

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

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Camden Local Planning Panel
Presentation
13 December 2018
Camden Town Farm
CLPP03 - DA/2017/308/1

CRAG has lodged two submissions on the Town Farm.

1. Draft Master and Management Plan 24 May 2016
2. **And on this DA 2017/308/1 Camden Town Farm 6 July 2017**

In both we have requested clarification of the legality of the reclassification of Ms Davies bequest from community land to operational land. We understand that all public land must be classified as either “community” or “operational” land. Operational land has no special restrictions and can be sold or used commercially. Classification as community land reflects its special features and the importance of public access and is often related to an obligation, as in this case, to a trust deed or will. Importantly community land cannot be sold or leased or licensed for more than 21 years.

After her passing Miss Davies' solicitors wrote to Council in March 2000 advising of her will's bequest to the people of Camden and its terms and conditions, which were accepted by Council in April 2000.

It is understood her wishes were that the farm be for the benefit of *people of Camden and* “be used as a working dairy farm or for some other agricultural pursuit to the intent that it should operate as a working model farm to enable the community to see such a farm in operation at close hand... In the event that the farm can no longer be used as a working farm it is my wish that it be used for grazing of livestock or if that is not possible as a passive recreation area.” The land was seemingly automatically classified as community land.

Council subsequently indicated that it had always intended to classify the land as Operational land and as required by law a public meeting was held on the 10 December 2012 about the reclassification. The

Business Paper dated 5 February 2013 contained a report on the public hearing. The consensus of views at the hearing, including from people who knew Ms Davies very well, the executor of Ms Davies' will and the s355 committee was that the land should remain as community land. Ms Davies' lawyer provided the opinion that the operational classification was inconsistent with the terms of her bequest. The finding of the meeting report was that the land

is better placed and potentially managed as an iconic community asset, if it retains its "Community" land classification accompanied by a relevant Plan of Management.

Finally, notwithstanding the above, it would appear that the reclassification as "operational" land would potentially be precluded by Section 31 (3) (b) of the Local Government Act, 1993 given the nature of the "instrument" of Bequest". Council should consider commissioning further legal advice in this regard for purposes of clarity.

However, it was as resolved at the Council meeting of 26 November 2013 to reclassify the farm to operational land. We take this opportunity to again raise the question as to why it was changed and whether it is legal for the land to be classified as operational land.

We consider this an important question.

We think this matter should be clarified before this 2017 DA is approved as it proposes the first expression of an intention to move outside the terms of Ms Davies' bequest. Uses such as private functions and commercial activities, festivals and sporting events, cannot be categorised as farming, livestock grazing, agricultural education or passive recreation.

We do understand the need for financial sustainability. We believe the current Council's assurances that they have no intention to sell the land, and whilst we have every faith in the current s355 management committee with whom we have met, the classification as operational land provides no guarantees into the future use of the farm. Good intentions have a tendency to become lost in time.

Otherwise in relation to the DA itself, we consider

- 24 months assessment period of effects on residences of noise, alcohol consumption etc may be insufficient as the high school site is on the market
- For large events significant notice of dates should be provided so that others organising weddings etc know in advance
- Hard stand car parking is environmentally unsound and alternatives needed
- Community access for passive recreation after 6pm through the week is important in the summer
- The people of Camden should have access to meeting minutes, financial reports etc