



CAMDEN COUNCIL
PLANNING PROPOSAL

**Reclassification of Land at 72A John Street,
Camden**

Version 2

November 2018

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Introduction

This Planning Proposal recommends an amendment to Camden Local Environmental Plan 2010 (LEP 2010) to change the classification of one parcel of Council owned land located at 72A John Street Camden. It recommends the parcel be reclassified from Community to Operational land. This document sets out the justification for and explains the intended effect of the recommended amendment.

The subject site is legally described as LOT 81 DP 883675 and is commonly known as 72A John Street, Camden. The lot was subdivided and dedicated for public parking purposes in 1999. It has subsequently been determined that this land is no longer required for this purpose, and that car parking is better located elsewhere in the Camden Town Centre.

The subject site is centrally located in the Camden Town Centre as shown in Figure 1. Immediately adjoining the site to the west is 72 John Street which is occupied by an existing single storey heritage dwelling. To the east of the site, is the existing Hill Street Carpark. To the north and south of the site, are lots occupied by existing single storey heritage dwelling houses that are characteristic of the locality.

The Local Government Act 1993 (the LG Act 1993) requires all public land (any land vested in, or under the control of Council, except for roads, Crown Land or a common) to be classified as one of two categories: *Community* or *Operational*. Community Land is generally open to the public and includes parks, reserves or sports grounds. Operational Land is generally land held as a temporary asset or used by Council to carry out its functions, for example work depots and garages. Community Land cannot be sold and cannot be leased or licensed for more than 21 years. No such restrictions apply to Operational Land.

The reclassification of land does not commit Council to the sale or development of the land, nor does it remove the land from Council's ownership or prevent the current use of the land from continuing. Such considerations will be subject to separate processes and decisions.

All planning proposals reclassifying public land must address matters outlined in NSW Planning and Environment's LEP Practice Note 16-001 *Classification and reclassification of public land through a local environmental plan*. **Appendix 3** provides responses to these matters.

Part 1 - Objectives and Intended Outcomes

The objective of this Planning Proposal is to reclassify Lot 81 DP 883675 at 72A John Street Camden from Community to Operational land. The reclassification will allow Council to consider opportunities for the disposal of the land and to provide additional car parking elsewhere in the Camden Town Centre.

The proposed reclassification will also remove all trusts for car parking that currently apply to the land.



Figure 1: Subject site and Hill Street/ John Street Carpark

Part 2 - Explanation of Provisions

This Planning Proposal recommends that LEP 2010 is amended by adding the land to *Schedule 4 Classification and reclassification of public land*. Specifically, the land is proposed to be inserted into *Part 2 Land classified, or reclassified, as operational land - interests changed*:

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Camden	Lot 81, DP 883675, 72A John Street Camden	Easement for Sewerage (DP1047525) as noted in Certificate of Title Folio Identifier 81/883675

An easement for sewerage purposes is registered on the Certificate of Title and will be retained.

Part 3 - Justification

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. The proposed amendments to the Camden LEP 2010 identified within this Planning Proposal have been identified by Council staff and are considered minor in nature.

Dedicated to Council for public parking purposes in 1999 , the site was envisaged for parking purposes. No longer required for this purpose, it is intended that proceeds from its disposal will contribute towards providing additional car parking within the Camden Town Centre.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only way to achieve the intended outcomes and objectives. The reclassification of the land from Community to Operational is considered to be the best means of achieving the objectives and intended outcomes. Community land cannot be sold and cannot be leased or licensed for more than 21 years. No such restrictions apply to Operational Land.

Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test is required.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. The Planning Proposal is consistent with the objectives and actions contained within the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan).

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes. The Planning Proposal is consistent with Camden Council's Strategic Plan, *Camden 2040*.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. This Planning Proposal is considered to be consistent with relevant State Environmental Planning Policies (SEPPs). **Appendix 1** examines the consistency of this Planning Proposal with the relevant SEPPs.

Is the planning proposal consistent with applicable Ministerial Directions?

Yes. The Planning Proposal has considered all Ministerial Directions and is consistent with all applicable Directions. **Appendix 2** examines the consistency of this Planning Proposal with the relevant local planning directions.

Section C – Environmental, Social and Economic Impact

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?

This Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats. There is no vegetation present.

In addition, this Planning Proposal does not recommend changing the application or intent of the provisions in LEP 2010 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation and the management of stormwater. These provisions will continue to apply to the land.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. This Planning Proposal seeks to reclassify the land. The reclassification will not have any environmental effects however it will enable the land to be developed. Any future impacts will be managed through the development application consent process.

Has the planning proposal adequately addressed any social and economic effects?

