



KU-RING-GAI COUNCIL

Planning Proposal

To amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) to make Emergency Services Facilities as permissible development in the Open Space 6(a) Recreation Existing zone to be carried out, only with development consent.

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Part 1 Objectives or Intended Outcomes

To amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) to make Emergency Services Facilities as permissible development in the Open Space 6(a) Recreation Existing zone with development consent.

The amendment to the KPSO sought in this planning proposal will enable State Emergency Facilities to be developed within in open space locations. In particular, this planning proposal will enable the Ku-ring-gai State Emergency Service (SES) headquarters and Bush Fire Brigade headquarters to be built at the Council owned Golden Jubilee Park, Wahroonga, on the site of the previous SES Headquarters, so that both agencies can co-exist on the same site.

The new combined headquarters will facilitate the delivery of emergency services to close to areas of requirement, thereby improving response time to emergency situations and disasters.

Part 2 Explanation of Provisions

Emergency Services Facilities are prevented from being located in open space locations within the Ku-ring-gai Council local government area due to the following restrictions:

i. *KPSO*

Column 2 and Column 3 of the zoning table do not list *Emergency Services* as a permitted use under the categories of development within land use zone ‘6 Open Space (a) Recreation Existing’.

ii. *SEPP Infrastructure (2007)*

Clause 47(1) allows development for the purpose of an emergency services facility in a *prescribed zone*; however, open space is not listed as a prescribed zone within the SEPP definitions.

Clause 47(2) allows emergency services within zone *RE1 Public Recreation* or equivalent; however, the list of emergency service providers only includes the *Ambulance Service of New South Wales*, *New South Wales Fire Brigades*, and *NSW Rural Fire Service*. The list has omitted the *State Emergency Services* and therefore their facilities are not permitted within this zone.

This Planning Proposal seeks to modify the KPSO to include the following:

- i. Zoning Table, Column 3 of (6) Open Space (a) Recreation Existing' to include "*Emergency Services Facility*".
- ii. Clause 4(1) *Interpretation* will include the following definitions from the SEPP Infrastructure:
Emergency Services Facility means:
A building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.
Emergency Services Organisation means:
 - (a) the Ambulance Service of New South Wales,
 - (b) New South Wales Fire Brigades,
 - (c) the NSW Rural Fire Service,
 - (d) the NSW Police Force,
 - (e) the State Emergency Service,
 - (f) the New South Wales Volunteer Rescue Association Incorporated,
 - (g) the New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,
 - (h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

Part 3 Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. This planning proposal is not the result of any strategic study or report; it has come about as a result of an anomaly in the SEPP Infrastructure being identified. This oversight, the omission of *State emergency Services* as part of the list in clause 47(2), prevents the provision of State Emergency Service facilities within Council' open space areas.

2. Is this planning proposal is the best means of achieving the objectives of intended outcome, or is there a better way?

Yes, this planning proposal is the best means at present given that there is some urgency in allowing this type of development to occur within open space area zones. Funding and proposals are in place for the construction of new State Emergency

Service facilities on the site of existing emergency service buildings within Golden Jubilee Park at Wahroonga; however, the works cannot proceed due to the current restrictions under the KPSO and the SEPP Infrastructure.

The only other way to achieve the objective would be through seeking a formal amendment to the Infrastructure SEPP to include *State Emergency Services* as part of the list within clause 47(2). The Department of Planning has been advised of Council's approach and agree amending the KPSO is their preferred method.

3. *Is there a net community benefit?*

This proposal does not involve a rezoning and therefore the "Net Community Benefit Test" is not applicable. However, the planning proposal is considered to be a benefit to the community as it will enable the appropriate location of key community infrastructure in the form of State Emergency Services facilities close to their target areas so that the required quick response to disaster and emergency in the region can be achieved.

