

**TITLE PLANNING PROPOSAL GOSFORD RACE CLUB LOT 1 DP230667 NO.2
RACECOURSE ROAD WEST GOSFORD (IR7707847)**

Directorate: Environment and Planning
Business Unit: Integrated Planning

The following item is defined as a 'relevant planning application' per s147 'Disclosure of political donations and gifts', of the Environmental Planning & Assessment Act, 1979.

No disclosure was made pursuant to s147 EP & A Act.

BACKGROUND

This is the consideration of a Planning Proposal (previously a proposed Draft Local Environmental Plan), pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 (State), of whether to proceed with the process by forwarding the Planning Proposal to the Department of Planning for a gateway determination under Section 56 of the EP&A Act.

A rezoning application under the former provisions of the EP&A Act was submitted in 2004 by the Gosford Race Club to rezone the land to 3(b) - Business (Special). Council resolved on 6 May 2008 to take no further action in relation to the rezoning application for the following reasons;

- 1 It has not been satisfactorily demonstrated that the rezoning of the land in accordance with legislative requirements, including the zones available under the Template and mandated landuses.
 - 2 The rezoning will create a safety hazard for the operation of the Gosford Race Club.
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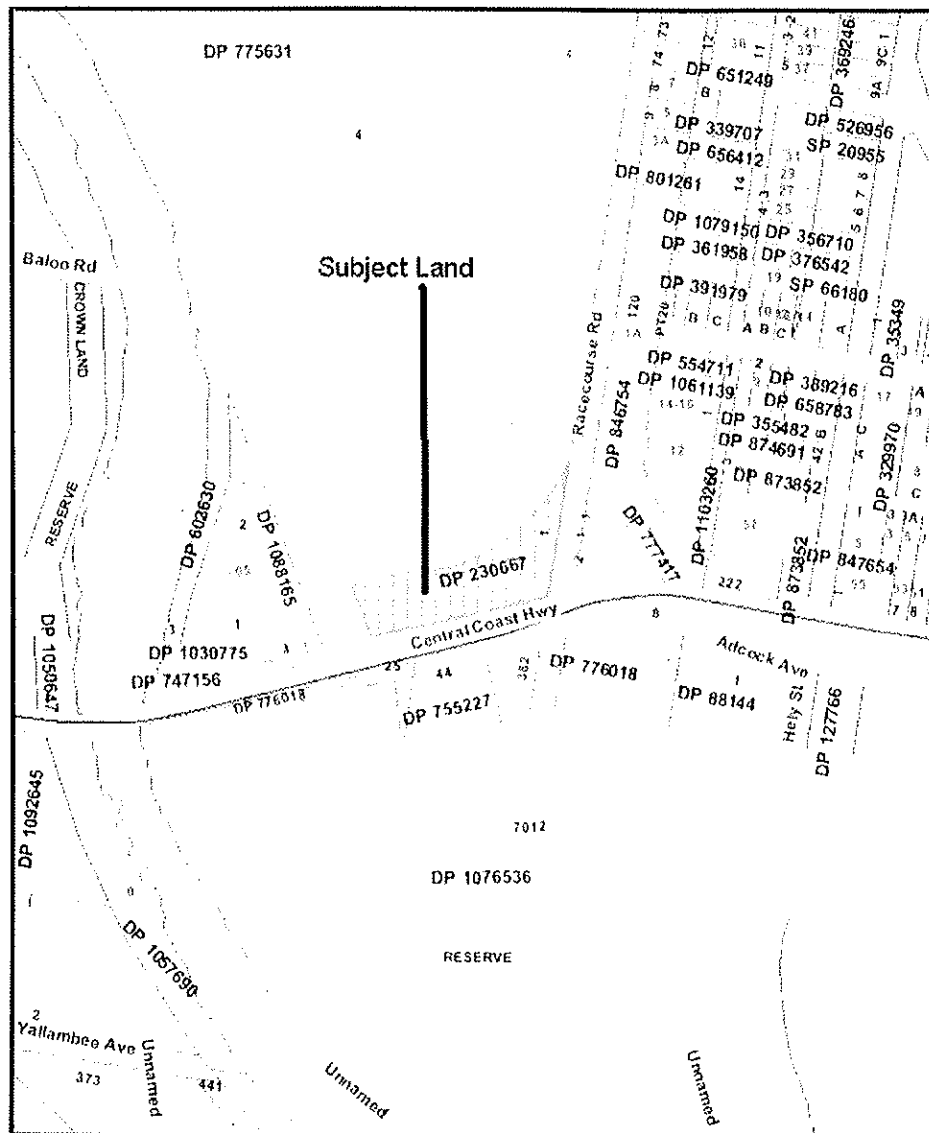
REPORT