There are no likely social or economic effects as a result of this planning proposal.

State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

This Planning Proposal will not generate a need for additional public infrastructure as it does not seek the rezoning of land for additional uses. Any subsequent proposal to develop or use the land will need to address the suitability of current infrastructure, proposed funding and delivery solutions to overcome any identified shortfall and can be addressed at development application stage.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth agencies is required as per the Gateway Determination.

Part 4 - Mapping

This Planning Proposal does not recommend any changes to the maps in LEP 2010.

Part 5 - Community Consultation

The Planning Proposal will be publicly exhibited for six (6) weeks between November 2018 to January 2019. A notification will be placed in the local newspaper and the exhibition material available at:

- Camden Council Administration Building, Central Avenue, Oran Park (Hard Copy);
- Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Library, John Street, Camden (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

An independently chaired public hearing for the Planning Proposal is scheduled to be held at the Camden Civic Centre on Tuesday 29 January 2019. Notice of the public hearing will be given in local newspapers and on Council's website. Notification letters will also be sent to any person or organisation who makes a submission in response to the public exhibition.

Part 6 - Project Timeline

Anticipated commencement date (date of Gateway determination)	October 2018
Public Exhibition	27 November 2018 – 8 January 2019
Public Hearing	29 January 2019
Consideration of community feedback	February 2019
Resubmission to NSW Planning and Environment to finalise LEP	March 2019
Anticipated publication of amendment to LEP 2010/ reclassification	March 2019 – April 2019

Appendices

Appendix 1: Consistency against State Environmental Planning Policies

Appendix 2: S9.1 Directions

Appendix 3: LEP Practice note PN 16-001 Classification and reclassification of public land through a local environmental plan – Matters to be addressed

Appendix 4: Property Attributes and Certificate of Title

Appendix 5: Council Minutes

Appendix 1: Consistency against State Environmental Planning Policies

SEPP Title	Consistency	Comment
1. Development Standards	N/A	SEPP 1 does not apply. Exceptions to development standards are considered under clause 4.6 of Camden LEP 2010. The Planning Proposal does not recommend the amendment of existing provisions relating to development standards.
14. Coastal Wetlands	N/A	
15. Rural Land-sharing Communities	N/A	
19. Bushland in Urban Areas	N/A	
21. Caravan Parks	N/A	
26. Littoral Rainforests	N/A	
29. Western Sydney Recreation Area	N/A	
30. Intensive Agriculture	N/A	
32. Urban Consolidation (Redevelopment of Urban Land)	N/A	
33. Hazardous and Offensive Development	N/A	
36. Manufactured Home Estates	N/A	
39. Spit Island Bird Habitat	N/A	
41. Casino Entertainment Complex	N/A	
44. Koala Habitat Protection	N/A	
47. Moore Park Showground	N/A	
50. Canal Estate	N/A	

Development

52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
55. Remediation of Land	Yes	The Planning Proposal does not recommend the amendment of existing provisions relating to hazardous and offensive development.
59. Central Western Sydney Economic and Employment Area	N/A	
62. Sustainable Aquaculture	N/A	
64. Advertising and Signage	Yes	The Planning Proposal does not recommend the amendment of existing provisions relating to advertising and signage.
65. Design Quality of Residential Flat Development	Yes	The Planning Proposal does not recommend the amendment of existing provisions relating to residential flat development. Residential flat buildings are not a permissible land use on the subject site.
70. Affordable Housing (Revised Schemes)	Yes	The Planning Proposal does not recommend the amendment of existing provisions relating to affordable rental housing.
71. Coastal Protection	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal does not affect the application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The Planning Proposal does not affect the application of this SEPP.
SEPP (Major Development)	Yes	The Planning Proposal does not affect the application of this SEPP.
SEPP (Sydney Region Growth Centres) 2006	N/A	
SEPP (Infrastructure) 2007	Yes	The Planning Proposal does not affect the

		application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Yes	The Planning Proposal does not affect the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal does not affect the application of this SEPP.
SEPP (Rural Lands) 2008	N/A	
SEPP (Western Sydney Parklands) 2009	N/A	
SEPP (Affordable Rental Housing) 2009	Yes	The Planning Proposal does not affect the application of this SEPP.
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	N/A	
SREP20 Hawkesbury-Nepean River	Yes	The Planning Proposal does not affect the application of this REP. Future development is required to demonstrate consistency with the requirements of this REP.

