

o-EP7 Planning Proposal for a Rural Fire Service Training Facility at Nattai Street, Welby

Environment

Reference: 5901/10

Responsible Officer: Manager Strategic and Community Development

PURPOSE

The purpose of this report is to follow up on Council's resolution of 11 May 2011 in relation to the proposed RFS training facility at Nattai St, Welby and to provide an update regarding the progress of a Planning Proposal under the 'Gateway' process to amend the Wingecarribee Local Environmental Plan 2010 (WLEP 2010). The subject amendment will allow Council to consider a development application for the above use (LUA 11/0294). Specifically, this report discusses the Wingecarribee LEP 2010 Amendment options available to progress the Planning Proposal. The recommended outcome is that the E2 Environmental Conservation zone land use table be amended to permit *Emergency Service Facilities* (ESF) with consent.

SUMMARY

This report recommends that Council support the proposed amendment to include *Emergency Services Facility* (ESF) as 'permitted with consent' under the E2 Environmental Conservation zone of Wingecarribee LEP 2010.

DESCRIPTION OF PROPOSAL

BACKGROUND

The Planning Proposal is being processed in conjunction with a development application (LUA 11/0294) lodged for an *Emergency Services Facility* (ESF) proposed on Part of Lot 7307 DP 1146411.

The site is zoned E2 Environmental Conservation which, under Wingecarribee LEP 2010, is assigned to publicly owned land under the jurisdiction of State Agencies, in this case the Department of Lands.

The Planning Proposal is required as the proposed use (ESF) is currently prohibited on land zoned E2 Environmental Conservation zone under Wingecarribee LEP 2010.

The proposed development is defined under the Wingecarribee LEP 2010 and the SEPP (Infrastructure) 2008 as:

Emergency Service Facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

An ESF can not be considered in this zone under the State Environmental Planning Policy (Infrastructure) 2008 (SEPP Infrastructure 2008) as the E2 Environmental Conservation zone is not a *prescribed* zone for the purpose of an ESF under the SEPP (Infrastructure) 2008.

On 11 May 2011 Council considered a detailed report regarding the development application including illegal land clearing and road closures and consequently resolved as follows:

1. *THAT Council defer any assessment of the Planning Proposal to consider rezoning the subject property or amending Schedule 1 of Wingecarribee Local Environmental Plan 2010 ('WLEP 2010') to allow for an "emergency services facility" to be included as an additional permitted use with consent within Lot 7307 DP 146411 Colo Street, Welby ('the Planning Proposal') pending the outcome of investigations into the illegal land clearing contra to WLEP 2010 and the Threatened Species Act.*
2. *THAT the Planning Proposal be forwarded to Council for further consideration following the investigations which need to be concluded expeditiously.*

Following the conclusion of the illegal land clearing investigation by the Department of Environment Climate Change and Water (DECCW) on 11 July 2011, the DECCW requested that the site be revegetated in consultation with Councils natural resources staff.

A Planning Proposal was subsequently prepared and forwarded to the Department of Planning and Infrastructure (DoP&I) recommending the site be zoned SP2 Infrastructure. On 27 October 2011, the Department of Planning and Infrastructure (DoP&I) advised that additional information was required to support the Planning Proposal addressing the following:

- *Greater justification for the Planning Proposal including why the SP2 Infrastructure zone is proposed over other potential options; and*
- *Discussion of relevant s117 Directions (Environmental Planning & Assessment Act, 1979), particularly those that the Planning Proposal is inconsistent with (for example 2.1 Environmental Protection Zones). The wording for the justification should reflect the wording of the Direction.*

DETAILS OF PROPOSAL

Subject Site and Locality

An inspection of the site and the surrounding area for the purpose of the Planning Proposal was undertaken on 16 September 2011. The site is located between Gibbergunyah Creek and the Welby Garden Centre and RTA Offices at Nattai Street, at the foot of Mt Alexandria adjacent to the Old Hume Highway. A site image of the proposed development is included as **Attachment 1**.

The site has been extensively cleared and is relatively flat with a terraced bank towards the periphery and a short sharp fall to Gibbergunyah Creek.

There are IN2 Light Industrial lands to the east, R2 Low Density Residential to the west (includes the Welby Garden Centre and the Roads and Traffic Authority Offices and depot) and E2 Environmental Conservation to the north. Land opposite the site, to the south over the Old Hume Highway, is zoned R2 Low Density Residential. A zoning map is included as **Attachment 2**.

The development application includes a perimeter fence, helipad (future) and 2 Storage Containers. **Attachment 1** also identifies 'Car Training prop' and Power Pole Training prop' as part of the site activities.

The Rural Fire Service has informally advised that driver training (of fire fighting appliances) will also be conducted at the site and may extend beyond the site boundary.

