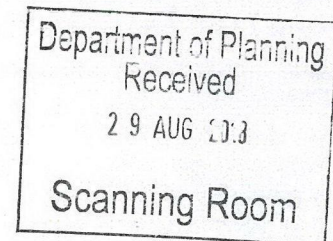


23 August 2018



Director Sydney Region West
Planning Services
Department Planning & Environment
GPO Box 39
SYDNEY NSW 2001



Attention: Ms Ann-Maree Carruthers

Dear Ms Carruthers

Re: Request for Gateway Determination – Reclassification of land at Lot 21 DP 1180338, 21 Deans Road, Airds

I am writing to advise that Council at its meeting of 14 August 2018 resolved to support a Planning Proposal Request for Reclassification of land at Lot 21 DP 1180338, 21 Deans Road. Accordingly a Gateway Determination is requested.

Attached is:

1. Planning Proposal;
2. Local Planning Panel report;
3. Panel's resolution;
4. Council report; and
5. Council's resolution.

Council also requested that the public exhibition period be a maximum period of 28 days and that the delegation be granted to allow Council to finalise the Planning Proposal.

Given the minor nature of this planning proposal, Council believes that very minimal consultation with public agencies would be needed.

If you require any further information please contact Graham Pascoe on (02) 4645 4666.

Yours sincerely



David Smith
Executive Manager Urban Centres

For free Interpreting Service, please bring this document to Council or ring the Telephone Interpreter Service 131 450 and ask that they contact your Council.

ARABIC

للحصول على خدمة ترجمة مجانية، يرجى إحضار هذه الوثيقة إلى البلدية أو الاتصال بخدمة الترجمة الهاتفية على الرقم 131 450 واطلب منهم الاتصال بالبلدية نيابة عنك.

SPANISH

Para contar con los servicios gratuitos de un intérprete, traiga este documento al Municipio o llame al Servicio Telefónico de Intérpretes al 131 450 y pida que contacten a su Municipio.

TAGALOG

Para sa walang bayad na Serbisyo ng Pagsasalín, dalhin ang dokumentong ito sa Konseho o tawagan ang Telephone Interpreting Service sa 131 450 at pakiusapan silang tawagan ang inyong Konseho.

SAMOAN

Mo Auaunaga o Faamatalaupū e le totoḡiina, faamolemole aumai lenei pepa tusia i le Ofisa o le Malo (Council) poo le vili i le Auaunaga o Faamatalaupū i Telefoni i le 131 450 ma fai i ai ia latou faafesootaia lau Ofisa o le Malo.

HINDI

निम्नलिखित दुभाषिया सेवा के लिए, कृपया यह फ़ॉर्म काउंसिल के पास ले जाएं या दूरभाष दुभाषिया सेवा को 131 450 पर फ़ोन करें और कहें कि वे आपकी काउंसिल से संपर्क करें।

CHINESE

要獲得免費的傳譯服務，請攜帶本文件到市議會或致電 131 450 電話傳譯服務處，並請他們代您聯絡市議會。

LAO

ເພື່ອຂໍບໍລິການບໍລິການໂຕ້ຕອລຜ່ານພາສາໄທ ຫຼື ບໍລິການ ນຳເອົາເອກະສານນີ້ມາຫາ ທ່ານ ພະນັກງານໂຕ້ຕອລ ຫຼື ພະນັກງານ ນຳເອົາເອກະສານ ຫາງໂທລະສັບ ຕາມທີ 131 450 ແລະ ຂໍໃຫ້ພະນັກງານໂຕ້ຕອລຜ່ານພາສາໄທຂອງທ່ານ.

ITALIAN

Per avvalervi di un servizio interpreti gratuito, portate il presente documento al Comune oppure telefonate al Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che vi metta in contatto con il Comune.

GREEK

Για δωρεάν Υπηρεσία Διερμηνέων, παρακαλείσθε να φέρετε αυτό το έγγραφο στη Δημαρχία ή να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων στο 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία σας.

VIETNAMESE

Để nhận được Dịch vụ Thông dịch miễn phí, hãy đem tài liệu này đến Hội đồng Thành phố hoặc gọi đến Dịch vụ Thông dịch qua Điện thoại (TIS) số 131 450 và nhờ họ liên lạc Hội đồng Thành phố của quý vị.

CROATIAN

Za besplatne usluge tumača, molimo donesite ovaj dokument u općinu ili nazovite Telefonsku službu tumača (Telephone Interpreter Service) na 131 450 i zamolite da za Vas nazovu općinu.

POLISH

W celu otrzymania bezpłatnej pomocy ze strony Służby Tłumaczy, prosimy przynieść ten dokument do Rady Miejskiej (Council) lub zadzwonić do Telefonicznej Służby Tłumaczy na numer 131 450 i poprosić o połączenie ze swoją Radą.

FRENCH

Pour un service d'interprétariat gratuit, veuillez apporter ce document à la mairie. Vous pouvez également téléphoner au service d'interprète au 131 450 et lui demander de contacter votre mairie.

BANGLA

বিনামূল্যে দোভাষী সেবা ব্যবহার জন্য, দয়া করে এই মনোবিবরণী বা কাগজপত্র পরিষদে (কাউন্সিল) নিয়ে আসুন অথবা 131 450 নাম্বারে টেলিফোন দোভাষী সেবা ব্যবহার ফোন করুন এবং তাদেরকে আপনার পরিষদের (কাউন্সিল) সাথে যোগাযোগ করতে বলুন।

TONGAN

Ki ha NgCue Fakatonulea ta'etotongi, kCtaki 'o 'omai e tohi ni ki he Kaunisolo pe telefoni ki he 'Ofisi Fakatonulea Telefoni i he 131 450 'o kole kenau fetu'utaki ki ho'o Kaunisolo.

