

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

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 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.

Panel Recommendation

Recommendation Date : **16-Aug-2012** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to undertaking public exhibition, Council is to include information on whether the planning proposal will extinguish any interests on the land in part 3 'justification' of the

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Racecourse, Rodeo Drive, Bowraville.**

planning proposal, consistent with Figure 4 of the Guide to preparing local environmental plans. A copy of a land title search and information regarding interests to be discharged is also to be provided to the department when Council submits the plan for making.

2. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service
- Department of Primary Industries (Crown Lands Division)

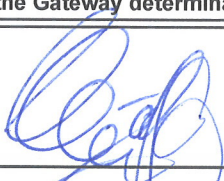
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

Printed Name:



Neil McGowan

Date:

21-8-12