The Rural Fire Service has also advised that they have similar training facilities in Mogo (near Batemans Bay) and the NSW Fire Brigade has training facilities in Albion Park Rail and Armidale. There would also likely be a similar facility in Sydney.

STATUTORY ASSESSMENT

For the Planning Proposal to proceed, Council must make a recommendation to the Department of Planning & Infrastructure as to how the Wingecarribee LEP 2010 should be amended to allow the development application to be considered. Several options are available and these are discussed below.

The subject land is currently zoned E2 Environmental Conservation under Wingecarribee LEP 2010. The objectives of the E2 Conservation zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

An assessment of the proposed development, in the context of the existing objectives of the zone and the recommended options, is that the subject site is broadly considered suitable for the proposed use. The subject site is zoned E2 Environmental Conservation under the Wingecarribee LEP 2010. It is considered that the use of this part of the site for an ESF, adjoining the Gibbergunyah Creek, IN2 Light Industrial zone and the R2 Low Density Residential land (adjoining a nursery and RTA depot) would not compromise the existing objectives of the zone. The impact of works on the integrity of the high ecological objectives have been addressed during the investigation of the illegal land clearing and consideration of other development threats will be addressed by conditions attached to any consent.

ASSESSMENT – OPTIONS DISCUSSION

Council considered three (3) main options for proceeding with the Planning Proposal.

- Amend Schedule 1 'Additional permitted uses' of Wingecarribee LEP 2010, or
- Rezone the site to RE1 Public Recreation, or
- Amend the table of 'permitted with consent' land uses of the E2 Environmental Conservation Zone of Wingecarribee LEP 2010 to permit Emergency Services Facilities in this zone.

Amend Schedule 1 'Additional permitted uses' to permit Emergency Services Facility on the subject site.

This was the option nominated in Council's resolution of 11 May 2011, however Council has since been advised by the DoP&I that this method of amending the Wingecarribee LEP 2010 is not supported except in exceptional circumstances. The Department has confirmed that, in this instance, support would not be given.

Rezone the site to RE1 Public Recreation

This option was considered because the RE1 Public Recreation zone is a prescribed zone under the SEPP (Infrastructure) 2008 for the purpose of an ESF. It was also considered that the site lent itself to an RE1 Public Recreation zone for a number of reasons; the site is flat, adjacent to a watercourse and to be revegetated with Endangered Ecological Community species; the site would be desirable for integration into Council's bicycle and open space network and, with the provision of minimal facilities, the site would provide a convenient and well patronised location for active and passive leisure activities both on the site and on the adjacent Mount Alexandria Reserve.

However this option would require Council to compulsorily acquire the site if the subject development application does not proceed or in future if the proposed facility relocates and, in the end, the Department did not support this option.

Amend the land use table for the E2 Environmental Conservation zone to list Emergency Services Facilities as 'permitted with consent'

This option was recommended to Council staff by the DoP&I. Although the amendment would apply to all E2 Environmental Conservation zones across the Shire, it is most probable that this particular type of development would be a 'one-off' and would not likely be repeated on any other parcel of E2 Environmental Conservation land. If, for some reason, another application were received, the fact that the land use is permissible only with Council consent provides adequate opportunity for Council to assess any other applications on its merits.

Further, E2 Environmental Conservation is assigned to land held in public ownership (by the State) thereby tenure would need to be agreed to with the relevant Government Department prior to occupancy and would not be readily provided. This option would also retain the integrity of the adjoining E2 Environmental Conservation land of Mount Alexandria Reserve.

This option is the preferred option.

CONSULTATION

No consultation is required at this stage. The Gateway Determination, if supportive, will advise Council the period of community consultation, and which public authorities should be consulted as part of the assessment process.

SUSTAINABILITY ASSESSMENT

Environmental sustainability will be considered as part of the assessment of the development application under Section 79C of the Environmental Planning & Assessment Act, 1979. It is considered that sustainability issues can be addressed by suitable conditions of consent.

RELATIONSHIP TO CORPORATE PLANS
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The proposal is consistent with Council's Wingecarribee Strategic Community Plan 2031+ (point 5.1.3) to *'expand further education and training institutes and opportunities available locally and leverage these to attract related public and private sector research bodies'*. Council is an advocate for this point and lists Government agencies as a stakeholder.



BUDGET IMPLICATIONS

There are no budget implications for Council in this regard.

ATTACHMENTS

There are two attachments to this report:

1. Development Application site plan
2. Current Zoning map under Wingecarribee LEP 2010.

RECOMMENDATION

1. THAT Council proceed with the Planning Proposal to amend the land use table for the E2 Environmental Conservation zone to include Emergency Services Facilities as 'Permitted with Consent'.
 2. THAT the additional information requested by the Department of Planning and Infrastructure be prepared and forwarded as soon as practicable.
 3. THAT the Rural Fire Service be informed of Council's decision.
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