

Rezone Lot 7307 DP 1146411 Nattai Street Welby

Proposal Title : **Rezone Lot 7307 DP 1146411 Nattai Street Welby**

Proposal Summary : **Wingecarribee Council wishes to amend "Schedule 1 - Additional permitted uses" of Wingecarribee Local Environmental Plan 2010 to allow a Rural Fire Service training facility (including a helipad) at Lot 7307 Nattai Street, Welby. The site is zoned E2 Environmental Conservation.**

PP Number : **PP_2011_WINGE_004_00** Dop File No : **11/20618**

Proposal Details

Date Planning Proposal Received :	09-Jan-2012	LGA covered :	Wingecarribee
Region :	Southern	RPA :	Wingecarribee Shire Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Nattai Street		
Suburb :	Welby	City :	Wingecarribee
		Postcode :	2575
Land Parcel :	Lot 7307 DP 1146411		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha)
:Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment :

Supporting notesInternal Supporting
Notes :

The NSW Rural Fire Service requires a training facility to service the Wollondilly and Wingecarribee areas. The facility will also be used as a staging post for critical incident management. The site selection process has taken over 4 years and the subject site is the most appropriate for the intended purpose.

This planning proposal would enable the provision of a training facility (defined as emergency services facility).

At the request of the Department, further information on the planning proposal was provided by Council in January 2012. The additional information included greater justification for the proposal as well as a thorough consideration and discussion of the relevant s117 Directions.

The original planning proposal was to rezone the entire site to SP2 Infrastructure. The planning proposal now seeks to amend Schedule 1 of Wingecarribee Local Environmental Plan 2010 instead, to allow a Rural Fire Service training facility (including a helipad) on the site.

External Supporting
Notes :

The NSW Rural Fire Service require a training facility (including a helipad) to service the Wollondilly and Wingecarribee areas. The facility will also be used as a staging post for critical incident management. This planning proposal would enable the provision of a training facility and helipad.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment :

A statement of objectives for the planning proposal has been provided which is to enable the provision of a Rural Fire Service training facility.

Although it is not stated within the additional information, Council seeks to achieve this by amending Schedule 1 of the Wingecarribee LEP 2010.

Although the statement of objectives is not detailed, it is still generally consistent with the Departments 'A Guide to Preparing a Planning Proposal'.

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

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

Comment : **The Planning Proposal will effect an amendment to Wingecarribee Local Environmental Plan 2010 Schedule 1 to make emergency services facilities permissible on the subject site.**

The explanation of provisions is consistent with the Departments 'A Guide to Preparing a Planning Proposal'.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

4.4 Planning for Bushfire Protection

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

Drinking Water Catchments Regional Environmental Plan No. 1

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

The Department also considers the following instrument is relevant:

- SEPP 44 - Koala Habitat Protection

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The original planning proposal submission did not adequately address the relevant s117 Directions, however it is noted that the additional information submitted does provide satisfactory consideration of relevant s117 Directions.

S117 - 2.1 ENVIRONMENT PROTECTION ZONES

The site is zoned E2 Environmental Conservation and therefore this s117 Direction is relevant to this planning proposal.

Council is of the opinion that the objectives of the E2 zone are more stringent than those in the s117 Direction and therefore, by way of retaining the E2 zone and amending Schedule 1, the objectives of the s117 are achieved. This includes ecological, scientific, cultural or aesthetic values.

It is noted that the site was illegally cleared of remnant vegetation including part of an identified Endangered Ecological Community (the Southern Highlands Shale Woodlands). This unauthorised clearing is currently being investigated by the Office of Environment and Heritage and ongoing management and restoration will be required to satisfy the requirements of the Direction.

Development consent would also provide conditions to address environmental protection and ongoing maintenance. The development application process would also require consultation with other state government agencies including the Office of Environment and Heritage and the Sydney Catchment Authority.

Either the Department's preferred option of adding Emergency services facilities to the E2 Zone or council's preferred option of adding it to Schedule 1 are both considered to be consistent with this s117 Direction.

S117 - 4.4 PLANNING FOR BUSHFIRE PROTECTION

The site is identified as bushfire prone and therefore this s117 Direction is relevant to this planning proposal.

Due to the nature of the proposal as a training facility for the Rural Fire Service, the proposed land use is considered compatible in a bushfire prone location and would encourage the sound bushfire management of the land.

Again, the development application process would ensure the facility meets the requirements of Planning for Bushfire Protection 2006 and the conditions of consent would satisfy the requirements of the Direction. The development application process would also enable further consultation with the NSW Rural Fire Service.

