

## Planning Services

### Gateway Determination Report

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | Camden LGA   |
| <b>PPA</b>                      | Camden Council   |
| <b>NAME</b>                     | Reclassification of land at 72A John Street, Camden (0 homes, 0 jobs)                                  |
| <b>NUMBER</b>                   | PP_2018_CAMDE_004_00   |
| <b>LEP TO BE AMENDED</b>        | Camden Local Environmental Plan 2010   |
| <b>ADDRESS</b>                  | 72A John Street, Camden  |
| <b>DESCRIPTION</b>              | Lot 81, DP 883675  |
| <b>RECEIVED</b>                 | 8 August 2018  |
| <b>FILE NO.</b>                 | IRF18/4525   |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required.       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

## INTRODUCTION

### Description of planning proposal

The planning proposal (**Attachment A1 and A2**) seeks to amend the Camden Local Environmental Plan (LEP) 2010 by reclassifying land at 72A John Street, Camden (Lot 81 DP 883675) (the site) from community to operational land. The reclassification will also discharge the trust applying to the site for a public purpose (carparking).

It is noted that the planning proposal will not amend the current B2 Local Centre zoning or any other development controls applying to the site. In addition, the planning proposal would not facilitate any additional housing or jobs on the site.

The site is Council owned land, however, the site is presently used as a private carparking area at the rear of land at 72 John Street, Camden, which currently contains a medical practice. The reclassification will enable Council to consider the disposal of the land and the provision of additional public carparking elsewhere within the Camden Town Centre.

### Site description

The planning proposal applies to land at 72A John Street, Camden (the site), which is legally described as Lot 81 DP 883675. The site has an area of 154.7sqm.

The site is located at the rear of a medical practice at 72 John Street, Camden (Lot 82 DP 883675) (west of the site) and accessed via a private driveway from John Street. The site is currently used by the owners of the medical practice as private onsite parking.

The site also adjoins the John Street/Hill Street Carpark (east of the site) located at the rear of various commercial premises fronting John Street and Hill Street. A map of the area is provided at Figure 1 (below).



Figure 1 – Aerial photo of the Site

#### Department Comment

Prior to public exhibition, it is recommended that Council amends the planning proposal to provide a clear description of the site and its relation to the adjoining land at 72 John Street, Camden and the John Street/Hill Street Carpark. This will provide clarity for the community to understand where the site is located and the limitations of the site to be used for public purposes, as currently it is only accessed via a private driveway.

#### **Existing planning controls**

Under the Camden Local Environmental Plan (LEP) 2010, the following zone and development controls apply to the site:

- B2 Local Centre zone (see Figure 2 overleaf); and
- a 7m maximum building height.

A floor space ratio and a minimum lot size does not apply to the site. The site is also located within the Camden Town Centre Heritage Conservation Area.