Without this amendment to the KPSO, permitted development within open space zones in Ku-ring-gai will not allow SES facilities to be built in open space zones. Hence, retaining the existing zoning exclusion may result in the delayed response to disaster and emergency callouts due to distance from problem sources. More particularly, it will prevent the provision of updated, permanent emergency facilities at Golden Jubilee Park, Wahroonga on the site of the existing State Emergency facilities.

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 the Sydney Metropolitan Strategy and exhibited draft strategies)?*

This planning proposal is not inconsistent with the objectives and actions contained in the Metropolitan Plan for Sydney 2036, and the draft Sydney North Subregional Strategy (2007).

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

This planning proposal is consistent with Ku-ring-gai's Community Strategic Plan 2030. It is in alignment with the six principle activity areas of the Community Strategic Plan:

i. community development

Under the Community Development principle activity, this planning proposal will assist in meeting the aim to make Council's community and cultural programs and services accessible by providing emergency services and facilities that will protect areas used for outdoor sport and recreation in the event of emergency and disaster.

ii. urban environment

Under the Urban Environment principle activity, this planning proposal will assist in the aim that Council's assets are managed effectively to meet community needs and standards within our available resources through the provision of emergency service facilities that protect Council's assets.

iii. natural environment

Under the Natural Environment principle activity, this planning proposal will assist in the aim that Council and the community value, respect and actively participate in the care and management of the environment by enabling new updated emergency headquarter facilities to be located in strategic open areas that allow a coordinated and quick response time to emergencies that threaten the natural environment.

iv. planning and development

Under the Planning and Development principle activity, this planning proposal will assist in ensuring that the urban areas will become more liveable and sustainable through the provision of emergency services that will manage impacts of emergency and disaster events within urban areas.

v. civic leadership and corporate services

Under the Planning and Development principle activity, this planning proposal will ensure that the location of the emergency services facilities is provided in an open and transparent manner.

vi. financial sustainability

Under the Financial Sustainability principle activity, this planning proposal will assist in meeting the aim that Council effectively manages its financial position to meet community expectations for projects and service delivery.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. This planning proposal is consistent with all applicable State Environmental Planning Policies as illustrated in Attachment A.

The relevant State Environmental Planning Policies are:

Relevant SEPP	Consistency
SEPP Infrastructure 2007	This planning proposal: ▪ is consistent with Div 6 of the SEPP ▪ helps to achieve the SEPP aims and objectives by enabling infrastructure provision in key open space locations.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes. This planning proposal is consistent with all applicable s.117 directions as illustrated in Attachment B.

The relevant s.117 directions are:

Direction	Objectives	Consistency
2.1 Environment Protection Zones	▪ to protect and conserve environmentally sensitive areas	This planning proposal will enable the provision of State Emergency facilities
6.1 Approval and Referral Requirements	▪ to ensure that LEP provisions encourage the efficient and	This planning proposal will only permit development through a

	appropriate assessment of development	development application, in accordance with the KPSO requirements and procedures
7.1 Implementation of Metropolitan Plan for Sydney 2036	to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036	This planning proposal will enable the strategic land use of open spaces by co-locating facilities that preserve and protect those areas in emergency and disaster situations

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?*

Since this planning proposal seeks to permit State Emergency Services facilities within areas zoned open space, there is the possibility of some adverse effect due to the scale of any development. Nevertheless, since any such works would only be possible via a development application and a formal assessment of ecological impact, minimal impact would need to be demonstrated prior to approval.

- 9.** *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

This planning proposal takes a strategic approach to land use. Positioning State Emergency Services in key open spaces around the Ku-ring-gai local government area will allow a better response to SES issues.

The development allowed by this planning proposal would only be possible via a development application, which would have to demonstrate compliance with the requirements of EPA Acts, the KPSO and any applicable DCPs.

- 10.** *How has the planning proposal adequately addressed any social and economic effects?*

This planning proposal will create social and economic benefits through enabling provision of key emergency infrastructure that will benefit local communities by serving and protecting the local population and local assets in the event of emergency and disaster.