KHMER

ដើម្បីទទួលបានសេវាបកប្រែឥតគិតថ្លៃ សូមយកឯកសារនេះទៅសាលាសង្កាត់ ឬទូរស័ព្ទទៅកិច្ចបំប្រែភាសាជាមួយសេវាកម្ម 131 450 រួចស្នើសុំឱ្យគេទាក់ទងជាមួយសាលាសង្កាត់របស់លោកអ្នក។



Planning Proposal

Proposed amendment of Campbelltown Local Environmental Plan 2015 Reclassification of 21 Deans Road, Airds

Background

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

The site is located within the Airds Bradbury Renewal Project. Council gave its final endorsement to the project in July 2012 and the Minister for Planning and Infrastructure subsequently issued approval to the Concept Plan in August 2012.

Definitions and abbreviations

CLEP 2015 means Campbelltown Local Environmental Plan 2015.

PP means Planning Proposal.

SEPP means State Environmental Planning Policy.

Community land has the same meaning as in the Local Government Act 1993. It is land council makes available for use by the general public, for example, parks, reserves or sports grounds.

Operational land has the same meaning as in the Local Government Act 1993. It is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

LEP means Local Environmental Plan.

The Site

The subject site is located at Lot 21 DP 1180338, 21 Deans Road, Airds and is shown on Figure 1.



Figure 1 Location Map

Existing Zoning

The subject site is in the Zone R2 Low Density Residential under CLEP 2015. Figure 2 shows the subject in relation to the surrounding land use zones.

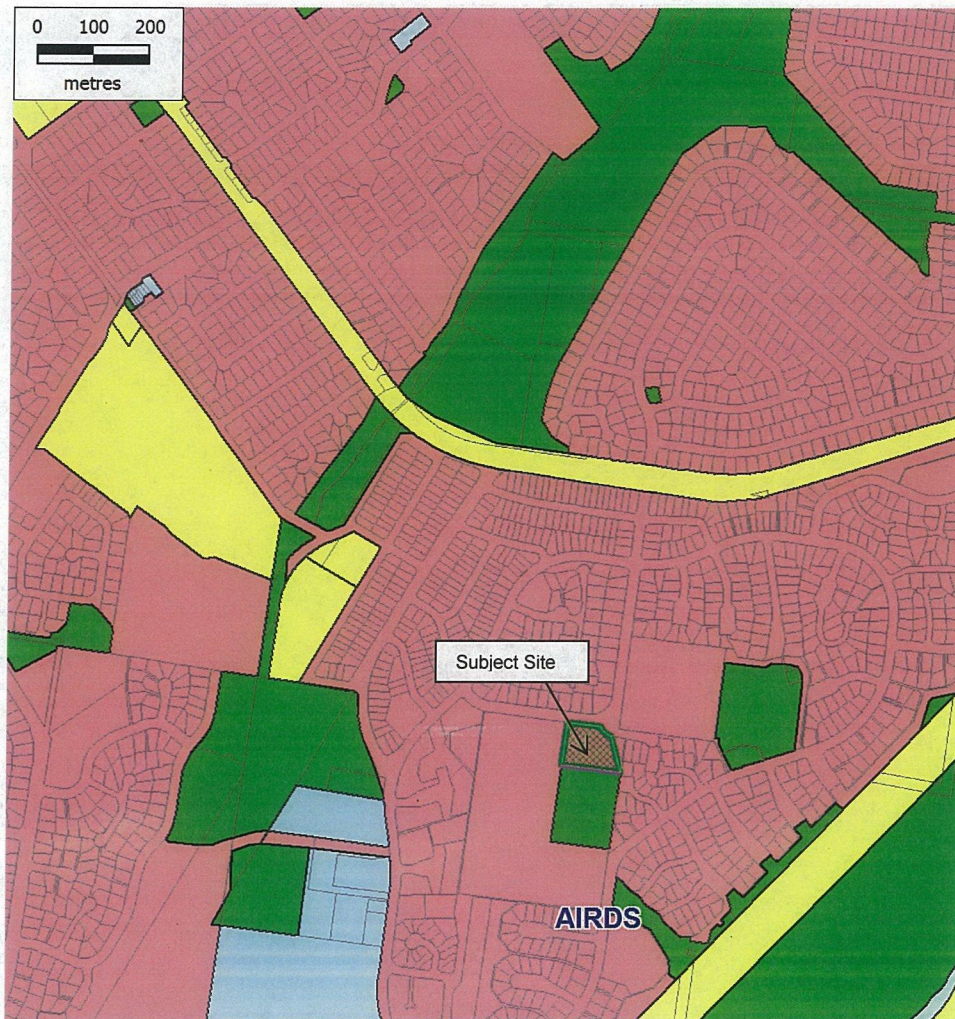


Figure 2 Surrounding Zoning

Part 1 – Objectives or Intended Outcomes

It is proposed to convert the land from long term lease to freehold title and to transfer it to the Tharawal Aboriginal Medical Centre. It is expected that the land would be transferred for a nominal amount. The land, being owned by Council is currently classified “Community” under the Local Government Act 1993. In order for the land to be sold it must be classified as “Operational”, which is done by a Local Environmental Plan (LEP) under the Environmental Planning and Assessment Act 1979.

It is not proposed to amend the zoning to permit the existing operation as it is a permissible use under SEPP (Infrastructure) 2007, being a health services facility.

The objective of the PP is thus to amend the CLEP 2015 to enable the subject site to be reclassified from Community land to Operational land and permit subsequent transfer to the Tharawal Aboriginal Medical Centre.

Part 2 - Explanation of provisions

It is proposed that CLEP 2015 be amended to reflect the reclassification by inclusion of the property description of the subject land in Part 1 in Schedule 4.

