

Planning Services

IRF19/2146

Plan finalisation report

Local government area: Campbelltown

1. NAME OF DRAFT LEP

Campbelltown Local Environmental Plan 2015 (Amendment No 16). The draft instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal (**Attachment A1 & A2**) applies to land at 21 Deans Road, Airs (Lot 21 DP 1180338) (the site). The site has an area of 6,494sqm and is located at the corner of Deans Road and Tasma Place in Airs.

The site is classified as community land and is owned by Council. Currently the site is leased to the Tharawal Aboriginal Corporation for a medical centre, i.e. the Tharawal Aboriginal Medical Centre, under a lease that expires on 3 September 2036. It is also noted that the land directly to the south of the site also contains facilities operated by the Tharawal Aboriginal Corporation. In addition, an easement applies to the north-eastern corner of the site for a Padmount Substation.

An aerial photo of the site, highlighted in red outline, follows (Figure 1).



Figure 1 – Aerial photo of the site map

3. PURPOSE OF PLAN

The draft LEP seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 by reclassifying the site from community to operational land.

The reclassification will occur by amending Schedule 4 *Classification and reclassification of public land* of the Campbelltown LEP 2015 to include the site in Part 1 *Land classified, or reclassified, as operational land—no interests changed*, as shown in Table 1 (below).

Table 1 – Proposed insertion in Part 1 of Schedule 4 of the Campbelltown LEP 2015

Column 1	Column 2
Locality	Description
Airds	Lot 21, DP 1180338, 21 Deans Road, Airds

The draft LEP will not amend the current R2 Low Density Residential zone or any other development standards applying to the site, therefore no additional dwellings will be created.

In addition, reclassification will not change any interests applying to the land, i.e. the easement for the padmount substation on the Certificate of Title (**Attachment C1 & C2**) for the site. It is also noted that a public reserve status does not apply to the subject land.

The reclassification of the site will enable Council to transfer ownership of the site to the Tharawal Aboriginal Corporation at a nominal amount to facilitate the continued operation of the medical centre.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Campbelltown state electorate. Mr Gregory Warren MP is the State Member.

The site falls within the Macarthur federal electorate. Dr Mike Freeland MP is the Federal Member.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 9 October 2018 (**Attachment B**) determined that the proposal should proceed subject to conditions. There have been no Gateway alterations issued for this planning proposal.

The planning proposal is due to be finalised by 9 July 2019.

6. PUBLIC EXHIBITION & PUBLIC HEARING

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 31 October 2018 to 30 November 2018. Council did not receive any submissions from the community.

A public hearing was also held in relation to the planning proposal on 30 January 2019 and five (5) people attended the hearing. Verbal submissions were received at the hearing however no issues were raised that suggested that Council should not proceed with the proposed reclassification of the site (**Attachment F**). In addition, a written submission from

the Tharawal Aboriginal Corporation was received after the public hearing regarding the lengthy timeframe of the reclassification process.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was not required to consult any public authorities in accordance with the Gateway determination. However, Council did consult with the NSW Land and Housing Corporation and the NSW Department of Education & Training. Both organisations own land within proximity to the site. No submissions were received from these public authorities.

8. POST-EXHIBITION CHANGES

On 12 March 2019 at its Ordinary Meeting (**Attachment G1 & G2**), Council resolved to proceed with the planning proposal without any post-exhibition changes.

9. ASSESSMENT

Section 9.1 Directions

At the time of the Gateway determination (**Attachment B**), it was agreed that the planning proposal's inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes was justified in accordance with the terms of the Direction. Therefore, no further approval is required in relation to this Direction.

It is noted that the proposal is consistent with all other relevant section 9.1 Directions.

State environmental planning policies (SEPPs)

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

State, regional and district plans

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 land to permit the transfer of the land to the Tharawal Aboriginal Corporation to enable the continued operation of the medical centre on the site to serve the community (Objective 6 and 8).

Western City District Plan

The site is within the Western City District, therefore the Western City District Plan (the Plan) applies. The planning proposal is consistent with Planning Priority W4 of the Plan as it will foster a healthy and culturally rich community by supporting the continued operation of the Tharawal Aboriginal Medical Centre.

The Department is satisfied that the planning proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

10. MAPPING

There are no changes proposed to any map tiles.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment D**).

Council confirmed on 15 April 2019 that it was happy with the draft and that the plan should be made (**Attachment E**).

12. PARLIAMENTARY COUNSEL OPINION

On 14 April 2019 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the delegate of the Minister, as the local plan-making authority, determine to make the draft LEP under clause 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979* because:

- the proposed reclassification holds strategic merit, being generally consistent with the Greater Sydney Region Plan and the Western City District Plan;
- the inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction; and
- the reclassification of the site from community to operational land will facilitate the subsequent transfer of the site to the Tharawal Aboriginal Corporation to enable the continued operation of the medical centre on the site.

Noted:



1/5/19

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