

**Amendment to Gosford PSO to enable Temporary Use of Land at Lot 4 DP775631
Racecourse Road, West Gosford.**

Proposal Title :	Amendment to Gosford PSO to enable Temporary Use of Land at Lot 4 DP775631 Racecourse Road, West Gosford.		
Proposal Summary :	Amendment to the Gosford Planning Scheme Ordinance – to enable the temporary use of land at Lot 4 DP775631 Racecourse Road, West Gosford for uses unrelated to horse racing.		
PP Number :	PP_2011_GOSFO_006_00	Dop File No :	11/22504

Planning Team Recommendation

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

S.117 directions :

- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : The following conditions are recommended:

- Council is required to correct the spelling error in the title of the PP to Racecourse Road.
- The DG agree that the provisions of the PP that are inconsistent with the s117 Directions 4.1 Acid Sulfate Soils are of minor significance.
- Council address the inconsistency with s117 Direction 4.2 Flood Liable Land prior to exhibition.
- Council to consider and provide justification why the temporary use clause cannot be applied to the rest of the LGA.
- Council to provide justification for the reduction of the 52 day temporary use period in the exhibited DLEP to 14 day timeframe proposed in this PP and the pending DLEP.
- The draft DCP for the site is exhibited at the same time as the PP.
- Community Consultation for 14 days.
- Agency consultation with NSW Rural Fire Service.
- 6 month timeframe.

Supporting Reasons :

- The address in the title of the PP is to be corrected.
- Inconsistency with s117 4.1 Acid Sulfate Soils is of minor significance (see detailed assessment of consistency with strategic planning framework in the Assessment Tab).
- Council have not addressed the inconsistency with 4.2 Flood Liable Land and propose a draft DCP to be exhibited with the PP after the Gateway Determination.
- No consideration has been given to bringing forward the temporary use clause to apply

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to the rest of the LGA.

-No justification has been provided for reducing the 52 day temporary use period to 14 days.

-The 14 day consultation period is appropriate as the PP is considered to be a routine low impact proposal.

-Consultation with NSW Rural Fire Service is required as part of the site is located in either a Category 2 or buffer zone and also to establish consistency with s117 Direction 4.4 Planning for Bushfire Protection.

-The timeframe will either amend the GPSO or the PP will become obsolete if the Principal LEP is gazetted first.

Panel Recommendation

Recommendation Date : 19-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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).

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

- NSW Rural Fire Service
- NSW Maritime and Road Services

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.

3. Council not adequately explained why it intends to only allow temporary uses on the site for a maximum of 14 days compared to 52 days proposed for elsewhere within the LGA under its draft SI LEP. Council should provide additional information to address and justify this discrepancy. This information should be placed on public exhibition with the planning propos

4. Council is to provide additional justification in relation to the planning proposal's consistency with S117 Direction 4.3 Flood Prone Land. This information is to be provided in accordance with the provisions of the Floodplain Development Manual 2005 and may include the preparation of a Floodplain Risk Management Plan (FRMP) for the site.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

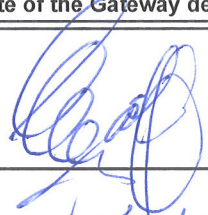
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if

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reclassifying land).

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

Signature: _____



Printed Name: _____

Neil McGiffin

Date: _____

24.1.12