

## 8.2 Planning Proposal – Reclassification of Land – Campbelltown

### Reporting Officer

Executive Manager Urban Centres and Administration Assistant  
City Development

### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.2 - Create safe, well maintained, activated and accessible public spaces

### Officer's Recommendation

1. That Council endorse the planning proposal at attachment 1 which seeks to reclassify land from community to operational land and forward the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination.
2. That subject to satisfying the requirements of the Gateway Determination, the draft planning proposal be placed on public exhibition and the outcome of the exhibition and public hearing be reported to Council.

### Purpose

The purpose of the report is to inform the Council of a planning proposal (the proposal) which seeks to reclassify land at Apex Park and Bradbury Park, Bradbury from community land to operational land to provide flexibility in the future management options for the Campbelltown Billabong and any future co-located facilities. The report also seeks the Council's endorsement for the proposal to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination. The planning proposal is located at attachment 1 to this report.

### History

In March 2018 the Greater Sydney Commission released 'A Metropolis of Three Cities – The Greater Sydney Region Plan', together with five supporting district plans which establish a clear future vision for Greater Sydney to 2056. This proposal is consistent with that vision.

Campbelltown City Council is a signatory to the Western Sydney City Deal. As part of the Western Sydney City Deal, the 3 levels of government committed to provide \$150 million towards the Western Parkland City Liveability Program. The Program includes \$60 million each from the Australian and NSW governments and a minimum contribution of \$30 million from City Deal Councils (Blue Mountains City, Camden, Campbelltown City, Fairfield City, Hawkesbury City, Liverpool City, Penrith City and Wollondilly Shire). Some Councils contributed additional funding which will result in the Program far exceeding the initial \$150 million commitment. Taken together the total funding for the Program will exceed \$190 million.

In January 2019, the Federal Minister for Population, Cities and Urban Infrastructure, the Hon Alan Tudge MP and NSW Minister for Western Sydney, the Hon Stuart Ayres MP jointly announced projects valued at up to \$149.82 million under Round One of the Western Parkland City Liveability Program. These projects will provide vital community infrastructure and public spaces across the Western Parkland City, including parks, sporting facilities, rejuvenated town centres and art and cultural event spaces.

As part of the Western Sydney City Deal Campbelltown City Council will deliver the Campbelltown Billabong Parklands, a landmark and iconic swimming lagoon at Apex Park and Bradbury Park in Bradbury. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting. It will offset the urban heat island effect experienced in the Campbelltown CBD, integrate with adjacent areas to create a community and recreational hub and celebrate Campbelltown's Aboriginal community through sensitive interpretation within the project design.

In order to facilitate the project and create sufficient flexibility to ensure the site's commercial viability, a planning proposal is required to make the land operational.

## Report

### 1. Summary of the draft Planning Proposal

The draft planning proposal seeks to reclassify the following lots from community land to operational land.

- Part Lot 532 DP 230227, The Parkway, Bradbury
- Lot 1 DP 137067, The Parkway, Bradbury
- Lot 4 DP 259807, The Parkway, Bradbury
- Lot 66 DP 1127402, The Parkway, Bradbury
- Part Lot 67 DP 1127402, The Parkway Bradbury
- Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
- Lot 35 DP 702933, The Parkway, Bradbury
- Part Lot 1 DP 213026, The Parkway, Bradbury

The lots form part of Apex and Bradbury Parks and are located within the Campbelltown Billabong Precinct area which is under construction.

The subject site is owned by Campbelltown City Council and is classified as community land. The land currently incorporates 2 sporting facilities known as Bradbury Oval and the Gordon Fetterplace Aquatic Centre. The current zoning of the site being RE1 – Public Recreation under Campbelltown Local Environmental Plan 2015 (CLEP 2015) is considered an appropriate zone for the proposed use of the site. It is not proposed to change the current zone.

The proposed reclassification of the land from community land to operational land will facilitate the orderly future use of the Campbelltown Billabong.

The proposed reclassification of land is unlikely to have an impact on the use of the site. The future use of the site will be as a Billabong with surrounding park facilities and the Gordon Fetterplace Aquatic Centre remaining in operation.

The Campbelltown Billabong once open is intended to provide another use for the subject land. The Billabong will be an important facility for both locals and visitors from across the Macarthur Region.

The reclassification of the subject site will allow greater flexibility to occur in the future once the Campbelltown Billabong is established. Council may investigate options for other uses that seek to complement the Campbelltown Billabong and the reclassification of the land will provide greater flexibility for this to occur.

There are a number of interests (eg easements) across the site. Further information regarding these interests is contained in attachment 1.

## **2. Assessment of the draft Planning Proposal**

### **2.1 Justification**

The State Government's – A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the proposal subject of this report has been undertaken in accordance with the latest version of the guide.

The guide states that planning proposals should contain enough information to identify relevant environmental, social, economic and other site specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for Gateway Determination.

The purpose of this Gateway Determination stage is to ensure there is sufficient justification in the process to proceed with a planning proposal. It enables planning proposals that lack strategic merit to be stopped early in the process before time and significant human and financial resources are committed.

The Gateway Determination is expected to confirm the information, detailed studies and consultation required before the proposal can be finalised and placed on public exhibition. As the necessary information is gathered and the investigations/studies completed, the proposal may need to be updated/amended by including additional documentation as a result of the studies completed.