Appendix 2 : S9.1 Directions

S9.1 Direction Title	Consistency	Comment
1.0 Employment and Resources		
1.1 Business and Industrial Zones	Yes	<p>This direction applies when a Planning Proposal affects land within a business or industrial zone. The direction states that a Planning Proposal must retain these areas and not reduce the floor space for employment uses.</p> <p>The Planning Proposal is for the reclassification of land, which does not propose the alteration to the location or total potential floor space area of any business or industrial zones. It is considered that this Planning Proposal is consistent with the objectives of this direction.</p>
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Consistency with this direction is subject to consultation with the Director General of the Department of Primary Industries.</p> <p>This Planning Proposal is for reclassification only and does not advocate inappropriate development.</p>
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2.0 Environment and Heritage		
2.1 Environment Protection Zones	Yes	<p>This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must include provisions that protect and conserve environmentally sensitive areas and not</p>

reduce the environmental protection standards that apply to the land.

The Planning Proposal does not recommend the amendment of existing provisions that facilitate the protection and conservation of environmentally sensitive areas.

2.2 Coastal Protection N/A

2.3 Heritage Conservation Yes

This direction applies when a Planning Proposal is prepared. A Planning Proposal must contain provisions that facilitate the conservation of heritage items and aboriginal places.

The Planning Proposal is consistent with this direction as the proposed reclassification does not do not recommend the deletion of any heritage items or places listed in LEP 2010 or the amendment of existing provisions that facilitate the conservation of heritage items and places.

2.4 Recreation Vehicle Areas N/A

3.0 Housing, Infrastructure and Urban Development

3.1 Residential Zones N/A

3.2 Caravan Parks and Manufactured Home Estates N/A

3.3 Home Occupations N/A

This direction applies when a Planning Proposal is prepared. The direction states that Planning Proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

Dwelling houses are not a permissible land use on the subject site, and this direction does not apply to the Planning Proposal.

3.4 Integrating Land Use and Transport this Ministerial Direction

This direction applies when a Planning Proposal affects urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones that give effect to Improving Transport Choice – Guidelines for planning and development and The Right Place for Business and Services.

The subject site has been determined by Council as no longer required for car parking purposes. It is intended that proceeds from the disposal of this land will be put towards providing additional car parking at a more appropriate location elsewhere in the Camden Town Centre. This Planning Proposal will improve the parking infrastructure within the Camden Town Centre.

3.5 Development Near Licensed Aerodromes

N/A

3.6 Shooting Ranges

N/A

4.0 Hazard and Risk

4.1 Acid Sulphate Soils

N/A

4.2 Mine Subsidence and Unstable Land

N/A

4.3 Flood Prone Land

N/A

4.4 Planning for Bushfire Protection

N/A

5.0 Regional Planning

5.1 Implementation of Regional Strategies

N/A

5.2 Sydney Drinking Water Catchments

N/A

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

N/A

5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked – N/A	
5.6 Sydney to Canberra Corridor	Revoked – N/A	
5.7 Central Coast	Revoked – N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	Yes	<p>This Direction applies when a Planning Proposal is prepared. The Direction states that a Planning Proposal must minimise provisions relating to the concurrence, consultation or referral of development applications to a Minister or public authority and not identify development as designated development unless the development is likely to have a significant impact on the environment.</p> <p>Due to the minor nature of the proposed amendments, the Planning Proposal is not likely to require the concurrence, consultation or referral of development applications to a Minister or public authority and is not considered to have significant impacts on the environment. The Planning Proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	Yes	<p>This direction applies when a Planning Proposal is prepared. The direction states that a Planning Proposal must not affect zonings or reservations of land for public purposes without the approval of the relevant</p>

public authority and the Secretary of the Department of Planning and Environment.

The objectives of this direction are:

(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

While the proposal affects an existing reservation of land for a public purpose, it has been determined that the subject land is no longer required for public carparking.

6.3 Site Specific Provisions N/A

7.0 Metropolitan Plan Making

7.1 Implementation of A Yes
Plan for Growing Sydney

The Planning Proposal will not prevent the implementation of the aims and objectives of the Greater Sydney Region Plan.

Appendix 3: LEP Practice note PN 16-001 Classification and reclassification of public land through a local environmental plan – Matters to be addressed

NSW Planning and Environment has published LEP Practice Note 16-001: Classification and reclassification of public land through a local environmental plan. This practice note provides guidance on matters to be addressed in Planning Proposals to classify or reclassify public land. The table below addresses these matters and identifies where matters are addressed in this Planning Proposal.