The subject site, being Lot 1 DP 230667, No. 2 Racecourse Road West Gosford, is zoned Part 6(b) Open Space (Special Purposes) Racecourse/part 6(b) Open Space (Special Purposes) Bowling Club. Under the draft Gosford LEP 2009 the land is proposed to be zoned RE2 - Private Recreation. The Planning Proposal is for the rezoning of the land to 3(b) - Business (Special).

Land Description and Relationship to Surrounding Landuses: The subject land is located on the corner of the Pacific Highway and Racecourse Road West Gosford with these roads forming the eastern and southern boundary to the land. The land is generally level and has an area of 9277 sq m with a frontage of 152m to the Pacific Highway and 122m to Racecourse Road. The land had been previously occupied by a lawn bowling club but is currently vacant. Located along the northern boundary of the land is the Gosford Race Club. Located on the western boundary is land that forms part of the Gosford Race Club beyond which is a McDonald's Restaurant. Development in the vicinity of the land consists of a mixture of retail, light industrial, service, wholesale and residential uses.

LOCALITY: WEST GOSFORD

ZONE: 6(b) OPEN SPACE (SPECIAL PURPOSES) RACECOURSE/PART 6(b) OPEN SPACE (SPECIAL PURPOSES) BOWLING CLUB.



Assessment

Zoning

The land is currently zoned Part 6(b) Open Space (Special Purposes) Racecourse/part 6(b) Open Space (Special Purposes) Bowling Club under the Gosford Planning Scheme Ordinance. The land is proposed to be zoned RE2 - Private Recreation under the draft Gosford LEP 2009. The zoning proposed under this draft LEP does not allow the development proposed by the Gosford Race Club. The Club has submitted this planning proposal to alter the existing zoning provisions but any change will also alter the proposed zoning for the land. The equivalent zone under the draft Gosford LEP 2009 is zone B5 - Business Development.

Flooding

As acknowledged in the applicant's submission, the land is subject to flooding. The Council's Flooding and Drainage Engineer had requested information as to the impact of the filling of that part of the land that will contain buildings upon the Narara Creek Floodplain. The applicant has provided an assessment of the flood characteristics of the surrounding area and its impacts upon the proposed development of the land.

Section 117 Directions issued by the Minister for Planning apply to the rezoning of flood prone land. The application is inconsistent with this direction unless it can be demonstrated to the Director - General of Planning that the rezoning is of minor significance.

The applicant's assessment of flood behaviour concludes that most of the site is above flood level and that the proposed rezoning/development of the land are appropriate. The report recommends that a gap be provided through any building footprint at ground level to allow the passage of floodwater through the site in an extreme event (although these would be low hazard flows); the availability of vehicle refuge areas within the site should be recognised in the design of development; and provision should be made for safe pedestrian access from the site during a 1% flood event via the construction of an elevated walkway towards McDonalds.

This is an issue which will be considered by the LEP Panel and will likely require more investigation later in the process.

Traffic

The proposal was referred to Council's Traffic Engineer for comment. Although Council's Traffic Engineer has no objection to the proposal it will be necessary for the proposal to be referred to the RTA.

