

MEMO

SUBJECT: 2018WES002
Emergency services facility (Training facility and accommodation)
Premises: Lot 152 DP 1235260, No. 4R Cooreena Road DUBBO
Applicant: NSW Rural Fire Service

TO: Western Joint Regional Planning Panel

FROM: Dubbo Regional Council – Senior Planner 1

DATE: 6 August 2018

FILE: D2017-667
Parcel 60989

This report is an addendum to the Development Application Assessment Report dated 29 June 2018 previously submitted to the Western Joint Regional Planning Panel for consideration in relation to Application 2018WES002.

Dubbo Regional Council was advised via email 11 July 2018 that the Panel would withhold determination of the Application until the amendment to the Dubbo Local Environmental Plan (LEP) had been gazetted. The LEP amendment includes, among other matters, amending the applicable Land Zoning Map to permit Emergency Service Facilities on subject land known as Lot 152 DP 1235260 (currently zoned SP2 – Air Transport Facilities).

As discussed in the report, the proposed land use is defined as an emergency service facility pursuant to the Dubbo LEP 2011. Pursuant to the Land Use Table and Land Zoning Map, only air transport facilities, or any development that is ordinarily incidental or ancillary to development for that purpose, is permissible on the subject land. With it being identified that the proposed land use is not ancillary or incidental to the air transport facilities undertaken on the land, Council considered the development proposal prohibited development.

However, Council is supportive of the Application and as such, a Planning Proposal to amend the LEP to permit such land use has been forwarded to the Department of Planning and Environment for gazettal.

The Department of Planning and Environment (Western Region office) provided advice to Council on 3 August 2018 concerning the matter (see email enclosed). The advice made reference to Clause 47(1) of State Environmental Planning Policy (Infrastructure) 2007. Clause 47(1) identifies that development for the purpose of an emergency services facility may be carried out with consent in a prescribed zone by or on behalf of the NSW Rural Fire Service. The NSW Rural Fire Service is the Applicant in this instance. The prescribed zones are listed in Clause 46 which includes the SP2 Infrastructure zone.

Consequently, the Department of Planning and Environment advised this Development Application would be permissible on the land pursuant to Clause 47(1) of the SEPP. The SEPP provides no further matters for consideration for this development type.

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The interpretation provided implies an emergency service facility associated with the NSW Rural Fire Service could be undertaken on any land zoned SP2 which could include a rail corridor, highway, health services facility etc. Therefore, the interpretation is not completely concurred with. However, in this instance, Dubbo Regional Council accepts the interpretation of the Department of Planning and Environment and therefore recommends the development to the Panel for approval. The Panel may note the advice from the Department in its determination.

The Department has advised that despite this development not being reliant on an amendment to the LEP for permissibility, the necessary amendments will continue to proceed. This is to amend the land use map to include the description 'emergency services facilities', primarily to reflect the increased presence of emergency service facilities on the land.

This addendum provides clarification to the Panel with regards to land use permissibility. The Panel shall note this information and proceed as is considered appropriate.

Shaun Reynolds
Senior Planner 1

Enclosed: Email from Wayne Garnsey dated 3 August 2018 – Department of Planning Western Region Office