No changes are proposed to any maps.

Part 3 - Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The subject site is currently in Council ownership. It is not a “public reserve” that is currently available for use by the general public. The reclassification would not result in the loss of open space or the removal of any public reserve status.

It is proposed that the land would be transferred to the Tharawal Aboriginal Medical Centre for a nominal amount following gazettal of the amendment to the Campbelltown LEP 2015.

The subject site is in the R2 – Low Density Residential zone. It is currently occupied by the Tharawal Aboriginal Medical Centre. This would be within the scope of the definition of “health services facility”, which is permissible in the R2 zone pursuant to the SEPP (Infrastructure) 2007. The SEPP overrides the provisions of the Campbelltown LEP 2015.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to be the most appropriate means of achieving the planning objective and intended outcomes detailed in Part 1. It follows the LEP practice note for Classification and reclassification of public land through a local environmental plan issued by the NSW Department of Planning and Environment.

The subject site is already in the R2 – Low Density Residential zone, which amongst other uses permits community facilities.

Section B – Relation to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

Greater Sydney Region Plan 2018

The Greater Sydney Region Plan 2018 was released in March 2018. The PP is considered to be consistent with the Plan in that it is consistent with the following objectives in the plan as shown in Table 1.

Table 1

Objective	Comments on consistency
Objective 6 Services and infrastructure meet communities' changing needs Strategy 6.1 Deliver social infrastructure that reflects the needs of the community now and in the future. Strategy 6.2 Optimise the use of available public land for social infrastructure.	The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the objective and strategies.
Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods Engagement with Aboriginal communities should be founded on self-determination, economic participation and mutual respect. This includes facilitating the ability of Local Aboriginal Land Councils to more readily derive economic, community and cultural use of Aboriginal land acquired under the Aboriginal Land Rights Act 1983.	The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the objective and the strategy.

Western City District Plan

The draft Western City District Plan was released in March 2018. The PP is considered consistent with the Plan in that it is consistent with the following planning priorities in the plan as shown in Table 2.

Table 2

Planning Priority	Comments on consistency
Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities Supporting Aboriginal self-determination, economic participation and contemporary cultural expression through initiatives such as the development of culturally-appropriate social infrastructure, will strengthen the District's identity and cultural richness.	The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the Planning Priority and the strategy.

4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Campbelltown Community Strategic Plan – Campbelltown 2027

This overarching Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The PP may be considered to not be inconsistent with the relevant objectives headed accordingly.

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

Campbelltown Local Planning Strategy 2013

The strategy makes reference to the redevelopment of the Airds Bradbury Public Housing Area is one of a number infill opportunities. The PP is consistent with the Campbelltown Local Planning Strategy 2013.

Campbelltown Residential Development Strategy 2013

This does not apply as no additional residential development is proposed and existing residential development is lost.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable SEPPs. See Table 3 below.

Table 3

State Environmental Planning Policies	Comments on consistency
SEPP No 1 Development Standards	Not applicable as CLEP 2015 is a Standard Instrument LEP & incorporates Clause 4.6 - Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 14 - Coastal Wetlands	Not applicable in the Campbelltown LGA.
SEPP No. 19 - Bushland in Urban Areas	Not applicable as there is no bushland on site.
SEPP No. 21 - Caravan Parks	Not applicable to this PP.
SEPP No. 26 - Littoral Rainforests	Not applicable in the Campbelltown LGA.
SEPP No. 30 - Intensive Agriculture	Not applicable to this PP.
SEPP No. 33 - Hazardous and Offensive Development	Not applicable to this PP.
SEPP No. 36 - Manufactured Home Estates	Not applicable in the Campbelltown LGA.
SEPP No. 44 - Koala Habitat Protection	Not applicable to this PP.
SEPP No. 47 - Moore Park Showground	Not applicable in the Campbelltown LGA.
SEPP No. 50 - Canal Estates Development	Not applicable to this PP.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable in the Campbelltown LGA.
SEPP No. 55 - Remediation of Land	Not applicable to this PP as no development is proposed as a result of this PP.
SEPP No. 62 - Sustainable Aquaculture	Not applicable to this PP.
SEPP No. 64 - Advertising and Signage	Not applicable to this PP.
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable to this PP as residential flat buildings are not proposed on the site.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Not applicable in the Campbelltown LGA
SEPP No. 71 - Coastal Protection	Not applicable in the Campbelltown LGA.
SEPP (Affordable Rental Housing) 2009	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Consistent as the PP does not propose any provisions contrary to the SEPP.

State Environmental Planning Policies	Comments on consistency
SEPP (Infrastructure) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP. The current use is permissible pursuant to the SEPP.
SEPP (Integration and Repeals) 2016	Not applicable to this PP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable in the Campbelltown LGA.
SEPP (Kurnell Peninsula) 1989	Not applicable in the Campbelltown LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this PP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable in the Campbelltown LGA.
SEPP (Rural Lands) 2008	Not applicable to this PP.
SEPP (State and Regional Development) 2011	Not applicable to this PP.
SEPP (State Significant Precincts) 2005	Not applicable to this PP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable in the Campbelltown LGA.
SEPP (Sydney Region Growth Centres) 2006	Not applicable to this PP.
SEPP (Three Ports) 2013	Not applicable in the Campbelltown LGA.
SEPP (Urban Renewal) 2010	Not applicable to this PP.
SEPP (Vegetation in Non - Rural Areas) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable to this PP.
SEPP (Western Sydney Parklands) 2009	Not applicable to this PP.
REP No.2 – Georges River Catchment	Consistent, as the PP has minimal impact on the issues of REP No.2 – Georges River Catchment.
REP No.9 - Extractive Industry (No 2)	Not applicable to this PP.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	Not applicable to this PP.
Drinking Water Catchments REP No.1	Not applicable in the Campbelltown LGA.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (S9.1 directions)?

