

ORDINARY COUNCIL

ORD04

SUBJECT: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (DRAFT AMENDMENT NO.22) - RECLASSIFICATION OF LAND - PART OF WILLIAM HOWE RESERVE, SPRING FARM

FROM: Director Governance

BINDER: Amendment No.22 - Reclassification of land

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) which seeks to reclassify land at Spring Farm from community to operational for the purpose of road construction.

BACKGROUND

The land required for the Spring Farm Link Road (i.e. Liz Kernohan Drive) was reclassified to operational when the land was originally rezoned in May 2004. Since this time, a more detailed road design has been undertaken and it has been determined that there is insufficient space to facilitate the construction of a required roundabout. Therefore, a small amount of land at 275 Richardson Road, Spring Farm (Refer to Map 2) needs to be reclassified from community to operational land.

Reclassification of land

In accordance with Clause 25 and 26 of the Local Government Act 1993 (LG Act 1993), all land within Council ownership is required to be classified as either community or operational land; these classifications determine how Council operates the land.

Operational land has no restrictions other than those which apply to any piece of land (e.g. easements, restrictions to user, etc.). However, community land is generally reserved for public use and restrictions required by the LG Act 1993 apply to the land.

Community land has the following attributes:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over the land for more than 21 years; and
- must have a plan of management prepared for it.

The reclassification of land in accordance with the LG Act 1993 occurs by one of the following means:

1. Resolution of Council, prior to or within 3 months of when the land is acquired; or
2. A Local Environmental Plan prepared under the Environmental Planning and Assessment Act 1979; or
3. **Operation of the Local Government Act –**
 - a. applies to certain land controlled by Council at 1 July 1993, or

- b. where Council has since acquired land and there is no resolution to classify the land.

MAIN REPORT

Reclassification of land – William Howe Reserve / Liz Kernohan Drive, Spring Farm

The land required for Liz Kernohan Drive was reclassified to operational when the land was originally rezoned in May 2004. Following the preparation of the final road design, it has been found that additional land is required for the road connections for the proposed roundabout located at the eastern end.

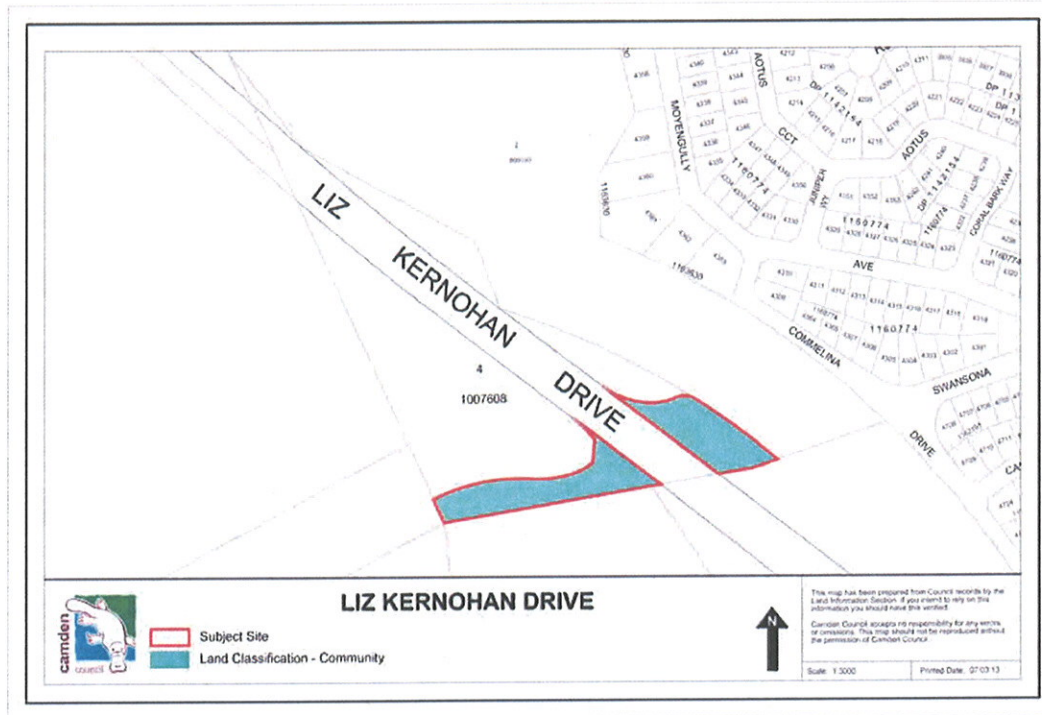
The draft Planning Proposal is provided as **Attachment 1 to this report**. The Planning Proposal seeks Council's endorsement to undertake the reclassification of Council owned land at 275 Richardson Road, Spring Farm (Part of Lot 4 DP 1007608) for road purposes (i.e. to accommodate the road connections for proposed roundabout). The location of the Liz Kernohan Drive extension is shown in Map 1 below.

