

Planning Services

Gateway Determination Report

LGA	Campbelltown LGA
PPA	Campbelltown City Council
NAME	Reclassification of land at 21 Deans Road, Airs (0 homes, 0 jobs)
NUMBER	PP 2018 CAMPB 005 00
LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
ADDRESS	21 Deans Road, Airs
DESCRIPTION	Lot 21 DP 1180338
RECEIVED	12 September 2018
FILE NO.	IRF18/4663
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	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 & A2**) seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 by reclassifying land at 21 Deans Road, Airs (Lot 21 DP 1180338) (the site) from community to operational land. The proposal will not discharge any restrictions or easements across the site. Further, it is not proposed to remove any public reserve status that may apply to the land.

It is noted that the planning proposal will not amend the current R2 Low Density Residential zoning or any other development controls applying to the site. The planning proposal would not facilitate any additional housing or jobs on the site.

The site is Council owned land and has been leased to the Tharawal Aboriginal Corporation for a medical centre. Council intends to convert the long-term lease of the site to a freeholder title to enable the transfer of the land to the Tharawal Aboriginal Corporation.

Site description

The planning proposal applies to land at 21 Deans Road, Airs (the site), which is legally described as Lot 21 DP 1180338. 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

A map of the area is provided at Figure 1 (below).



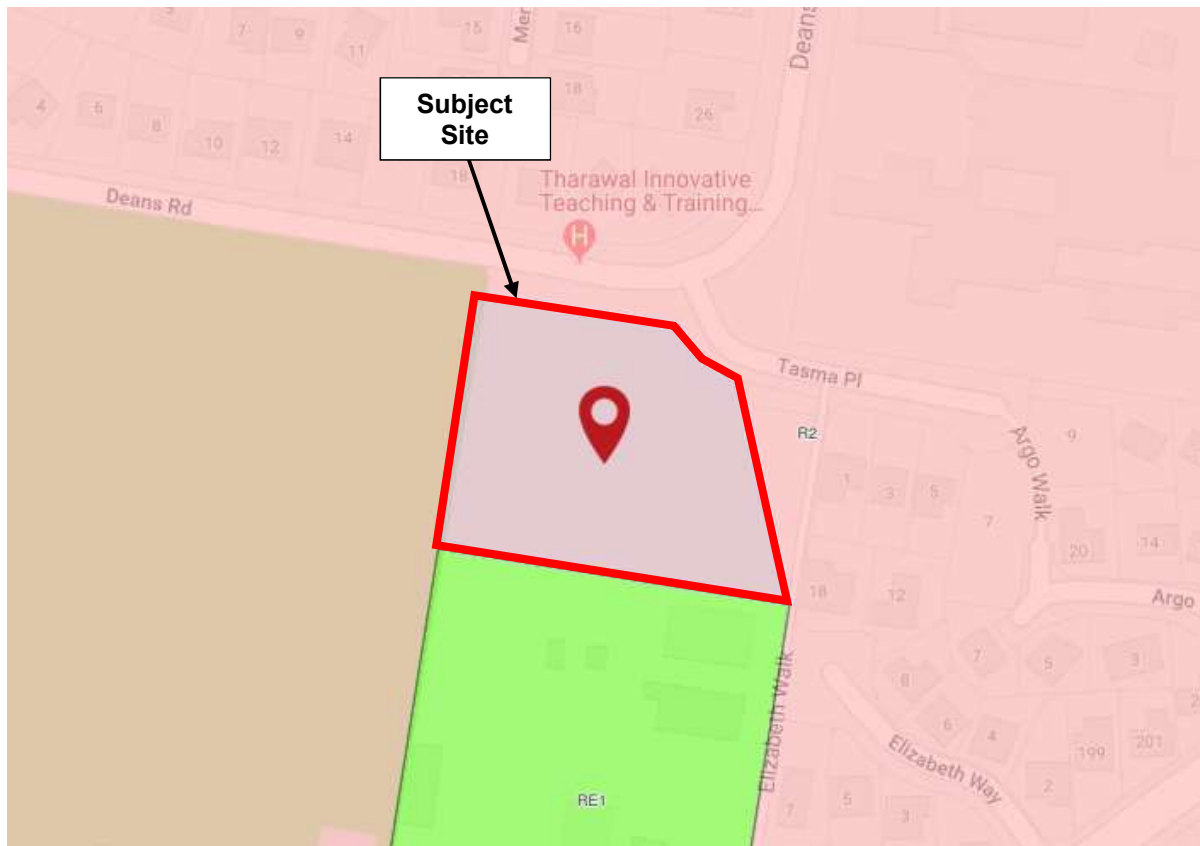


Figure 2 – Land zoning map extract

Summary of recommendation

It is recommended that the planning proposal proceeds with conditions as it will allow Council to transfer the ownership of the site to the Tharawal Aboriginal Corporation to enable the continued operation of the medical centre on the site.

