

ATTACHMENT A

Planning Proposal Gosford City Council

Part 1 Objectives or Intended Outcomes of the Proposed LEP

s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the draft Local Environmental Plan is to rezone land surplus to the Race Club's needs, to enable the redevelopment of the former bowling club site on Lot 1 DP 230667, No. 2 Racecourse Road, West Gosford, for business purposes.

Part 2 Explanation of Provisions to be included in the Proposed LEP

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the Gosford Planning Scheme Map so as to rezone Lot 1 DP 230667, No. 2 Racecourse Road, West Gosford, from Part 6(b) Open Space (Special Purposes) Racecourse and part 6(b) Open Space (Special Purposes) Bowling Club, to zone 3(b) Business (Special).

s.55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.

The proposed LEP includes a map (Attachment 1) to amend the definition of 'Scheme Map' included in Clause 3 (1) of the Gosford Planning Scheme Ordinance. The map identifies Lot 1 DP 230667, No. 2 Racecourse Road, West Gosford as the area proposed to be rezoned to zone 3(b) Business (Special).

Part 3 Justification

s.55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

No. The Planning Proposal is initiated as a consequence of the existing part 6(b) Open Space (Special Purposes) Bowling Club and part 6(b) Open Space (Special Purpose) Racecourse zoning of Lot 1 DP 230667 being redundant as the previous bowling club facilities have been demolished and there is no prospect for a bowling club to operate from this site in the future; and the remaining area of Lot 1 DP 230667 zoned 6(b) Open Space (Special Purposes) Racecourse, is not used as part of the racecourse and is consequently surplus to the requirements of Gosford Race Club. A more appropriate zone should now be applied to the land.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the objectives/intended outcomes as the existing zoning of the land is redundant and does not enable the land to be put to an appropriate range of economic uses.

An appropriate economic use of the land can only be achieved through the application of an appropriate business zone to the land in a manner consistent with existing business zonings permitting a range of business development along the Central Coast Highway at West Gosford.

3 Is there a net community benefit?

The assessment provided in Attachment 2 demonstrates that the Planning Proposal will produce a net community benefit.

Section B Relationship to strategic planning framework

4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. This Planning Proposal to rezone the subject land for business development is consistent with the following objectives/actions contained within the Regional Strategy:

- the Strategy seeks to improve employment self containment by creating more opportunities for local jobs closer to home;
- the subject land is located in the major east-west transport corridor within the City of Gosford, where the major concentration of employment development occurs. The Central Coast Highway through West Gosford effectively performs the important role of an 'enterprise corridor' where an extensive range of business premises have been developed under the existing zoning framework;
- local planning needs to respond to the dynamics of economic change ensuring that there are sufficient employment lands available to meet demand and attract new investment;

5 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with the *Gosford Vision 2025 – A Strategic Direction for the Future* which incorporates a number of strategies for creating economic opportunity and employment through effective planning and zonings to facilitate business opportunities. The Vision sees that 'Gosford's healthy, thriving economy drives opportunities for quality, diversified and financially rewarding local employment'. In this regard, the Vision further sees 'a high percentage of Gosford residents working in the region, rather than commuting to Sydney'. The location of the land subject to the Planning Proposal accords with the Vision's aim to 'concentrate growth in urban areas where infrastructure, transport and services can support it'.

6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies:

(i) SEPP 55 – Remediation of Land: The only SEPP that has application to this planning proposal is State Environmental Planning Policy No. 55 - Remediation of Land. Clause 6 of this instrument requires contamination and remediation to be considered in a remediation proposal.

In this case, the issues raised in Clause 6 of SEPP 55 do not arise as the subject land has not previously been used for a purpose referred to in Table 1 of the contaminated land planning guidelines.

(ii) Other SEPP's: No other SEPP has application to this planning proposal, although any future development application on the land will be required to consider a number of SEPP's, including SEPP (Major Projects) 2005; SEPP (Infrastructure) 2007; and SEPP 71 – Coastal Protection.

7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1st September 2009;

(i) Direction 1.1 Business and Industrial Zones: The Planning Proposal is consistent with the requirements of Clause 4 (a) – (d) of the direction to encourage employment growth in suitable locations and to protect employment land in business and industrial zones.

Clause 4 (e) requires that proposed new employment areas are in accordance with a strategy approved by the Director-General, subject clause 5 which provides the circumstances under which a planning proposal may be inconsistent with the terms of this direction.

The Planning Proposal is located within the West Gosford Corridor identified by the Central Coast Regional Strategy 2006 – 2031, where there is a concentration of employment development, although the subject site is not specifically identified in the strategy as employment land. In this case the Planning Proposal may be inconsistent with the terms of Clause 4 (e) of the Direction if the Director-General can be satisfied that the proposal is of minor significance. This Planning Proposal is of minor significance in terms of its limited land area (9,277m²) and the confined nature of the subject site does not present an opportunity to expand the proposed business zoning onto adjacent lands, which are extensively developed as a racecourse.