No.	Information	Where Addressed
1	The current and proposed classification of the land	<p>The site is currently classified as Community land.</p> <p>The proposed classification is Operational.</p>
2	Whether the land is a 'public reserve' (defined in the LG Act)	The public lots are not a 'public reserve'
3	The strategic and site merits of the reclassification and evidence to support this	<p>The site was dedicated for public parking purposes in 1999. At this time it was envisaged that the additional land would allow the expansion of the existing John/ Hill Street Carpark. The subject site was the only site acquired for this purpose, and the surrounding properties have subsequently been developed on, preventing their dedication for car parking.</p> <p>The planning for car parking in the Camden Town Centre has focused on multi deck structures, and there is currently no strategy or funding in place for the expansion of the John/ Hill Street Carpark. It is therefore considered that the subject site is surplus to Council's needs.</p> <p>The previous owners have requested that, if Council has no intention to use the land, the land be transferred back to them.</p>

4	Whether the planning proposal is the result of a strategic study or report	The Planning Proposal is not the result of a strategic study or report.
5	Whether the planning proposal is consistent with council's community plan or other local strategic plan	The Planning Proposal is consistent with Council's Community Strategic Plan, <i>Camden 2040</i> .
6	<p>A summary of Council's interests in the land including:</p> <ul style="list-style-type: none"> - How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - If Council does not own the land, the owners consent; - The nature of any trusts, dedications etc. 	<p>Lot 81 was formed in 1999 by subdivision of Lot 8 in DP243170 as a dedication of public car park under a condition of a development consent issued on 9 October 1997.</p> <p>The Land was dedicated to Council on 15 November 1999.</p>
7	<p>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why</p> <p>Note: 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land</p>	<p>The lot is subject to a trust for a public purpose (car parking) which is proposed to be discharged. Reasons for this are addressed in the Planning Proposal.</p> <p>Easement for sewerage purposes and Restriction on the use of land are registered on the Certificate of Title.</p>
8	The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)	The reclassification will result in a trust for public purposes (car parking) to be discharged.
9	Evidence of relevant interests, or lack thereof applying to the land (e.g. Electronic title searches, notice of Gov. Gazette, trust documents)	Copy of Certificate of Title is included at Appendix 4 of this Planning Proposal.
10	Current use(s) of the land, and whether uses are authorised or unauthorised	The site is currently used for medical consulting rooms. This use was approved under development consent DA180/97.
11	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	Not Applicable. No current or proposed lease agreements.

12	Current or proposed business dealings (e.g. Agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after reclassification or at a later time).	There is no existing agreement however Council may sell the land after re classification. The previous land owner has expressed an interest to Council to resume the land.
13	Any rezoning associated with the reclassification	No rezoning is proposed with this Planning Proposal.
14	How council may or will benefit financially, and how these funds will be used	Should Council decide to sell the property proceeds will form part of consolidated revenue for priorities as determined by the Council.
15	How council will ensure the funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant	This Planning Proposal does not commit funds to proposed open space or improvements.
16	A land reclassification (part lots) Map in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	Not applicable. The land to be classified applies to the whole lot.
17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	Detailed in Planning Proposal. The land was dedicated to Council under a condition of a development consent for a public purpose – ‘public car park’.

Appendix 4: Property Attributes and Certificate of Title

72A John Street, Camden	
Current Address	72A John Street Camden
Previously known as Address	72 John Street Camden
Legal Description	Lot: 81 DP: 883675
Area (m2)	154.7m2
Current Classification	Community
Proposed Classification	Operational
Nature of Council's Interest	Registered Owner
How and When Interest Acquired	Dedicated to Council from private owner 15 November 1999 as per conditions of consent for Medical Practice
Reason Acquired	Car parking purposes
Agreements/ Notes	The land is subject to a trust for a public purpose (car parking)

BOX 545D
(DP1047525)

NEWSOUTHWALES

CERTIFICATE OF TITLE

REALPROPERTI ACT, 1900

TORRENS TITLE

REFEREN ETU FUUO UFTHEREGISTER

IDENTIFIER **81/883675**

EDmON

4

DATE OF ISSUE

30/1/2003



I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

LAND

LOT 81 IN DEPOSITED PLAN 883675
AT CAMDEN
LOCAL GOVERNMENT AREA: CAMDEN
PARISH OF CAMDEN COUNTY OF CAMDEN
TITLE DIAGRAM: DP883675

A handwritten signature in black ink on a yellow background, appearing to read 'David White'.

REGISTRAR GENERAL



FIRST SCHEDULE

THE COUNCIL OF CAMDEN

(T 6103637)

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. DP1047525 EASEMENT FOR SEWERAGE PURPOSES OVER EXISTING LINE OF PIPES AFFECTING THE PART(S) SHOWN SO BURDENED IN DP1047525
3. DP1047525 RESTRICTION(S) ON THE USE OF LAND

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

Appendix 5: Council Minutes