Map 1 – Liz Kernohan Drive Extension



The portion of land to now be reclassified to operational is shown in Map 2, the subject land (highlighted in red) is currently classified as community land. Given that the land is needed for the construction of the Spring Farm link road (Liz Kernohan Drive) and Haul Road, it is proposed that the subject land be reclassified to operational land.

Map 2 – Subject Land



Public Exhibition

It is proposed that the Planning Proposal will be publicly exhibited for a period of 28 days following receipt of a favourable Gateway Determination from the DPI. During the public exhibition period, relevant public agencies will also be contacted and given the opportunity to comment on the Planning Proposal.

The Planning Proposal will be advertised in the local newspaper, with the public exhibition materials available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

Public Hearing

In accordance with Section 32 of the Local Government Act 1993, the reclassification of land requires a public hearing to take place and facilitated by an independent person. At the conclusion of the public hearing, a report will be prepared by the **facilitator of the public hearing for Council's consideration which details any submissions to the reclassification of land.**

The outcomes of the public agency consultation, the public exhibition and the public hearing will be reported back to Council at the conclusion of the exhibition period.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

The land required for Liz Kernohan Drive was reclassified to operational when Spring Farm was originally rezoned in May 2004. Since this time, a more detailed road design has been undertaken and it has been determined that there is insufficient space to facilitate the construction of a required roundabout at the eastern end. Therefore, a small amount of land at 275 Richardson Road, Spring Farm (Refer to Map 2) needs to be reclassified from community to operational land.

The draft Planning Proposal has been prepared for submission to the DPI. The Planning Proposal, should a favourable Gateway Determination be received from the DPI, will be publicly exhibited and consultation with public agencies will be undertaken. A public hearing will be held at the conclusion of the exhibition period.

RECOMMENDED

That Council:

- i. support the Planning Proposal;**
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. upon receipt of a favourable Gateway Determination:**
 - a. consult relevant public authorities in accordance with the terms of the determination;**
 - b. publicly exhibit (including notification and advertising) the Planning Proposal in accordance with the terms of the determination and the Environmental Planning and Assessment Regulation 2000; and**
 - c. appoint a facilitator to chair and conduct a public hearing for the reclassification of land in accordance with the gateway determination, Local Government Act 1993 and the Environmental Planning and Assessment Act 1979; and**
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period addressing:**
 - a. any submissions received from the public received from the public in relation to the Planning Proposal;**
 - b. any submissions received from other public authorities in relation to the Planning Proposal; and**
 - c. the report prepared by the facilitator of the public hearing held for the reclassification of lands which are the subject of the Planning Proposal.**

ATTACHMENTS

1. Draft Planning Proposal



CAMDEN COUNCIL PLANNING PROPOSAL

**Camden Local Environmental Plan 2010 (Amendment No.22) –
Reclassification of land – Part of William Howe Reserve, Spring Farm**

Version 1

March 2013

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Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to implement an amendment to Camden Local Environmental Plan 2010 (CLEP 2010) which seeks to Reclassify land at Spring Farm (Part of Lot 4 DP 1007608) to accommodate road construction (i.e. to accommodate the tail-outs for proposed roundabouts that is needed for the construction of the Spring Farm Link Road (Liz Kernohan Drive) and Haul Road).