(i) Direction 2.2 – Coastal Protection: The Planning Proposal is located within the Coastal Zone and must give effect to and be consistent with *The NSW Coastal Policy*; the *Coastal Design Guidelines*; and the *NSW Coastline Management Manual 1990*.

The Planning Proposal gives effect to the Direction being consistent with the strategic actions contained in the *NSW Coastal Policy* relevant to the preparation of LEP's (Table 1); consistent with the principles of coastal settlement structure contained within the *Coastal Design Guidelines 2003*; and the *NSW Coastline Management Manual 1990* has no practical application to this Planning Proposal as the subject land is not located within a coastal environment to which the manual principally relates.

(iii) Direction 3.4 – Integrating Land Use and Transport: Clause (4) of the Direction requires a Planning Proposal to locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for Planning and Development 2001* and *The Right Place for Business and Services – Planning Policy 2001*.

This Planning Proposal is consistent with the objective to locate businesses which generate transport demand in locations that offer a choice of transport and increase the opportunities for people to make fewer and shorter trips.

This Planning Proposal is consistent with objectives to integrate land use and transport as the subject land is located within a major road corridor along which a substantial and diverse range of business premises are located. The corridor is well served by public transport (bus routes) connecting with other activity centres within the City and the major Gosford rail interchange.

(iv) Direction 4.3 – Flood Liable Land: Clause 5 provides that a Planning Proposal must not rezone land within a flood planning area from a recreation zone to a business zone, subject to Clause 9 (b) which provides that a planning proposal may be inconsistent with this direction if the Director-General can be satisfied that the inconsistency is of minor significance.

Bewsher Consulting Pty Ltd has prepared 'Floodplain Development Advice' for the Gosford Race Club which addresses flood behaviour over the land and the appropriateness of the land for business development. The report concludes that most of the site is above flood level and that the proposed rezoning of the land is appropriate. Recommendations are made for future building design on the site in order to allow the passage of water in extreme events and the provision of vehicle refuge areas and safe pedestrian evacuation.

The Planning Proposal represents a minor in-fill of existing business zonings in the locality and its use for business development would not exacerbate flood levels in the wider locality. The Director-General could, on this basis, form the opinion that the proposed rezoning is of minor significance and could proceed. Further information has been requested from Council's Flooding and Drainage Engineer in relation to this matter (see earlier comments contained in report to Council).

(v) Direction 5.1 Implementation of Regional Strategies: Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to B1 above.

(vi) Direction 6.1 – Approval and Referral Requirements: Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

(vii) Direction 6.2 – Reserving Land for Public Purposes: Clause (4) of this Direction requires that a Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority or the Director-General.

This direction has no practical application to this Planning Proposal because the subject land is private 'open space' not public open space.

(viii) Direction 6.3 – Site Specific Provisions: The Planning Proposal is consistent with this Direction as it is not intended to restrict development of the subject land to a particular development proposal. Rather, it is intended to rezone the land to an existing business zone (3(b) Business (Special)) already applying in the environmental planning instrument and allows a range of land uses without imposing any land use restrictions, development standards, or requirements in addition to those already contained in that zone.

Section C Environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject land was previously used for the purposes of a bowling club (now demolished) and is presently managed as open lawn area. The land does not contain any native vegetation and consequently no critical habitat, threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal.

9 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The rezoning and use of the land for business purposes will not result in any other likely environmental effects:

- the land and future development is able to be serviced by council's reticulated sewage and stormwater drainage systems, thereby avoiding any adverse impacts on water quality in Narara Creek;
- sedimentation and waste management controls can be appropriately applied by the council in response to any future development application lodged in respect of the subject land;
- rezoning and future development of the subject land for business purposes will not have a significant impact on streetscape in view of the Central Coast Highway through West Gosford having the built character of an 'enterprise corridor' characterised by a wide range of employment generating development.
- whilst the location of a commercial building on the corner of the Central Coast Highway and Racecourse Road would cause some blocking of views from the Central Coast Highway into the racecourse, it will not be significantly greater than the impact associated with the previous bowling club development.

The actual frontage of the racecourse to the Central Coast Highway is confined to the 1200m starting chute adjacent to the McDonalds Restaurant. The views available into the racecourse at this location will remain open.