Council's Traffic Engineer has indicated that vehicle access to the site should be only from Racecourse Road and from the farthest point from the Pacific Highway and right turns to the site from Racecourse Road should be prohibited.

Compatibility of Development with activities of Gosford Race Club

An issue had previously been identified in relation to the development on this land and its impact upon the horse racing operations of the Gosford Race Club. This issue was one of the reasons for Council's decision not to support the earlier rezoning application.

The applicant in a submission as part of the earlier rezoning application identified that there are issues that relate to the;

'training and racing of horses, the proximity of the 1200m chute to the subject site, distractions to horses through pedestrian and or vehicle movements, acoustic impacts from the starting of cars, horns, door slamming, vehicle movements and the like, impact of light and reflection from buildings, particularly during the construction on-site of any buildings should the rezoning be supported'.

The applicant had proposed the preparation of a development control plan and a restriction on the uses permitted in the proposed zone to apply to the land to address the above issues. The development control plan proposed controls relating to building envelope, entry/egress points, minimum floor levels, a two storey height limit, landscape setbacks, nature of building materials (including nature of glazing/tinting of windows on Race Club side of development) and location/nature of fencing/landscaping on Race Club side of development.

The applicant had proposed that the 3(b) zone as it would apply to the land should be restricted in range of uses permitted. The range of uses only to be permitted were proposed to be bulky goods salesroom or showrooms; commercial premises; medical centre; motor showroom and recreation and sporting facility. The restricted range of uses were considered by the applicant to be the type of uses that will not adversely impact upon the operations of the Race Club.

With regard to the above, the applicant has stated in the Planning Proposal that the earlier rezoning application,

'identified a range of "concerns" to be considered in any assessment of the impact of any development on the subject site on the activities of the race club. These appear to be assumed by Council officers to have been established as actual conflicts between the proposed rezoning and racing activities rather than the identification of "matters" that needed to be taken into consideration in any such assessment.'

It should be noted that if as stated by the applicant the safety of horse racing activities was only a matter *that needed to be taken into consideration* why was the applicant proposing significant restrictions on landuses and the design of the building that were intended to deal with the safety issue.

Notwithstanding the above, the applicant in the Planning Proposal has submitted correspondence from the Racing NSW Stewards which states;

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.

The Racing NSW Stewards have stated they would wish to view any final proposal for the land. If the rezoning was to proceed to gazettal it is considered that all development applications relating to development of the land should be referred to Racing NSW Stewards for comment in relation to safety issues.

Character

DCP 159 Character identifies the site as part of a Regional Recreation area that consists of the Gosford Race Club and Adcock Park. This classification reflects the Open Space zones that apply to the land. The desired character statement identifies that the open frontages from main roads to these regional recreation areas should be maintained. Landscaping of these frontages should be clustered so as to maintain open vistas into these areas.

The proposed rezoning would result in a development that would remove the majority of views into the Race Club from the Pacific Highway and Racecourse Road thus resulting in the rezoning not being in conformity with DCP 159.

The applicant though has responded that views are only available because the Bowling Club has been demolished. If the land was developed for the use currently permitted by the zone, being the Bowling Club, the open views would be lost. The applicant states that a change of zone then will not alter the potential for loss of views across the Race Club.

Ribbon Development

Business zones and related development have progressively extended along the Central Coast Highway at West Gosford. The proposed zoning of the site to a business zone will result in the infill of one of the last remaining privately owned vacant sites along the Central Coast Highway. Given the extent of ribbon development in this area it would be incongruous not to support the Planning Proposal on the basis of the extension of ribbon development along a main road.

The creation of more strip style retail/commercial floor space fronting the Central Coast Highway through the rezoning will not improve the urban design quality of this section of the highway. The existing views into the race course from the highway do provide some visual interest in the area and these will be lost with the development of the land. The need for the additional retail/commercial floor space is questionable given the existing level of vacancy of this type of space in the area. The site though is redundant and does not lend itself to alternate uses due to the lack of amenity from the highway location, the length of its frontage to the highway and the nature of surrounding development.