The PP is either considered consistent, justifiably inconsistent or the inconsistency is of minor significance with the applicable Ministerial Directions (S9.1 directions). See Table 5 for an assessment of the PP against the S9.1 Ministerial Directions.

Table 4

Ministerial Direction	Comments on consistency
1. Employment and Resources	
1.1 Business and industrial Zones	Not applicable to this PP.
1.2 Rural Zones	Not applicable to this PP.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this PP.
1.4 Oyster Production	Not applicable to this PP.
1.5 Rural Lands	Not applicable to this PP.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable to this PP. There is no vegetation on the site.
2.2 Coastal Protection	Not applicable to this PP.
2.3 Heritage Conservation	Not applicable to this PP.
2.4 Recreation Vehicle Area	Not applicable to this PP.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable in the Campbelltown LGA.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable to this PP as no residential development is proposed as a result of this PP.
3.2 Caravan Parks & Manufactured Home Estates	Not applicable to this PP.
3.3 Home Occupations	Not applicable to this PP.
3.4 Integrating Land Use & transport	Not applicable to this PP.
3.5 Development Near Licensed Aerodromes	Not applicable to this PP.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent as the land is not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	Not applicable to this PP.
4.3 Flood Prone Land	Not applicable to this PP as the land is not identified as being flood liable.
4.4 Planning for Bushfire Protection	Not applicable to this PP as the land is not identified as being bushfire prone.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable in the Campbelltown LGA

Ministerial Direction	Comments on consistency
5.2 Sydney Drinking Water catchments	Not applicable in the Campbelltown LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable in the Campbelltown LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable in the Campbelltown LGA.
5.5 -5.7	Revoked.
5.8 Second Sydney Airport	Not applicable in the Campbelltown LGA
5.9 North West Rail Link Corridor Strategy	Not applicable in the Campbelltown LGA.
5.10 Implementation of Regional Plans	Consistent with the Regional and District Plans.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent as the PP does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Not applicable to this PP as the land is not identified for acquisition.
6.3 Site Specific Provisions	Not applicable in the Campbelltown LGA
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	Consistent, see comments on consistency with Greater Sydney Region Plan 2018 and Western City District Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to this PP.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable in the Campbelltown LGA.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to this PP.

Section C – Environmental social or economic impact

7. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on the subject site.

8. **Are there any other likely environmental effects as a result of the rezoning submission and how are they proposed to be managed?**

No environmental effects are expected as no major development works are expected as a result of the PP.

9. **How has the rezoning submission adequately addressed any social and economic effects?**

The PP does not propose any rezoning of land. It will allow the transfer of an existing community facility to be transferred to the Tharawal Aboriginal Corporation with no adverse effects expected on the social or economic values of the Campbelltown community.

Section D – State and Commonwealth interests

10. **Is there adequate public infrastructure for the planning proposal?**

The PP will not result in the need for any additional public infrastructure such as public utilities or road works.

11. **What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

These views will be documented after the Gateway Determination is actioned.

Part 4: Mapping

No alterations are required to the maps that accompany the Campbelltown LEP 2015.

Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway determination.

All relevant agencies and local community will also be consulted during the mandated minimum public exhibition period.

A public hearing will also be held by Council following the exhibition period and be conducted by an independent facilitator. A report from the facilitator on the outcomes of the hearing will be submitted to Council and incorporated in a report to Council on the public exhibition of the PP.

Part 6 Project Timeline

Milestone	Timeline
Local Planning Panel endorsement	June 2018
Council endorsement	August 2018
Referral for Gateway Determination	August 2018
Gateway Determination	October 2018
Completion of additional supporting documentation	February 2019
Public Exhibition	March 2019
Public Hearing	April 2019
Consideration of submissions (Report to Council)	May 2019
Finalisation of LEP amendment	June 2019
Plan amendment made	July 2019

4.5 Planning Proposal - Reclassification of land from Community to Operational Land - 21 Deans Road, Airds

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Referral Criteria

All Planning Proposals are now required to be forwarded to the Local Planning Panel for advice prior to submission to Gateway.

Executive Summary

- Council owns land at 21 Deans Road, Airds, which is occupied by the Tharawal Aboriginal Medical Centre.
- It is proposed to transfer ownership to the Tharawal Aboriginal Medical Centre.
- A Planning Proposal has been prepared to allow the subject site to be reclassified from Community land to Operational land to facilitate the transfer of ownership.
- Advice on the draft Planning Proposal is sought from the Planning Panel in accordance with the ministerial direction that planning proposals prepared after 1 June 2018 shall be reported to the Local Planning Panel for advice.

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on this proposal to reclassify land at 21 Deans Road, Airds as operational:

Purpose

The purpose of the report is to inform and seek the advice of the Campbelltown Local Planning Panel of a draft planning proposal to be forwarded to the Campbelltown City Council for its consideration. The draft planning proposal seeks to reclassify land at 21 Deans Road, Airds from Community to Operational Land.

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

Property Description	Lot 21 DP 1180338, 21 Deans Road, Airds
Applicant	Council
Owner	Council

Provisions

Environmental Planning and Assessment Act 1979

Local Government Act 1993

State Environmental Planning Policy (Infrastructure) 2007

Airds Bradbury Renewal Project Planning Agreement

History

The subject site is owned by Council and occupied by the Tharawal Aboriginal Medical Centre.

Report

1. Vision

The vision is to transfer ownership of the land to Tharawal Aboriginal Medical Centre.