Under this Direction the planning proposal is required to be referred to the NSW Rural Fire Service and its comments considered prior to finalising the planning proposal for exhibition. This action would be consistent with this s117 Direction.

S117 - 5.1 IMPLEMENTATION OF REGIONAL STRATEGIES

The site is located on land to which the Sydney Canberra Corridor Regional Strategy applies and therefore this s117 Direction is relevant to this planning proposal.

Specifically relevant to this site, the Strategy requires consideration of water quality (i.e. drinking water catchment SEPP requirements), endangered ecological communities (i.e. the Southern Highlands Shale Woodlands identified on the site) and riparian corridors (i.e. Gibbergunyah Creek).

Council note that the proposal will contribute to managing rural lifestyle and peri-urban residential areas through the activities of the training facility.

Again, the development application process would ensure that Regional Strategy issues would be addressed and appropriately conditioned.

The planning proposal is considered to be consistent with this s117 Direction.

S117 - 5.2 SYDNEY DRINKING WATER CATCHMENTS

The site is located within the Sydney's Drinking Water Catchment and therefore this s117 Direction is relevant to this planning proposal.

The Sydney Catchment Authority has been informed of the proposal by Council and has had the opportunity to comment (note it commented on the original proposal to rezone to SP2). The Sydney Catchment Authority has advised that it has no objection to the proposed rezoning and has suggested site constraints that need to be addressed during the development assessment process and noted the requirement to meet and exceed the Neutral or Beneficial Effect Test for water quality. The Sydney Catchment Authority should have an opportunity to comment on the preferred/revised planning proposal.

Referral of the planning proposal to the SCA is considered to be consistent with this s117 Direction.

S117 - 6.1 APPROVAL AND REFERRAL REQUIREMENTS

It appears that Council has misinterpreted the intent of this Direction. The planning proposal does not propose any referral requirements so the Direction is not relevant.

In preparing the planning proposal, Council has consulted with the Sydney Catchment Authority. The Office of Environment and Heritage has also been involved through its investigation into the unauthorised clearing of native vegetation from the site. Council has noted that the NSW Rural Fire Service will be consulted following receipt of a

supported Gateway Determination and prior to public consultation. It would be appropriate for the Office of Environment and Heritage and Sydney Catchment Authority to be consulted regarding this specific planning proposal at this time as well.

S117 - 6.3 SITE SPECIFIC PROVISIONS

The planning proposal will not result in any unnecessarily restrictive planning controls and therefore the planning proposal is considered to be consistent with this s117 Direction.

Despite consistency with this s117 Direction, amending Schedule 1 of the LEP is not a preferred outcome of the Department.

There are a number of other options available that would permit an emergency services facility on the site, these being:

- Rezoning to R2
- Rezoning to IN2
- Insert emergency training facility as a land use permissible with consent under the E2 land use table
- Rezoning to RE1

Rezoning land to R2

Land to the west of the site is zoned R2. Under SEPP (Infrastructure) 2007, emergency services facilities are permissible with consent in a R2 zone (see Division 6 c47(2)(c)) if carried out on behalf of the NSW Rural Fire Service.

Despite this advantage, the majority of greenfield development in Wingecarribee (as outlined in the Regional Strategy) is to be located in Mittagong and Moss Vale and infill development in Bowral. Although the site would not yield a large number of new residential dwellings, the potential release is not considered appropriate in the context of the housing and settlement strategy for the LGA. Rezoning of the site from E2 would also be inconsistent with s117 Direction 2.1.

Rezoning land IN2

Land to the east of the site is zoned IN2. Under SEPP (Infrastructure) 2007, emergency services facilities are permissible with consent under the prescribed zone of IN2.

Despite this advantage, an IN2 zone for the site would not be consistent with riparian protection and the Gibbergunyah Creek would isolate the site from the adjacent industrial area. Rezoning of the site from E2 would also be inconsistent with s117 Direction 2.1.

Insert emergency services facilities in the E2 Land Use Table

Retention of the E2 zone is preferable due to the environmental value of the land particularly due to the endangered ecological community of Southern Highlands Shale Woodlands identified on the site. Although the site has been illegally cleared of a section of vegetation, the Office of Environment and Heritage will require revegetation and maintenance of the cleared land.

Inserting emergency services facilities as permissible with consent in the E2 land use table would mean that emergency services facilities would be permissible in any E2 zone in the LGA. Council is concerned that there will be an 'inundation of applications for similar facilities' across the LGA. The Department considers that significant demand for other emergency services facilities throughout the LGA would be unlikely, particularly as there are only seven other organisations that fall within the definition of emergency services organisation.

This approach has been adopted by Shoalhaven City Council in the preparation of its

draft Standard Instrument LEP and is considered the most appropriate outcome in this context.