10 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal:

- will not result in any reduction in the availability of land to the community for sporting and recreation facilities. The land identified in this Planning Proposal is currently zoned to reflect its past use for private open space purposes, the facilities for which have long been demolished and removed from the site;
- will not impose any operational constraints on the conduct of race meetings by the Gosford Race Club. Advice from the Gosford Race Club confirming this, is included at Attachment 3;
- the land is not currently being put to any economic use. Rezoning to allow its development for business purposes will provide the opportunity for the delivery of new services to the community and will provide social and economic benefits associated with the provision of increased employment for the city's residents.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

Yes. Water, sewer, electricity, telephone and gas utilities are available to the land to service future business premises. The site is well located with respect to public bus services operating along the Central Coast Highway, providing access to the Gosford Rail network and being readily accessible from the primary residential areas within the City.

Vehicular access to the site can be provided from Racecourse Road thereby ensuring that no new driveways are required to/from the Central Coast Highway.

A Traffic Assessment undertaken previously in relation to the proposed rezoning of this site for business purposes demonstrates that this planning proposal would have no adverse impacts on the level of service of the existing road network; the level of traffic or pedestrian safety; or the intersection of Central Coast Highway and Racecourse Road.

12 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies.

Part 4 Community Consultation that is to be undertaken

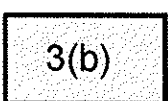
S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument

A 28 day exhibition period for community consultation is considered to be appropriate for this Planning Proposal.

Notice of the public exhibition will be given:

- In the Central Coast Express Advocate
- On council's website at www.gosford.gov.au
- In writing to adjoining landowners.

ATTACHMENT B: PROPOSED INSTRUMENT MAP



A horizontal scale bar with markings at 0, 100, 200, 300, 400, and 500 Metres.

SCAI F 4-6 000

ATTACHMENT C: NET COMMUNITY BENEFIT TEST

NET COMMUNITY BENEFIT TEST – EVALUATION CRITERIA.

The net community benefit of the planning proposal is to be assessed based on answers to the following questions:

☐ *Will the LEP be compatible with agreed State and Regional strategic direction for development in the area?*

Assessment: Yes. The subject land is located within an existing urban area and an established business precinct.

☐ *Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?*

Assessment: Yes. The LEP is located within a corridor identified in the Central Coast Regional Strategy 2006 – 2031.

☐ *Is the LEP likely to create a precedent or create or change the expectation of the landowner or other landowners?*

Assessment: No. The purpose of the LEP is to replace the redundant existing zoning with a more appropriate zone to facilitate the economic use of the land.

☐ *Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?*

Assessment: There have not been any spot rezonings in the locality in recent years.

☐ *Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?*

Assessment: The LEP will facilitate employment generating development.

☐ *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

Assessment: No.

☐ *Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?*

Assessment: Yes.

☐ *Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so. What are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?*

Assessment: No. The proposal will not increase car distances travelled by customers, employees and suppliers.

☐ *Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If, so, what is the expected impact?*

Assessment: No. The proposal will not affect the patronage of Government infrastructure or services.

☐ *Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?*

Assessment: No, the land is not identified by the Government for environmental protection and whilst the land is partly affected by flooding, this does not constrain the proposed use for business purposes as flooding impacts are able to be adequately addressed through building and site design.

☐ *Will the LEP be compatible /complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?*

Assessment: Yes, the LEP will be compatible / complementary to other business premises in the locality. The LEP will activate the streetscape and improve amenity and the public domain at a major road intersection.

☐ *Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?*

Assessment: Yes, The LEP will facilitate commercial development on the land which is located along a road corridor characterised by the operation of a diverse range of businesses.

☐ *If a stand – alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?*

Assessment: No, the proposal is limited to Lot 1 DP 230667 and due to the location of the adjoining racecourse, does not have the potential to develop into a centre.

☐ *What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?*

Assessment: The LEP would benefit the public interest by facilitating employment generating development and providing additional commercial services and facilities for the community. The implication of not proceeding at this time is to lose the opportunity for future economic development and to otherwise retain a vacant redundant site within a major road corridor developed for a variety of business purposes.

Conclusion: The answers to the above questions demonstrate that the planning proposal would produce a net community benefit.

ATTACHMENT D: CORRESPONDENCE FROM GOSFORD RACE CLUB – SAFETY ISSUES



11 May 2009

James Heddo
Chief Executive Officer
Gosford Race Club
PO Box 127
GOSFORD NSW 2250

Dear James,

I acknowledge your request to provide written advice as to any safety concerns relating to the proposed development of the corner block situated adjacent to the southern end of the Gosford Racecourse between the 1400m and 1200m marks.

Racing NSW Stewards are the Regularity Body responsible for all aspects of racing & training in this State including any safety issues. I confirm that I have seen the proposed drawings and plans for this development. Whilst I have no concerns in relation to any impact this development may have on the safe operation of racing and training at this venue, I would want to view any final proposal to ensure no safety matters need to be addressed prior to it going ahead.

Yours faithfully,

A handwritten signature in black ink, appearing to be "Stephen Carvosso". The signature is fluid and cursive, with a large loop at the end.

Stephen Carvosso
RACING NSW STEWARDS

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