PROPOSAL

Objectives or intended outcomes

The objective of this planning proposal is to reclassify the site from community to operational land to permit the subsequent transfer of the site to the Tharawal Aboriginal Corporation. Council proposes to convert the long-term lease of the site to Tharawal Aboriginal Corporation to a freehold title for a nominal amount.

The objectives of this planning proposal are clear and adequate.

Explanation of provisions

The planning proposal 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 (overleaf).

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

Council advises that the planning proposal will not amend the current R2 Low Density Residential zone or any other development control applying to the site.

It is also noted that Council does not intend to change any interests such as the easement for the padmount substation on the Certificate of Title (**Attachment E1 & E2**) for the site.

For clarity, a condition is recommended for Council to clarify the proposal's treatment of interests, the public reserve status of the land, and for Council to comply with LEP practice note PN 16-001 (5 October 2016). LEP practice note PN 16-001 provides guidance on classifying and reclassifying public land through an LEP. The practice note includes a checklist and it is recommended that this checklist is completed and added as an appendix to the planning proposal.

Mapping

The planning proposal does not include any changes to the current maps in the Campbelltown LEP 2015.

NEED FOR THE PLANNING PROPOSAL

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. transferring the land to the Tharawal Aboriginal Corporation. A planning proposal is the only means available to achieve amendments to relevant provisions under the Campbelltown LEP 2015.

At the Council Meeting dated 13 December 2011, Council resolved to approve a 21-year lease of the site to the Tharawal Aboriginal Corporation to facilitate the construction of a medical centre on the site (**Attachment F**). The medical centre was approved under the State Environmental Planning Policy (Infrastructure) 2007, as health services facilities are permissible with consent on land zoned R2. In addition, the centre was funded by the Commonwealth Government.

Council has since resolved to transfer the site to the Tharawal Aboriginal Corporation (**Attachment F**) at the Council Meeting dated 14 August 2018 to enable the continued operation of the medical centre on the site.

STRATEGIC ASSESSMENT

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 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 service the community (Objective 6 and 8).

Western City District Plan

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

Local

Campbelltown Community Strategic Plan – Campbelltown 2027

The planning proposal is consistent with this plan as it will retain an existing service within the Campbelltown LGA (strategy 3.4) to support the needs of the community (strategy 3.3).

Campbelltown Local Planning Strategy 2013

The planning proposal is consistent with this local strategy as it identifies the need for infill development as an opportunity for the redevelopment of the Airds Bradbury Public Housing Area, such as the medical centre.

Section 9.1 Ministerial Directions

The planning proposal is inconsistent with the following section 9.1 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.

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 resolved to transfer the ownership of the site to the Tharawal Aboriginal Corporation to enable the continued operation of a medical centre on the site. Although the site will not remain in Council's ownership, the site has been developed as a community facility and will continue to provide services to the community.

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 portion of land from community to operational land, the planning proposal is considered to be consistent with all State Policies.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The site is currently used as a medical centre and the planning proposal will not alter any of the existing development controls for the site. Therefore, the proposed amendment is unlikely to have any social or economic impacts.

Environmental

The site is currently developed as a medical facility with onsite parking and cleared of vegetation, therefore the planning proposal will not have any adverse impacts on the environment.

Infrastructure

The site is currently serviced by necessary infrastructure and utilities.

CONSULTATION

Community

In the cover letter (**Attachment A1**), 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

Council proposes a timeframe of 9 months to finalise this planning proposal and this timeframe is considered appropriate.

Department Comment

Prior to exhibition, it is recommended that Council amends the planning proposal to reflect a project timeline of 6 months.

LOCAL PLAN-MAKING AUTHORITY

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

CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it will allow Council to transfer the ownership of the site to the Tharawal Aboriginal Corporation to enable the continued operation of the medical centre on the site.

RECOMMENDATION

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) complete Attachment 1 to LEP practice note PN 16-001 (5 October 2016) and add as an appendix to the planning proposal;
 - (b) include a key identifying the zones in the diagram identified as Figure 2 (page 4);
 - (c) under Part 2 – Explanation of provisions:
 - i. specify the interests that apply to the site and that these interests will not be discharged,
 - ii. indicate that the proposal will not remove any public reserve status that may apply to the land; and
 - iii. make reference to the completed appendix as required by condition 1(a);
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. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.



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