2. Planning Provisions

2.1 Local Government Act 1993

The Local Government Act 1993 establishes the concept of classifying Council land as being either Community land or Operational land.

Community land is generally Council land made available for use by the general public, for example, parks, reserves or sports grounds.

Operational land is generally Council land that facilitates the functions of Council, and may not be open to the general public, for example, a works depot or council garage. Operational land can be sold without the need for public comment.

The *Local Government Act 1993* establishes a procedure for changing the classification of land from Community land to Operational land involving public comment using the local environmental plan amendment process. Changing the classification of land can arise from a change in circumstances in relation to a particular land parcel such as in this case.

2.2 *Environmental Planning and Assessment Act 1979*

The Act establishes the procedures for undertaking amendments to local environmental plans.

2.3 Campbelltown Local Environmental Plan 2015:

The land is within the R2 Low Density Residential zone. No change is proposed to the zoning or any development standards under the Campbelltown LEP 2015.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The current land use is the Tharawal Aboriginal Medical Centre, which is a permissible use under the State Environmental Planning Policy (Infrastructure) 2007 (the SEPP overrides the Campbelltown LEP 2015).

2.5 Airds Bradbury Renewal Project Planning Agreement

The subject site is within the area of the Airds Bradbury Renewal Project Planning Agreement. The proposed reclassification would not be in contravention of this Planning Agreement.

3. Planning Assessment

The subject site, while in Council ownership is currently occupied by the Tharawal Aboriginal Medical Centre. It is not land that is available for use by the general public, such as parks, reserves or sports grounds as envisaged by the concept of Community land under the *Local Government Act 1993*.

It is considered unlikely that the transfer of the land to the Tharawal Aboriginal Medical Centre will have an adverse impact on the community of Airds for the following reasons:

- a) The extent of land available for use by the general public will remain unchanged; and
- b) The operation of the Tharawal Aboriginal Medical Centre would remain unchanged.

The draft Planning Proposal, if supported by Council, will require a Gateway Determination by the Greater Sydney Commission before it can be exhibited by Council for public comment.

4. Public Participation

The proposed reclassification would be required to be publicly exhibited as a Planning Proposal by Council for public comment and following the public exhibition it would be necessary to conduct a public hearing (usually chaired by an independent facilitator). The results of the public exhibition and public hearing would subsequently be reported to Council.

5. Conclusion

The proposed reclassification is considered reasonable in the circumstances. It will not affect the extent of land available for use by the general public and will allow the continued operation of the Tharawal Aboriginal Medical Centre would remain unchanged.

Accordingly, it is requested that Local Planning Panel provide advice on the adequacy of the PP prior to submission of a report to Council for its endorsement to seek a Gateway Determination from the Department of Planning and Environment.

Attachments

- 1. Planning Proposal Reclassification (contained within this report)

Reporting Officer

Executive Manager Urban Centres

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held Wednesday, 27 June 2018.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	3
2.	APOLOGIES	3
3.	DECLARATIONS OF INTEREST	3
4.	REPORTS	4
4.1	Demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers - 22 Grandview Drive, Campbelltown	4
4.2	Demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment - 139 Heritage Way, Glen Alpine	6
4.3	Planning Proposal for Old St James Anglican Church	8
4.4	Use of Mawson Park for night markets - Mawson Park, Queen, Cordeaux and Browne Streets, Campbelltown.	10
4.5	Planning Proposal - Reclassification of land from Community to Operational Land - 21 Deans Road, Airds	11
4.6	Multi Dwellings in R2 Zone Planning Proposal	12

Recording of Meetings

The Chair advised that private electronic recording of the Local Planning Panel meeting and the use of electronic media during the meeting proceedings is not permitted. This includes: devices such as laptops, mobile phones, tape recorders and video cameras.

Webcast Notice

The Chair advised that the Local Planning Panel meetings are recorded and webcast live in line with provisions under the *Environmental Planning and Assessment Act 1979* No. 203. This notice is made as required under Section 18 of the *Privacy and Personal Information Protection Act 1998* (PPIPA). The webcasts are publically available for viewing on Council's website.

Workplace Health and Safety

The Chair advised those present that in the unlikely event of a fire, Council staff would provide directions of how to evacuate from the premises and all present should follow those directions.

Political Donations

All members of the public addressing the panel must declare prior to commencing their address any political contributions or donations that have been made over the past four years exceeding \$1000 to any political party or candidate that contested the last Campbelltown City Council election in 2016.

Minutes of the Local Planning Panel Meeting held on 27 June 2018

Present Member Stuart McDonald
 Member Edward Saulig
 Member Scott Lee
 Member Helena Miller

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson.

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the public meeting. During deliberations Mr Edward Saulig declared a pecuniary interest in regard to agenda item 4.6 with a property in the R2 zone and removed himself from discussions on this item.

4. REPORTS

4.1 Demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers - 22 Grandview Drive, Campbelltown

Executive Summary

- The application proposes the demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers at 22 Grandview Drive, Campbelltown.
- The proposal generally complies with the State Environmental Planning Policy (Affordable Rental Housing) 2009, Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015.
- The application was notified to nearby and adjoining neighbours and 17 submissions were received plus a petition with 78 signatures.
- It is recommended to the panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.

Public Address

Mr Andrew McDonald was registered to speak at the meeting but was not present for the duration of the public meeting.

The Chair acknowledges that a written submission had been received from Mr McDonald and despite the inability to address the panel in person, his written submission would be taken into consideration.

