

**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

Proposal Details

Date Planning Proposal Received :	14-Dec-2011	LGA covered :	Gosford
Region :	Hunter	RPA :	Gosford City Council
State Electorate :	GOSFORD	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Racecourse Road		
Suburb :	West Gosford	City :	Postcode : 2250
Land Parcel :	Lot 4 DP 775631		

DoP Planning Officer Contact Details

Contact Name :	Glenn Horal
Contact Number :	0243485003
Contact Email :	glenn.horal@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Peta James
Contact Number :	0243258871
Contact Email :	peta.james@gosford.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes

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

MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
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 : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **There have been no meetings or communication with any registered lobbyists.**

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The statement of the objectives adequately describes the purpose of the planning proposal.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is generally consistent with the Department's 'A Guide to Preparing Planning Proposals'**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S117 Direction 4.3 Flood Prone Land has not been justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping shows the subject lot, existing zoning under the Gosford PSO and proposed zoning under draft Gosford LEP 2011 and an aerial photo of the site as well as maps showing environmental constraints on the site. They are considered sufficient for the PP to proceed.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes an exhibition period of 28 days, a notice be placed in a local newspaper and adjoining landowners be advised by letter. However, this is a routine low impact proposal and a 14 day community consultation period is considered sufficient.

Additional Director General's requirements

Are there any additional Director General's requirements? **Unknown**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

There is a spelling mistake in the address of the title of the planning proposal. The lot is located on Racecourse not Racecourse and this error should be corrected prior to exhibition. The planning proposal is considered to meet the adequacy criteria and is of sufficient merit to proceed.

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP :

Council resolved in May 2011 to forward the draft plan to the Department for the Minister to make the plan. The plan was received in September 2011 and is currently being reviewed by the Department.

Assessment Criteria

Need for planning proposal :

The Planning Proposal (PP) is not the result of any strategic study and the current zoning 6(b) Open Space (Special Purpose) Racecourse prohibits temporary uses on the site.

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

Gosford resolved to zone the site to RE2 Private Recreation in the draft Principal LEP (DLEP). This zoning will enable a broader range of uses to be permitted on the site. The DLEP also contains a local provision that enables temporary uses on any land subject to development consent and will permit the PP when gazetted. The request to bring forward an enabling clause in the interim period is in part due to the uncertainty surrounding timing and gazettal of the DLEP, and that the proponents are keen to expand the economic viability of the racecourse which Council advise is currently underutilised.

Clause 58(4) of the EP&A Act allows that the RPA may request the Minister to determine that the matter not proceed at any time. If the DLEP is gazetted before the PP is finalised then it will become redundant and Council would need to request the PP be discontinued.

Council considers the best way to achieve the objective of the PP is by an enabling clause that permits temporary uses on the site. Council have not considered whether there is any merit in applying the temporary use clause to the whole LGA, given the temporary use clause is proposed in the DLEP. It is recommended that Council consider applying the temporary use clause to the rest of the LGA or justify why this clause should not be applied to the rest of the LGA if it proceeds ahead of the DLEP.

Temporary uses in the Gosford PSO in 3(a), 3(b), 3(c), 5(a) and 6(a) zones are permissible without consent for a up to a maximum of 14 days. It is not clear whether development consent is required for temporary uses in the other zones. This would appear the only impediment to the LGA wide temporary use clause as existing landowners would be required to submit DAs for temporary uses in the above zones when currently they do not.

The inclusion of the clause to permit temporary uses on the racecourse is proposed to be limited to 14 days. Given a development application would be required and the need of the PP is to enhance the economic viability of the underutilised racecourse it is questionable whether such a limited timeframe is appropriate. It is recommended that council provide justification for 14 day timeframe limitation as opposed to a longer period (the temporary use clause in the DLEP was exhibited as 52 days and was reduced to 14 days when Council sent the plan to the Department to be made).

Council conducted a net community benefit test and concluded that if the PP was not to proceed then the potential opportunities associated with it (e.g. employment, tourism and recreation) would not be able to proceed until the gazettal of the draft Principal LEP. The lost opportunities are likely to be minimal given the expected gazettal on the DLEP is in mid 2012 and the proposed 6 month timeframe for this amending LEP.

