

Location Details

Street : Rodeo Drive

Suburb : Bowraville City : Bowraville Postcode : 2447

Land Parcel : Lots 3 and 4 DP 593774

DoP Planning Officer Contact Details

Contact Name : Paul Garnett

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RPA Contact Details

Contact Name : Grant Nelson

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DoP Project Manager Contact Details

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Contact Number : 0266416604

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :	0	Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : **The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to reclassify the subject land from community to operational, to enable its sale to the Nambucca River Jockey Club. The land currently accommodates the Bowraville Racecourse.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The amendment will include an additional entry in Schedule 4 'Classification and reclassification of public land' of the Nambucca LEP 2010. This is the best and only means of achieving the intent of the objectives.**

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **6.3 Site Specific Provisions**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Infrastructure) 2007**

e) List any other **Nil**
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the assessment section of his report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposal includes mapping which adequately shows the land which is to be reclassified.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA considers that a 28 day community consultation period is necessary in addition to a public hearing. The Northern Region agrees with the RPA's assessment. Section 34 of the Local Government Act 1993 requires a 28 day exhibition period for any reclassification of public land, while section 29 of the Local Government Act 1993 requires a public hearing be held for the reclassification of community land to operational land.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal satisfies the adequacy criteria by;**
1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Nambucca LEP was made in July 2010. This planning proposal seeks an amendment to the Nambucca LEP 2010.**

Assessment Criteria

Need for planning proposal :

The planning proposal is not the result of a strategic study or report. The proposal has arisen following a request from the Nambucca River Jockey Club (NRJC) to purchase the land which forms part of the Bowraville Racecourse, and which is owned by Council.

The Bowraville Racecourse is located predominantly on Crown Reserve D540002. The club house and facilities are located on Lot 3 DP 593774 and the starting area for the race track is located on Lot 4 DP 593774. Lots 3 and 4 are owned by Council and are currently classified as community land under the Local Government Act 1993. Council is the current trust manager for the Crown Reserve. The NRJC has also requested that the reserve management be transferred to the NRJC.

Council resolved to agree to the NRJC's request to sell Lots 3 and 4. Ownership of the land will give the NRJC greater ability to secure funding to perform improvements to the racecourse to meet Racing NSW's minimum venue requirements and therefore continue the operation of the Bowraville Racecourse.

The planning proposal to amend Nambucca LEP is the only means of reclassifying the land to operational so that it may be sold by Council.

The proposed amendment to the LEP to reclassify the subject land will have a net community benefit by virtue of the fact that the upgrade of the Bowraville Racecourse will enable the continuation of its current use. Maintaining the land as a racecourse is a benefit to the community of the Nambucca LGA since it provides recreational activities and employment opportunities associated with the racing activities.

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Consistency with
strategic planning
framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal to reclassify the subject land is not inconsistent with the provisions of the MNCRS. Similarly the proposal is not inconsistent with the Council's Community Strategic Plan or other strategic planning documents.

SEPPs

The proposed amendment to Schedule 4 to reclassify the subject land is not inconsistent with any State environmental planning policy.

S117 Directions.

The RPA identifies S117 direction 6.3 Site Specific Provisions as being applicable to the proposed amendment.

The proposal to reclassify the subject land from community to operational is not inconsistent with any s117 direction.

Standard Instrument LEP.

The land is currently zoned RE1 Public Recreation under the Nambucca LEP 2012. It would be appropriate for the subject land to be rezoned to RE2 Private Recreation when the land is disposed of by Council and is in private ownership since the RE1 zone is not intended for privately owned land. It is suggested that the rezoning of this land occur as the subject of a future planning proposal so as not to delay the reclassification of the subject land. The rezoning of the subject land now would require a new Council resolution and an amended planning proposal which is likely to cause delays in the reclassification process until after the forthcoming local government elections.

Environmental social
economic impacts :

The planning proposal will not have any direct adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Similarly the planning proposal will not have any direct adverse effect on the natural, built or socio-economic environment.

The proposal will simply reclassify the subject land to enable it to be transferred from Council to the NRJC. The land is currently developed as the Bowraville Racecourse and any future changes to the use of the land or the structures on the land will be subject to the normal development assessment process.

The planning proposal has given consideration to social and economic impacts of the proposed amendment to the Nambucca LEP 2010. The reclassification of the land will better enable the NRJC to secure funding for required improvements to the Bowraville Racecourse to proceed, thereby maintaining the use of the land as a racecourse and providing a recreation facility for the community, and employment opportunities related to the racing activities.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d)	NSW Rural Fire Service		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Nambucca LEP Am 11 Planning Proposal - Bowraville Racecourse reclassification.pdf	Proposal	Yes
Nambucca LEP Am 11 Council cover letter Bowraville racecourse reclassification.pdf	Proposal Covering Letter	Yes
Nambucca LEP Am 11 Maps Bowraville Racecourse reclassification.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **6.3 Site Specific Provisions**

Additional Information : **It is recommended that;**

1. The planning proposal should proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 9 months.
3. That a community consultation period of 28 days is necessary.
4. A public hearing is required to be held into the reclassification of Lots 3 and 4 DP 593774 in accordance with the requirements of section 29 of the Local Government Act 1993.
5. A copy of a land title search for each lot is to be provided with Council's request to make the plan. The title search is required to show what interests exist over the land. Council is to advise which interests are to be discharged to ensure correct legal drafting of the amendment occurs.
6. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
7. That the RPA consider rezoning the subject land RE2 Private Recreation once the

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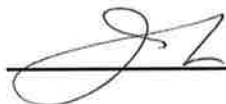
land is sold since the RE1 Public Recreation zone is not intended to apply to privately owned land.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposed amendment will enable the transfer of the land from Nambucca Shire Council to the Nambucca River Jockey Club (NRJC).
2. The NRJC's ownership of the land will facilitate its ongoing investment in the racecourse in order to meet Racing NSW's minimum venue requirements.
3. The continued operation of the racecourse will provide a recreational facility for the wider community and provide employment associated with racing activities.

Signature:



Printed Name:

JIM CLARK

Date:

9 August 2012