Panel Considerations and Reasons for Decision

1. The proposed development is consistent with the relevant controls and objectives of State Environmental Planning Policy (Affordable Rental Housing) 2009.
2. The proposed development is designed to present as a stepped two storey development to Grandview Drive to give the appearance of a large two storey dwelling, which is consistent with the residential character of the local area.
3. The proposed development is consistent with the zoning and complies with the relevant provisions of the Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015.
4. The proposed development contributes to the provision of affordable rental housing within the Campbelltown Local Government Area.
5. The proposed development results in minimal adverse impacts on the surrounding residential properties with regard to solar access, privacy and amenity. Arrangements for waste disposal can be adequately conditioned.

Decision of the Panel

That development application 2342/2016/DA-BH for demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers at 22 Grandview Drive, Campbelltown, be approved, subject to the conditions of consent detailed in attachment 1 of this report with the following alterations:

- Condition 3(h) is amended to include "the outdoor common area"

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- Condition 3(r) is amended by adding “and a complaint management procedure including the provision of contact details to Council”. Also add “Complaints contact details to be displayed at the entrance to the building”
 - Condition 3(u) is amended by adding the words “Contact Details to be provided to Council's Manager City Standards and Compliance”
 - Condition 23(ii) is amended by deleting “by a building manager” and replacing with “the person nominated in the plan of management”.
 - Condition 24 is amended by deleting “i. No guests after 10pm”
 - Condition 24 is also amended by altering ii. to state:
“The common room, outdoor common area and rear open space shall not be used after 10pm daily or before 7am daily.”
 - Condition 24 is also modified by deleting iii, iv, v and vi.
 - Condition 25 is deleted.

Voting

The Local Planning Panel voted 4/0

4.2 Demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment - 139 Heritage Way, Glen Alpine

Executive Summary

- Development Consent is sought for the demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment at the Glen Alpine Community Hall, 139 Heritage Way, Glen Alpine.
- The site is located within a residential area that consists of low density detached dwellings. The site is a complex that contains a Community Hall, four (4) tennis courts and associated car parking.
- The application outlines that networking demands are increasing and existing infrastructure will not be sufficient to provide quality and consistent telecommunications service in Glen Alpine, Englorie Park, Ambarvale and Rosemeadow. Accordingly, in order to satisfy the additional demands, it is proposed to replace the existing telecommunications facility and light pole with an upgraded facility.
- In accordance with the requirements of Section 9.5.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2015, it is required that the application (being a high impact telecommunications facility) be referred to the Campbelltown Local Planning Panel for its determination.

Public Address

The Local Planning Panel was addressed by Mr Paul Davidson.

Panel members asked questions that were responded to directly at the meeting.

Panel Considerations and Reasons for Decision

1. The development is generally consistent with the zone objectives
2. The development would not have an unreasonable visual impact when viewed from the surrounding locality
3. The development is consistent with allowable EME levels for exposure as allowed by ARPANSA (Australian Radiation Protection and Nuclear Safety Agency)
4. There is a public benefit in the development which would improve and enhance telecommunication services in the locality

Decision of the Panel

That development application number 1322/2017/DA-C for the demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment at Glen Alpine Community Hall, 139 Heritage Way, Glen Alpine, be approved, subject to the draft conditions included in attachment 1 with the following alterations.

Insert an additional General Condition to state:

The telecommunications pole is to be designed and constructed in such a manner that

enables nearby other telecommunications carriers to co-locate existing or new infrastructure should the need arise.

Voting

The Local Planning Panel voted 4/0

4.3 Planning Proposal for Old St James Anglican Church

Executive Summary

- A development application (2837/2016/DA-DEM) was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition.
- An appeal was lodged with the Land and Environment Court challenging the refusal and the proposed demolition of the building. In Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the Heritage Act 1977 to issue an Interim Heritage Order (IHO).
- An IHO for the subject property was prepared and notified by Council, and became effective on 13 October 2017. Further investigations were required to confirm whether the item had heritage significance.
- Council subsequently considered a report at its meeting on 10 April 2018 which detailed additional investigations undertaken by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. The Heritage 21 study is provided at attachment 2 of this report.
- The independent heritage study supports the heritage listing of the old church for the following reasons:
 - The Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area.
 - It is one of the last remnant buildings from the original Minto Village.
 - The setting including pine trees and fence are all intact from c1930s.
 - The St James Anglican Church represents continuing presence of the Anglican community in the locale for over a century.

Advice of the Panel

The Panel supports the Planning Proposal to list St James Anglican Church, Minto as an item of the environmental heritage for the following reasons:

1. The church building, trees and fence:
 - comprise one of the last remnant buildings from the original Minto Village
 - exhibit historical significance at the local level as remnant evidence of the historical development of the local area
 - represents a continuing presence of the Anglican community in the locale for over a century
 - provide a historical and cultural link to the local area which would be consistent with the directions of the Greater Sydney Region Plan 2018; and
 - demonstrate landmark qualities.

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2. The church building is a local example of significant technical achievement with the church having been dismantled and reconstructed entirely by hand in 10 weeks in 1918 with minimal change to the original fabric.

Voting

The Local Planning Panel voted 4/0

4.4 Use of Mawson Park for night markets - Mawson Park, Queen, Cordeaux and Browne Streets, Campbelltown.

Executive Summary

- The application proposes the use of Mawson Park for twice monthly night markets, where a range of food and other stalls would be made available to visitors.
- The application seeks consent to enable ongoing use of the Park, following a successful 12-month trial of the twice monthly markets that commenced in mid 2017.
- The site is zoned RE1 – Public Recreation pursuant to Campbelltown Local Environmental Plan 2015 (LEP 2015).
- The use is defined as ‘markets’ pursuant to LEP 2015 and is permissible with consent in the RE1 zone.
- The application was notified and publicly exhibited and no submissions were received.
- The application is recommended for approval, subject to the conditions in Attachment 1 to this report.