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

Consistency with
strategic planning
framework :

Central Coast Regional Strategy (CCRS)

Council advised the PP is consistent with the CCRS in that the temporary uses will create employment opportunities and encourage tourism while maintaining the recreation facility. The employment opportunities generated are not likely to be significant given the uses are temporary. The potential to provide an additional economic boost on event days to the local economy for tourist related activities would ultimately depend on the events proposed through a development application. The racecourse is adjacent to Gosford Regional City and the increased usage would assist in supporting tourist activity in this centre. The PP is considered to be consistent with the CCRS.

Council's Strategic Policies

Council identified that the proposal is consistent with their Community Strategic Plan - Continuing our Journey.

S117 Directions

The planning proposal is consistent with s117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements and 6.2 Reserving Land for Public Purposes

There are some s117 Directions that require further discussion:

4.1 Acid Sulfate Soils

This direction applies when a RPA prepares a planning proposal that applies to land having a probability of containing acid sulfate soils. The majority of the site is classified as having Class 2 Acid Sulfate Soils.

Council have incorrectly identified that the PP is consistent with the Direction and advised that as uses are temporary they are considered to be of minor significance. The PP is inconsistent with the direction as the PP has not addressed the requirements in clause 4, 5, 6 or 7. Despite this the uses proposed are temporary and are unlikely to lower the water table on the site. The DG should be satisfied and agree that the provisions of the PP that are inconsistent with s117 Direction 4.1 are of minor significance.

4.3 Flood Prone Land

This direction applies when a RPA creates, alters or removes a zone or provision that affects flood prone land. The site is located in proximity to Narara Creek and is affected by the 100 year flood extent. The PP is inconsistent with the direction as Council is currently preparing a Floodplain Risk Management Plan (FRMP) in accordance with the Floodplain Development Manual 2005 and is expected to be completed in late 2012. Council is also proposing a DCP for the site to manage flooding and development matters and implement the FRMP, once it has been completed. It is considered that Council need to demonstrate either consistency with the direction or justify any inconsistencies prior to exhibition.

4.4 Planning for Bushfire Protection

The consistency with this direction cannot be determined until consultation has occurred with the NSW Rural Fire Service. It will be a requirement to consult with the RFS should a Gateway Determination be issued.

6.3 Site Specific Provisions

Council have advised it is consistent with this direction however the direction only applies when a particular development is to be carried out. The temporary use clause is not specific to a particular development and therefore the direction would not apply.

SEPPs

Council have identified the following SEPPs as applicable

SEPP 14 - Coastal Wetlands

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

Council have advised that a portion of the site is mapped as SEPP14 Coastal Wetlands and the planning proposal is not inconsistent with the aims and objectives of the policy.

SEPP 55 - Remediation of Land

Council have advised that the subject land has not been used for 'Some Activities that may cause contamination'. However the existing office of the golf driving range has an approved on site sewerage management system with surface spray irrigation of treated effluent and would be an activity that may cause contamination. Council's Waste Services Section advised that for Health and Safety reasons this area should be set aside to prevent access by the public and also recommended that the office of the driving range is connected to the sewer to eliminate restrictions on the site by the effluent disposal area and potential public health risks. Clearly this would fall under the definition of waste and treatment and would need to be considered at a potentially contaminated site and could be addressed through the development application process.

SEPP 71 - Coastal Protection applies to the site as the site is located within the Coastal Zone and mapped as a sensitive coastal location. Council have assessed the PP against Clause 8 Matters for Consideration and has found it to be in conformity with the SEPP 71.

Environmental social
economic impacts :

Environmental Effects

Council have advised that apart from the flood matter there will be no other likely environmental effects and the development assessment process would ensure this. Despite this assertion Council recognise the existing sewer capacity is exceeded on major race days and given that the capacity of temporary future events on the site is unknown until a DA is lodged it is considered this matter can be dealt with during development assessment.

Council's Health Officers recommend setting aside an area of the racecourse used currently for surface spray irrigation of treated effluent and recommended connecting the driving range office to the existing sewer supply. This could be considered as part of the DA process.

Council's transport planners raised no objection to temporary uses and specific events will be considered as part of the DA process. The site is well located on the Central Coast Highway and includes a bus corridor adjacent to the site.

Social and Economic Effects

Council have advised the PP will not have any adverse economic effects and will promote the economic viability of the Gosford Race Club by broadening the range of events the site can accommodate.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d)	NSW Rural Fire Service		

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

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

If no, provide reasons :

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

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
Council Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Proponents Planning Proposal.pdf	Proposal	No

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.**

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

Supporting Reasons :

-6 month timeframe.

-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 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.

Signature:



Printed Name:

Robert Hodgkins

Date:

11/01/2012

A/Team Leader