Rezoning to RE1

Under SEPP (Infrastructure) 2007, emergency services facilities are permissible with consent in a RE1 zone (see Division 6 c47(2)(g)) if carried out on behalf of the NSW Rural Fire Service.

Despite this advantage, the size of the site is not large enough to enable the provision of an operational training facility and public open space without significant potential conflicts. Council has also noted that this is not a preferred option as it would be required to compulsorily acquire the site if requested by Crown Lands (land owner).

s117 - 1.5 RURAL LANDS

Council has not identified that this Direction applies, however, on a number of grounds it may apply. The planning proposal affects an Environmental Protection Zone; and it could affect the minimum lot size.

If the Direction does apply the proposal could be considered to either be consistent with the Objectives of the Direction in that it does not affect viable agricultural land. Also considering the area of land involved and its location it could be considered to be of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : A location plan and aerial photo has been provided. No amended LEP maps are provided due to the nature of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The RPA is proposing a public exhibition period of 28 days which is considered acceptable. In addition, identified stakeholders will be notified, unless otherwise advised in the Gateway Determination (including the Sydney Catchment Authority, Office of Environment and Heritage and NSW Rural Fire Service). It is noted that the Sydney Catchment Authority has already been consulted regarding the planning proposal.

Consultation will need to be consistent with section 4.5 of the Department's 'A Guide to Preparing Local Environmental Plans'.

It is considered appropriate for the planning proposal to be referred to the Hawkesbury Nepean Catchment Management Authority.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : The proposal meets the adequacy criteria.

Proposal Assessment

Principal LEP:

Due Date : **June 2010**

Comments in relation to Principal LEP : **Wingecarribee Local Environmental Plan 2010 was notified on 16 June 2010.**

Assessment Criteria

Need for planning proposal :	A planning proposal is the best way to make permissible the land use of emergency services facilities in relation to the site. A planning proposal allows for justification and exhibition of the proposal.
Consistency with strategic planning framework :	The Wingecarribee Strategic Plan 2002 is an older strategy. It is understood that Council is working towards a revised Strategic Plan that should be available at the end of 2012. The proposal is not considered inconsistent with the 2002 strategic plan. SEPP (Infrastructure) 2007 - The proposal is not inconsistent with this SEPP. Drinking Water Catchments Regional Environmental Plan No. 1 (now State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011)- The proposal is not inconsistent with this SEPP. A Neutral or Beneficial Effects report will need to be prepared for the development application. SEPP 44 - Koala Habitat Protection - Likely to be consistent, would need to be addressed at the development assessment stage. The site no longer contains significant koala habitat or feed trees.
Environmental social economic impacts :	The proposal will provide social benefits to those residents involved in the NSW Rural Fire Service. The facility would also provide significant benefit to the community in a bushfire event and in terms of general bushfire maintenance and security for the community. Retention of the E2 Zone would retain the environmental significance of the site and would allow greater protection of the Endangered Ecological Community on the site. No negative economic impacts are expected.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Hawkesbury - Nepean Catchment Management Authority Office of Environment and Heritage NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	The matter should progress, however it is recommended that instead of amending Schedule 1, the land use of emergency services facilities should be included as permissible with consent in the E2 land use table as discussed previously.		

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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
Additional_Information_Council_Minutes_dated_14_December_2011.pdf	Proposal	Yes
Additional_Information_Council_Report_dated_14_December_2011.pdf	Proposal	Yes
Additional_Information_dated_6_January_2012.pdf	Proposal	Yes
Original_Planning_Proposal_dated_September_2011.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.2 Sydney Drinking Water Catchments**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information : It is recommended that instead of amending Schedule 1, the land use of emergency services facilities should be included as permissible with consent in the E2 land use table as discussed previously.

The proposal is considered to be routine, requiring 28 days exhibition and should be completed within 6 months of the week following the Gateway Determination.

The planning proposal as modified above is consistent with s117 Directions 1.5; 2.1; and 6.3. Consultation has been undertaken with SCA and it will be consulted again on the modified planning proposal; and the NSW Rural Fire Service will be consulted prior to exhibition and the proposal is therefore consistent with s117 Directions 4.4 and 5.2. It is considered that s117 Direction 6.1 does not apply and the proposal is considered consistent with all other applicable s117 Directions.

Supporting Reasons : Retention of the E2 zone is preferable due to the environmental value of the land particularly due to the endangered ecological community of Southern Highlands Shale Woodlands identified on the site.

A significant demand for other emergency services facilities throughout the LGA would be unlikely, particularly as there are only seven other organisations that fall within the definition of emergency services organisation.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

16th January 2012