Panel Considerations and Reasons for Decision

1. The proposal promotes and seeks to activate the commercial core of the Campbelltown CBD through night time use of a public space.
2. The proposal would provide an opportunity for the site to be utilised for public purposes in a manner consistent with its zoning and plan of management.
3. The proposal is consistent with Outcome 1 of Council’s Community Strategic Plan to create a vibrant and liveable city.
4. The proposal is consistent with the Community Strategic Plan’s desire to “create places where people feel good, are likely to stay, to return to and tell others about the experience.
5. The site is suitable for the activity and its approval is in the public’s interest.

Decision of the Panel

The Panel approve development application 1382/2018/DA-U which proposes use of Mawson Park for twice monthly night markets at Queen, Cordeaux and Browne Streets Campbelltown, subject to the conditions in attachment 1 with the following alterations:

Condition 2 is amended by deleting “Any changes to the maximum number of events requires separate development consent”.

Voting

The Local Planning Panel voted 4/0

4.5 Planning Proposal - Reclassification of land from Community to Operational Land - 21 Deans Road, Airds

Executive Summary

- Council owns land at 21 Deans Road, Airds, which is occupied by the Tharawal Aboriginal Medical Centre.
- It is proposed to transfer ownership to the Tharawal Aboriginal Medical Centre.
- A Planning Proposal has been prepared to allow the subject site to be reclassified from Community land to Operational land to facilitate the transfer of ownership.
- Advice on the draft Planning Proposal is sought from the Planning Panel in accordance with the ministerial direction that planning proposals prepared after 1 June 2018 shall be reported to the Local Planning Panel for advice.

Advice of the Panel

The Panel support this proposal to reclassify land at 21 Deans Road, Airds as operational for the following reasons:

1. The subject site, while in Council ownership, is currently occupied by the Tharawal Aboriginal Medical Centre and this use is the site's intended future use.
2. The current land classification of the land as community land is not consistent with its current and future use. In order to transfer the land to the Tharawal Aboriginal Medical Centre a reclassification is required.
3. There is a public benefit in the reclassification of the land to facilitate the transfer of the land on which the centre is located for the benefit of specialised health needs of the local Campbelltown Aboriginal community.

Voting

The Local Planning Panel voted 4/0.

4.6 Multi Dwellings in R2 Zone Planning Proposal

Executive Summary

The New South Wales Government has recently changed planning legislation to enable the construction of medium density residential developments as complying development under the new Medium Density Housing Code (the Code).

In the Campbelltown context, the Code would likely have unplanned impacts on infrastructure, as medium density housing permitted by the Code could be constructed in all residential zones of the Campbelltown Local Government Area (LGA).

The greatest impacts are likely to occur within established residential neighbourhoods zoned R2 Low Density Residential under Campbelltown Local Environmental Plan 2015 (CLEP 2015), where the cumulative impact on increased stormwater runoff and traffic congestion cannot be identified or mitigated through early strategic planning.

The NSW Minister for Planning has announced that the operation of the Code will now be deferred until July 2019 for Ryde, Canterbury-Bankstown, Northern Beaches and Lane Cove Councils.

On 5 June 2018, the Department of Planning and Environment (DPE) offered Council the opportunity to consider deferring the operation of the Code for the R2 zone under CLEP 2015. This offer was subject to the DPE receiving a written request by 27 June 2018 and the submission of a Council endorsed draft Planning Proposal to the Gateway Panel, by 27 July 2018.

Mr Saulig left the meeting for this item.

Advice of the Panel

1. The panel supports the Councils request for deferral of the Low Rise Medium Density Housing Code.
2. The panel encourages the Council, through the comprehensive review of the Campbelltown LEP 2015, to pursue a diversity of housing forms across the Local Government Area including consideration of the established R2 zoned land.
3. The Panel encourage the completion of the comprehensive review of CLEP 2015 and updated Housing Strategy within the next two years.

Voting

The Local Planning Panel voted 3/0

The next meeting of the Local Planning Panel is scheduled for 25 July 2018 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Stuart McDonald
Chairperson

The public section of the meeting Concluded: 4.00pm

8.1 Planning Proposal - Reclassification of land at 21 Deans Road, Airds from Community to Operational Land

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Officer's Recommendation

1. That Council support the draft Planning Proposal to reclassify land at Lot 21 DP 1180338, 21 Deans Road, Airds by way of an amendment to the Campbelltown Local Environmental Plan 2015.
2. That subject to recommendation No. 1, Council forward the draft Planning Proposal (refer to Attachment 3) to the Greater Sydney Commission for a gateway determination.
3. That subject to no major issues raised by the gateway determination, Council proceed to public exhibition of the draft Planning Proposal.
4. That Council request that the gateway determination require that the public exhibition of the draft Planning Proposal be for a maximum of period of 28 days.
5. That Council request delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal.

Purpose

The purpose of the report is to seek Council's endorsement to forward a draft Planning Proposal to the Greater Sydney Commission for a Gateway Determination to reclassify land at 21 Deans Road, Airds from Community to Operational Land.

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

Property Description Lot 21 DP 1180338, 21 Deans Road, Airds

Applicant Council

Owner Council

Provisions*Environmental Planning and Assessment Act 1979**Local Government Act 1993*

State Environmental Planning Policy (Infrastructure) 2007

Airds Bradbury Renewal Project Planning Agreement

History

The subject site is classified as Community Land, owned by Council and occupied by the Tharawal Aboriginal Medical Centre under a lease of 21 years agreed to by the Council.

At its normal meeting of 13 December 2011, the Council resolved in part to approve the lease of the subject land to the Tharawal Aboriginal Corporation to facilitate construction of a medical/clinical centre. On confirmation of Council's approval of the lease, funding for the development of the centre was obtained from the Commonwealth Government. The facility has been constructed and is in full operation.