Part 2 – Explanation of provisions

The proposed outcome will be achieved by:

- Reclassifying certain land at Spring Farm (Part of Lot 4 DP 1007608) for road purposes (Refer to Part 4 of this Planning Proposal for a location plan) by:
 - Amending the Land Classification (Part Lots) Map; and
 - inserting into Part 2 of Schedule 4 (Classification and reclassification of public land) the following:

Column 1	Column 2	Column 3
Locality	Description	Any Trusts etc not discharged
Spring Farm	Part of Lot 4 DP 1007608 275 Richardson Road Spring Farm	Nil.

Part 3 – Justification

Section A – Need for the planning proposal

1. 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 amendment to the Camden LEP 2010 identified within this Planning Proposal has been identified by Council staff and is considered minor in nature.

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

It is considered that the planning proposal provides the best and most efficient way of achieving the objectives and intended outcomes.

Section B – Relationship to Strategic Planning framework

- 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited strategies)?**

The planning proposal is consistent with both the draft South Western Regional Strategy and the Sydney Metropolitan Strategy.

- 4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

The planning proposal is consistent with Camden Council's Community Strategic Plan 'Camden 2040'.

- 5. Is the planning proposal consistent with the applicable state environmental planning policies?**

The planning proposal is consistent with all relevant SEPPs.

- 6. Is the planning proposal consistent with the applicable Ministerial Directions (s.117 directions)?**

The planning proposal is consistent with the applicable Ministerial Directions as explained in Attachment A.

Section C – Environmental, Social and economic impact

- 7. Is there any likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal?**

There are no likely adverse affects on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal.

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

There are no other likely environmental effects as a result of this planning proposal.

- 9. How has the planning proposal adequately addressed any social and economic affects?**