Relationship to Gosford City Centre

Land on the eastern side of Racecourse Road opposite the subject site is covered by Gosford Regional City LEP prepared by the Cities Taskforce and gazetted in 2007. The land is also part of the Gosford City Centre Masterplan that was adopted by Council in March 2010.

Under the Regional City LEP the land opposite the subject site is zoned B6 - Enterprise Corridor. It should be noted that the B6 zone extends to the east along Central Coast Highway. Land to the west along Central Coast Highway which is not covered by the Regional City LEP is currently zoned 3(b) - Business (Special) is proposed to be zoned B5 - Business Development under Draft Gosford LEP 2009.

The primary difference between the B5 and B6 zones is that B6 zone promotes mixed office/retail/residential development and is suitable for a location within walking distance of the City Centre while the B5 zone promotes bulky goods type developments in accessible locations near major centres.

Extension of the B6 zone to include this site is considered inappropriate as it would extend the City Centre related zonings into areas that are starting to be beyond a reasonable walking distance of the City Centre and residential uses as part of a mixed use development would potentially conflict with the operations of the Race Club.

The B5 zone that has been applied to all 3(b) - Business (Special) located to the west of the site (i.e. west of Racecourse Rd) along the Central Coast Highway under the draft Gosford LEP 2009 would be the most appropriate zone for the land.

Other Matters for Consideration

Water and Sewer - the proposal was referred to Council's Water and Sewer Engineer who has indicated that with regard to water the requirements for the site need to be determined. Indications are that the existing sewerage system may need to be upgraded.

Planning Proposal

Should Council support the Planning Proposal it will be forwarded to the Department of Planning local office for assessment. The Department will then forward the Planning Proposal and its recommendation to the LEP Panel. The LEP Panel will consider the Planning Proposal and the Department's recommendation before making its own recommendation to the Minister for a

gateway determination. Should the Minister (or delegate) support the planning proposal proceeding, directions would be given to Council regarding any changes to the Planning Proposal, studies to be carried out, state and federal authorities to be consulted, community consultation required and timing.

CONCLUSION

The subject site represents a redundant parcel of land for the Gosford Race Club. The land has poor amenity due to its location on the corner of the Central Coast Highway and Racecourse Road. The land is flood prone but is not in a floodway. The rezoning of flood liable land is contrary to a S117 Direction unless it can be demonstrated that the rezoning is of minor significance.

Safety in relation to the operation of the Gosford Race Club has been an issue regarding the development of the land. The Racing NSW Stewards, whose charter includes safety in the operation of horse racing in NSW, have indicated that they have no objection to the rezoning but would require viewing and comment on plans for the subsequent development of the land.

Consultation needs to occur with the RTA in relation to the Planning Proposal and further investigation in relation to the upgrading of the sewerage system that services the site is necessary (required with development application).

The proposed zone for the land being 3(b) Business - (Special) is considered to be appropriate in the context of surrounding development and in particular the zonings of land associated with the Gosford Regional City. Under the draft Gosford LEP 2009 the land would be zoned B5 - Business Development.

The Planning Proposal will create more strip-style development that will not improve the urban design outcomes for the Central Coast Highway and provides for more retail/commercial floorspace in a form which appears to be of only marginal viability given the current level of vacancy of similar development along the Central Coast Highway at West Gosford.

The redundant use, zoning of the land and the lack of alternatives given the land's location and physical characteristics, result in the most appropriate zoning and use being that proposed by the applicant and therefore the Planning Proposal is recommended for support by Council.

Attachments:	ATTACHMENT A	Planning Proposal
	ATTACHMENT B	Environmental Planning Instrument (LEP/zone) map
	ATTACHMENT C	Net Community Benefit Test
	ATTACHMENT D	Advice on safety

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

RECOMMENDATION

- A That Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.