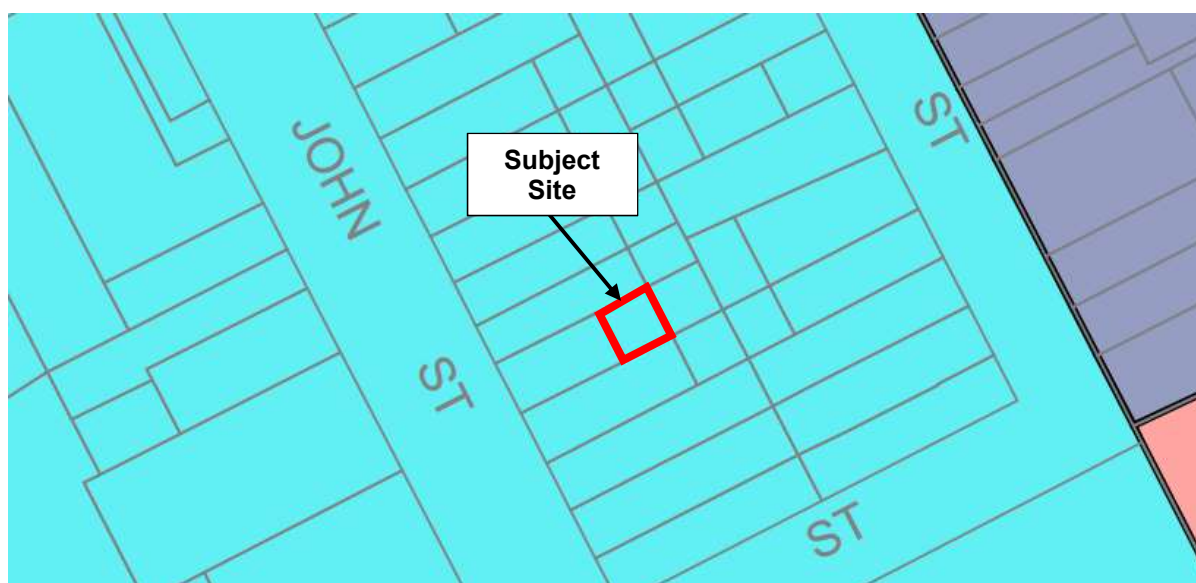


Figure 2 – Land zoning map extract

### Summary of recommendation

It is recommended that the planning proposal proceeds with conditions as it will allow Council to dispose of a small portion of land that is considered to be surplus to Council's needs.

### PROPOSAL

#### Objectives or intended outcomes

The objective of this planning proposal is to reclassify the site from community to operational land and discharge the trust applying to the site for a public purpose (carparking).

The objectives of this planning proposal are clear and adequate.

#### Explanation of provisions

The planning proposal seeks to amend the Camden Local Environmental Plan (LEP) 2010 by:

- reclassifying the site from community to operational land; and
- discharging the trust applying to the site for a public purpose (carparking).

The reclassification will occur by amending Schedule 4 *Classification and reclassification of public land* of the Camden LEP 2010 to include the site in Part 2 *Land classified, or reclassified, as operational land—interests changed*, as follows:

| Column 1 | Column 2                                      | Column 3                       |
|----------|---|--------------------------------|
| Locality | Description                                   | Any trusts etc. not discharged |
| Camden   | Lot 81, DP 883675,<br>72A John Street, Camden | Nil                            |

Table 1 – Proposed insertion in Part 2 of Schedule 4 of the Camden LEP 2010

Council advises that the planning proposal will not amend the current B2 Local Centre zone or any other development control applying to the site.

#### Department Comment

The Department notes that the Certificate of Title (**Attachment E**) for the site includes a sewer easement across the land and the proposed amendment outlined in Part 2 of the planning proposal (**Attachment A2**) advises that all trusts and easements will be discharged (i.e. including the sewer easement).

Council has provided additional advice to the Department stating that Council intends to retain the sewer easement across the site and the planning proposal will be updated to reflect this matter.

Therefore, prior to public exhibition it is recommended that Council amends the Explanation of Provisions in Part 2 of the planning proposal to identify the retention of the easement for sewerage across the site by amending Column 3 of the table.

#### **Mapping**

The planning proposal does not include any changes to the current maps in the Camden LEP 2010.

#### **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not a result of a strategic study or report. However, the planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome i.e. dispose of the site as it is surplus to Council's needs. A planning proposal is the only means available to achieve amendments to relevant provisions under the Camden LEP 2010.

As noted in Appendix 3 of the planning proposal (**Attachment A2**), the site was dedicated to Council for additional public carparking on 15 November 1999. This was part of condition number 9 of the development consent (DA180/97) for the use of land at 72 John Street, Camden (west of the site) as a medical practice (**Attachment F1 and F2**).

At the time, Council envisaged that the site and additional adjoining land would enable the expansion of the John Street/Hill Street Carpark (east of the site). However, the site was the only land dedicated to Council and the surrounding land has subsequently been developed thereby preventing its dedication for public parking.

Council advised that the current planning for future carparking in the Camden Town Centre will be focused on multi deck structures. In addition, at this point in time, there is no Council strategy or funding for the expansion of the John Street/Hill Street Carpark.

Therefore, Council considers that the site to be surplus to Council's needs and can be disposed.

#### Department Comment

Prior to public exhibition, the Department recommends that the background information in Appendix 3 of the planning proposal is included in Section A – Need



for the Planning Proposal, to provide context in relation to how the site was dedicated to Council and an explanation for the disposal of this land.