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

Section D – State and Commonwealth interests

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

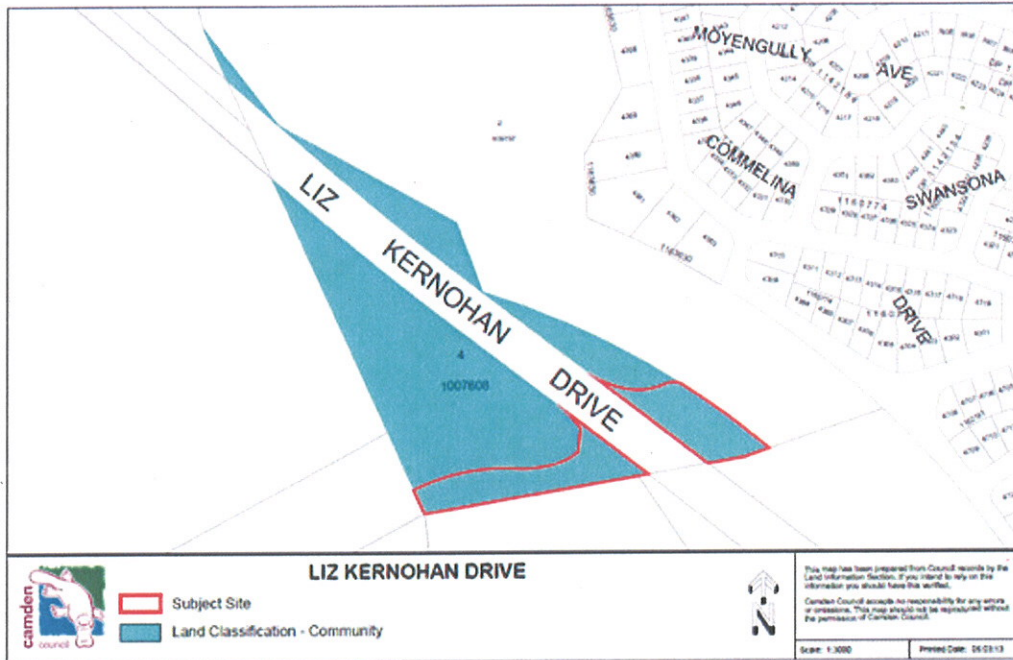
Not applicable

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

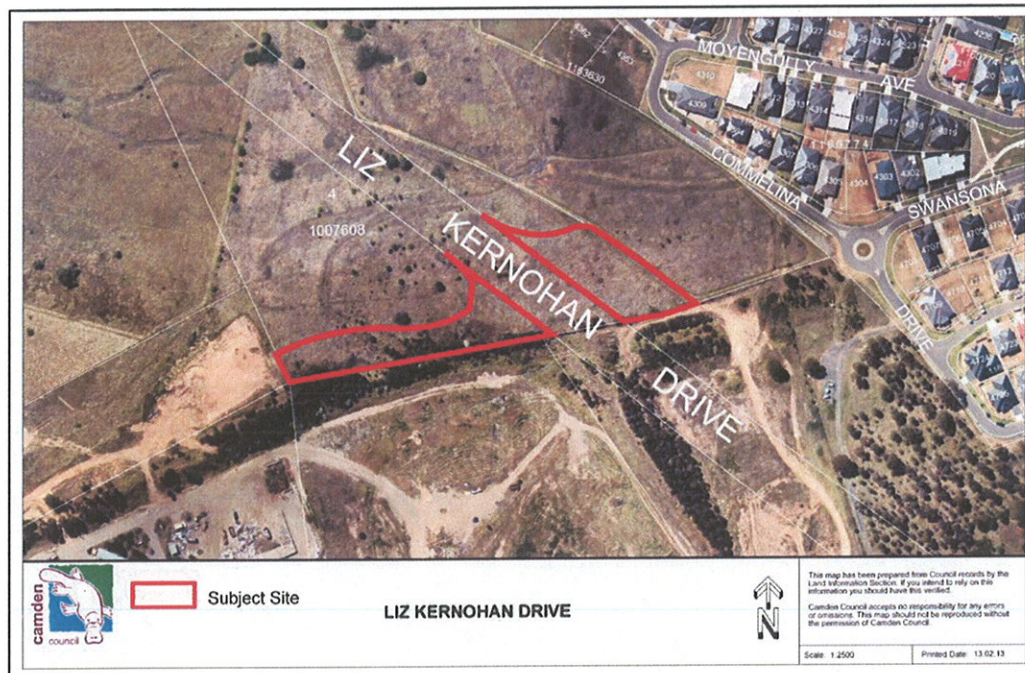
A gateway determination has yet to be issued. The Gateway Determination will stipulate the required consultation with public authorities.

Part 4 – Mapping

Map 1 – Current Classification of Subject Land



Map 2 – Air Photo



Part 5 – Community Consultation

The Gateway Determination will stipulate the required community consultation. The written notice and display materials will be in accordance with the document 'A guide to preparing local environmental plans'.

A report on the public authority and community consultation outcomes will be presented to Council for its consideration following the public exhibition period.

Part 6 – Project timeline

It is expected that this Planning Proposal will be finalised by August 2013.

Stage	Anticipated date/ target timeframe
Anticipated commencement date (date of Gateway Determination)	TBA
Anticipated timeframe for the completion of required technical information.	TBA
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination).	TBA
Commencement and completion dates for public exhibition period.	TBA
Dates for public hearing.	TBA
Timeframe for consideration of submissions.	TBA
Timeframe for the consideration of a proposal post exhibition.	TBA
Date of submission to the department to finalise the LEP.	TBA
Anticipated date RPA will make the plan (if delegated).	TBA
Anticipated date RPA will forward to the department for notification.	TBA

Attachment A– Ministerial Directions

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
Environment and Heritage			
2.1.Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	Not applicable; the Planning Proposal has no direct impact on any Environmental Protection Zone or environmentally sensitive area.
2.3.Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the	Not applicable; the Planning Proposal has no direct impact on a heritage item or heritage conservation area.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
2.4.Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983): (a) where the land is within an environmental protection zone, (b) where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority	Not applicable.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		has taken into consideration: (i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and (ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.	
Housing, Infrastructure and Urban Development			
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource	A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development	Yes

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
	lands.	on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
3.2 Caravan Parks and Manufactured Home Estates.	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision	Not applicable.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		proposals), and (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.	
Hazard and Risk			
4.2 Mine Subsidence and unstable land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must: (a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the	Yes; the Mine Subsidence Board will be consulted during the public exhibition period.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		potential level of subsidence, and (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. A planning proposal must not permit development on unstable land referred to in paragraph 3(b).	
Local Plan Making			
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a	Yes

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
6.2 Reserving Land for Public Purposes	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.	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a relevant planning authority to	Yes, the changes proposed are of a minor nature and reflect the current intent of the land.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out	Yes.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	
Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:	Yes.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		(a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	