The development that this planning proposal allows would only be possible via a development application, which would have to demonstrate that there would be negligible impact on items or places of European or Aboriginal cultural heritage.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

This planning proposal will allow the better provision of additional infrastructure that will enable the better service to the local population in the event of emergency and disaster events.

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 consultation has been carried out with State and Commonwealth public authorities, except preliminary consultation with the NSW RFS. Formal consultation will occur with relevant public authorities identified as part of the gateway determination.

Part 4 Community Consultation For the purpose of public notification

This planning proposal will be exhibited in accordance with the requirements of Section 57 of the EP&A Act and Section 29 of the Local Government Act 1993 and/or any other requirements as determined by the gateway process under Section 56 of the EP&A Act. An exhibition period of 14 days is proposed for this Planning Proposal.

Community consultation will commence through giving notice of the public exhibition

- in the local newspaper, the North Shore Times
- at Council's Customer Service Centre
- at all local libraries, at Gordon, St Ives, Turramurra, Lindfield
- on Council's website.

Attachment A

ASSESSMENT OF PLANNING PROPOSAL CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICIES		Not relevant	Consistent
SEPP1	Development Standards	✓	
SEPP4	Development Without Consent	✓	
SEPP6	Number of Storeys in a Building	✓	
SEPP19	Bushland in Urban Areas	✓	
SEPP21	Caravan Parks	✓	
SEPP22	Shops and Commercial Premises	✓	
SEPP30	Intensive Agriculture	✓	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)	✓	
SEPP33	Hazardous and Offensive Development	✓	
SEPP44	Koala Habitat Protection	✓	
SEPP53	Metropolitan Residential Development	✓	
SEPP55	Remediation of Land	✓	
SEPP60	Exempt and Complying Development	✓	
SEPP62	Sustainable Aquaculture	✓	
SEPP64	Advertising and Signage	✓	
SEPP65	Design Quality of Residential Flat Development	✓	
SEPP70	Affordable Housing (Revised Schemes)	✓	
SEPP	(Housing for Seniors or People with a Disability) – 2004	✓	
SEPP	Building Sustainability Index : Basix 2004	✓	
SEPP	Major Development	✓	
SEPP	Mining, Petroleum and Extractive Industries	✓	
SEPP	Temporary Structures 2007	✓	
SEPP	Infrastructure 2007		✓
SEPP	Affordable Rental Housing 2009	✓	
SEPP	Exempt and Complying Development Codes 2008	✓	

Attachment B

ASSESSMENT OF PLANNING PROPOSAL CONSISTENCY WITH SECTION 117 DIRECTIONS

DIRECTIONS UNDER S117(2)	Not relevant	Consistent
PART 1 – GENERAL DIRECTIONS		
1. Employment and Resources		
1.1 Business and Industrial Zones	✓	
1.2 Rural Zones	✓	
1.3 Mining, Petroleum Production and Extractive Industries	✓	
1.4 Oyster Aquaculture	✓	
1.5 Rural Lands	✓	
2. Environment and Heritage		
2.1 Environment Protection Zones		✓
2.2 Coastal Protection	✓	
2.3 Heritage Conservation	✓	
2.4 Recreation Vehicle Areas	✓	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	✓	
3.2 Caravan Parks and Manufactured Home Estates	✓	
3.3 Home Occupations	✓	
3.4 Integrating Land Use and Transport	✓	
3.5 Development Near Licensed Aerodromes	✓	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	✓	
4.2 Mine Subsidence and Unstable Land	✓	
4.3 Flood Prone Land	✓	
4.4 Planning for Bushfire Protection	✓	
5. Regional Planning		
5.1 Implementation of Regional Strategies	✓	
5.2 Sydney Drinking Water Catchments	✓	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓	
5.8 Second Sydney Airport: Badgerys Creek	✓	
6. Local Plan Making		
6.1 Approval and Referral Requirements		✓
6.2 Reserving Land for Public Purposes	✓	
6.3 Site Specific Provisions	✓	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy		✓