## **STRATEGIC ASSESSMENT**

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### **Regional / District**

#### Greater Sydney Region Plan

Given the minor nature of the planning proposal, it is considered that the planning proposal is not inconsistent with the overall intent of the Greater Sydney Region Plan. The planning proposal involves the reclassification of a small proportion of land in the Camden Town Centre which Council considers to be surplus to its needs.

#### Western City District Plan

The planning proposal is consistent with Planning Priority W3 of the Western City District Plan as the disposal of the site will enable Council to consider opportunities to provide additional public parking elsewhere in the Camden Town Centre.

### **Local**

Council advised that the planning proposal is consistent with the Camden Council's Strategic Plan, Camden 2040.

### **Section 9.1 Ministerial Directions**

**Inconsistent:** The planning proposal is inconsistent with the following Section 9.1 direction:

#### Direction 6.2 Reserving land for Public Purposes

This direction aims to facilitate the provision of public services and facilities by reserving land for public purposes or removing these reservations when the land is no longer required. This direction applies as the planning proposal aims to reclassify community land to operational land, and discharge a trust applying to the site for a public purpose (carparking).

The direction states that a planning proposal must not reduce the existing reservations of land for public purposes without the approval of the relevant public authority and the Secretary's delegate.

Council has advised that the site is surplus to Council's needs as it is no longer required to enable the expansion of the existing John Street/Hill Street Carpark. It is noted that the expansion of the existing carpark is not currently possible as the additional adjoining land was not acquired and subsequently developed, thereby preventing dedication for public parking purposes.

To satisfy the direction, it is recommended that the Secretary's delegate agree that any inconsistency with the direction is of minor significance.

### **State environmental planning policies**

Given the minor nature of the proposal, which seeks to reclassify a small portion of land from community to operational land, the planning proposal is considered to be consistent with all State Policies.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social and Economic**

The site is currently accessed via a private driveway and is not used by the community as a public carparking area. Therefore, the proposed amendment is unlikely to have any social or economic impacts.

### **Environmental**

The site is currently developed for parking and cleared of vegetation, therefore the planning proposal does not have any adverse impacts on the environment.

### **Infrastructure**

The site is currently serviced by necessary infrastructure and utilities. In addition, it will generate the need for additional infrastructure on the site.

## **CONSULTATION**

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### **Community**

Council proposes to undertake a community consultation period of 28 days. A community consultation period of 28 days is considered an appropriate amount of time to engage the community.

In addition, Council has advised that a public hearing will be held in accordance with the terms of the *Local Government Act 1979* for the reclassification of land.

### **Agencies**

Given the minor nature of the planning proposal, no consultation with state agencies is recommended during the public exhibition period.

## **TIME FRAME**

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Council proposes a timeframe of 6 months to finalise this planning proposal. Given the minor nature of the planning proposal, a 6-month timeframe is considered appropriate.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested to be issued with delegation of the plan making function in relation to this planning proposal. Given that the planning proposal affects Council owned land (i.e. the site), it is recommended that authorisation to exercise delegation not be issued to Council.

## **CONCLUSION**

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The Department recommends that the planning proposal proceeds with conditions, given that it will allow Council to dispose of land that is considered to be surplus to its needs and enable Council to provide additional parking in a more suitable location within the Camden Town Centre.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Direction 6.2 Reserving land for Public Purposes is of minor significance.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to:
  - (a) provide a clear description of the site in relation to the adjoining land at 72 John Street, Camden and the John Street/Hill Street Carpark;
  - (b) identify the intention to retain the sewer easement across the site in the explanation of provisions in Part 2 of the planning proposal and amend the schedule accordingly; and
  - (c) include the background information in Appendix 3 of the planning proposal in Section A – Need for the Planning Proposal, to provide context in relation to how the site was dedicated to Council and an explanation for the disposal of this land. Amend the list of appendices accordingly.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. No consultation is required with public authorities.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
5. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



3/10/18

**Terry Doran**  
Team Leader, Sydney Region West



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**Ann-Maree Carruthers**  
Director, Sydney Region West  
Planning Services

Contact Officer: Chantelle Chow  
Senior Planner, Sydney Region West  
Phone: 9860 1548