At the same meeting, the Council resolved to allow the subject land to be subdivided from its parent lot, and for the subject lot to be rezoned from 6(a) Local Open Space zone to 2(b) Residential B zone and make provisions within that rezoning to include an additional permissible use on the land, being aboriginal community and health facilities. This has been completed and the land is currently zoned R2 Low Density Residential (being the same as the old 2(b) Residential B zone).

The Council further resolved at that meeting to reclassify the status of the subject land from Community to Operational Land and submit a draft Planning Proposal for the reclassification of the land to the Greater Sydney Commission for a Gateway Determination. The objective of the draft Planning Proposal being to facilitate the future transfer of the ownership of the subject land to the Tharawal Aboriginal Corporation.

This report seeks Council's support for the submission of a draft Planning Proposal for the reclassification of the subject land to the Greater Sydney Commission for a Gateway Determination.

Subject to the reclassification of the land, it is proposed to transfer ownership of the subject land to the Tharawal Aboriginal Corporation for its Medical Centre.

Report**1. Planning Provisions*****Local Government Act 1993***

The *Local Government Act 1993* establishes the concept of classifying Council land as being either Community land or Operational land.

Community land is generally Council land made available for use by the general public, for example parks, reserves or sports grounds.

Operational land is generally Council land that facilitates the functions of Council, and may not be open to the general public, for example a works depot or Council garage. Operational land can be sold without the need for public comment.

The *Local Government Act 1993* establishes a procedure for changing the classification of land from community land to operational land involving public comment using the Local Environmental Plan amendment process. Changing the classification of land can arise from a change in circumstances in relation to a particular land parcel such as in this case.

Environmental Planning and Assessment Act 1979

The Act establishes the procedures for undertaking amendments to local environmental plans.

Campbelltown Local Environmental Plan 2015

The land is within the R2 Low Density Residential zone. No change is proposed to the zoning or any development standards under the Campbelltown LEP 2015.

State Environmental Planning Policy (Infrastructure) 2007

The current land use is the Tharawal Aboriginal Medical Centre, which is a permissible use under the State Environmental Planning Policy (Infrastructure) 2007 (the SEPP overrides the Campbelltown LEP 2015).

Airds Bradbury Renewal Project Planning Agreement

The subject site is within the area of the Airds Bradbury Renewal Project Planning Agreement. The proposed reclassification would not be in contravention of this Planning Agreement.

2. Planning Assessment

The subject site, while in Council ownership is currently occupied by the Tharawal Aboriginal Medical Centre. It is not land that is available for use by the general public, such as parks, reserves or sports grounds as envisaged by the concept of "community land" under the *Local Government Act 1993*.

It is considered unlikely that the transfer of the land to the Tharawal Aboriginal Medical Centre would have an adverse impact on the community of Airds for the following reasons:

- the extent of land available for use by the general public will remain unchanged
- the operation of the Tharawal Aboriginal Medical Centre would remain unchanged.

The draft Planning Proposal (draft PP), if supported by Council, will require a gateway determination by the Greater Sydney Commission before it can be exhibited by Council for public comment.

3. Campbelltown Local Planning Panel comments

A report on the draft PP was considered by the Campbelltown Local Planning Panel (the Panel) on 27 June 2018. The Panel supported this proposal to reclassify land at 21 Deans Road, Airds as operational for the following reasons:

- the subject site, while in Council ownership, is currently occupied by the Tharawal Aboriginal Medical Centre and this use is the site's intended future use
- the current land classification of the land as community land is not consistent with its current and future use. In order to transfer the land to the Tharawal Aboriginal Medical Centre a reclassification is required
- there is a public benefit in the reclassification of the land to facilitate the transfer of the land on which the centre is located for the benefit of specialised health needs of the local Campbelltown Aboriginal community.

4. Public Participation

As a normal part of the process of reclassification of community land, the proposed reclassification would be required to be publicly exhibited as a draft PP by Council for public comment. Following the public exhibition, a public hearing is required to be conducted (usually chaired by an independent facilitator), with the results of the public exhibition and public hearing subsequently reported back to Council.

Conclusion

The proposed reclassification is considered reasonable in the circumstances. It will not affect the extent of land available for use by the general public and will allow the continued operation of the Tharawal Aboriginal Medical Centre would remain unchanged.

Accordingly, it is requested that Council endorse the draft PP to seek a gateway determination from the Greater Sydney Commission / Department of Planning and Environment.

Attachments

1. Draft Planning Proposal (contained within this report)

FOR ACTION

COUNCIL

14/08/2018

TO: Personal Assistant Director City Development (Karen Robinson)

Subject: Planning Proposal - Reclassification of land at 21 Deans Road, Airs from Community to Operational Land

Target Date: 28/08/2018

File Number:

Notes:

It was **Moved** Councillor Oates, **Seconded** Councillor Thompson:

1. That Council support the draft Planning Proposal to reclassify land at Lot 21 DP 1180338, 21 Deans Road, Airs by way of an amendment to the Campbelltown Local Environmental Plan 2015.
2. That subject to recommendation No. 1, Council forward the draft Planning Proposal (refer to Attachment 3) to the Greater Sydney Commission for a gateway determination.
3. That subject to no major issues raised by the gateway determination, Council proceed to public exhibition of the draft Planning Proposal.
4. That Council request that the gateway determination require that the public exhibition of the draft Planning Proposal be for a maximum of period of 28 days.
5. That Council request delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal.

164 The Motion on being Put was **CARRIED**.

A Division was recorded in regard to the Resolution for Item 8.1 with those voting for the Motion being Councillors G Bricevic, M Oates, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, B Thompson and R George.

Voting against the Resolution were Nil.

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