### **2.2 Section 9.1 Ministerial Directions**

Section 9.1 (formerly Section 117) of the EP&A Act allows the Minister for Planning and Public Spaces to provide direction to Council in relation to the amendment or preparation of draft local environmental plans. The section 9.1 Ministerial Directions are outlined in the planning proposal located in attachment 1.

Overall, the proposal is considered consistent with the relevant section 9.1 directions as the proposal does not seek to rezone any land or alter the land uses permissible on the land.

### **2.3 Consideration of State Environmental Planning Policies**

An assessment of the proposal against all State Environmental Planning Policies (SEPPs) has confirmed that the proposal is not inconsistent with those SEPPs. Further detail in relation to the relevant SEPPs is outlined in the planning proposal which is located at attachment 1.

### **2.4 Consideration of the Campbelltown Local Environmental Plan 2015**

The land is zoned RE1 – Public Recreation. No change is proposed to the zoning of the land under this planning proposal.

### **2.5 Consideration of the Local Government Act 1993**

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

Community land is generally Council land made available for use by the general public such as parks, reserves and sports grounds.

Operational land is generally Council land that facilitates the functions of Council. Typically, operational land would not be open to the general public such as works depot or council garage and could be sold without the need for public comment. There are no plans, however to either sell the land on which will be located this important community facility or to prevent the public from accessing the facility. The LG Act places restrictions on the management of community land which may make any future kiosk or related commercial enterprise difficult to establish and it is considered that to maximise the future flexibility of the site and the ability to take opportunities as they arise that the land is best classified as operational land.

The LG Act establishes a procedure for reclassifying land to either community or operational land. The procedure allows for public comment and utilises the Local Environmental Plan amendment process to initiate the reclassification. The reclassification of land can arise from a change in circumstances in relation to particular land parcels which is evident in this case.

## **3. Strategic Context – Relationship to State and Local Policies**

### **3.1 Greater Sydney Region Plan**

The Plan provides a framework for the predicted growth in Greater Sydney. The plan identifies key goals of delivering a metropolis of 3x 30 minutes cities through 4 key themes, infrastructure and collaboration, liveability, productivity and sustainability.

The planning proposal is consistent with the Greater Sydney Region Plan as it aims to improve the quality of open space and provide a state of the art facility for the community to use. Further information is provided in attachment 1.

### **3.2 Western City District Plan**

The Western City District Plan (WCDP) sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The planning proposal is considered to be consistent with Planning Priorities W3, W6 and W18 identified in the WCDP. The consistency of the proposal with the WCDP is outlined further in attachment 1.

### **3.3 Campbelltown Community Strategic Plan 2027**

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

The proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city
- A respected and protected natural environment
- A thriving attractive city and
- A successful city.

### **3.4 Reimagining Campbelltown City Centre Master Plan**

The Reimagining Campbelltown City Centre Masterplan is a key strategic vision that provides a structured plan for the future growth of the Campbelltown City Centre. The subject site is within the boundary of the City Centre Master Plan study area and is consistent with the masterplan.

The planning proposal is consistent with the four key growth principles outlined within the document:

- Centre of opportunity
- No grey to be seen
- City and bush
- The good life

The planning proposal assists in the development of the Billabong and will provide a green friendly public amenity within the Campbelltown City Centre and provide an environmental outlet within an urban setting that will be able to be utilised by the residents of Campbelltown and beyond.

### **3.5 Glenfield to Macarthur Corridor Strategy**

The Glenfield to Macarthur Urban Renewal Corridor Strategy (Corridor Strategy) was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design.

The site of the planning proposal is identified as open space within the Campbelltown Precinct Plan in the Corridor Strategy. The proposal does not alter the proposed use of the land for open space, as Billabong, and is therefore consistent with the Corridor Strategy.

### **3.6 Campbelltown Local Strategic Planning Statement (LSPS)**

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years.

The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the CLEP 2015 and Council's development Control Plans
- Implement the Region and District Plans as relevant to the Campbelltown LGA
- Identify where further detailed strategic planning may be needed.

The LSPS identifies the Billabong as a key component in Theme 1 of the document and the reclassification of land would assist Council in achieving a timely opening on the site and unlocking potential management options and future complementary co-located uses. Further information is detailed in attachment 1.

### **3.7 Campbelltown Local Planning Panel**

On 16 December 2020 the Campbelltown Local Planning Panel (the Panel) considered a confidential report on the planning proposal. The Panel provided comments on the proposal and recommended advancing the planning proposal to Council for their consideration and also to the Department of Planning, Industry and Environment for Gateway consideration. The following paragraphs are the record of the Panel's considerations and advice to Council:

The Panel notes the Report and proposed reclassification of land at Apex and Bradbury Parks from community to operational land. The Panel observed during the site visit the commencement of the construction of the Campbelltown Billabong.

The Panel is of the view that the reclassification of land would allow great flexibility in the options for future management of the Billabong. The Panel considers that this will be of benefit to the ongoing management and use of the site as a community meeting place. The reclassification of land would also allow Council to potentially investigate options for other uses that seek to complement the Campbelltown Billabong.

The Panel noted that the substantial works proposed on the site render it different to other public recreation land. It is a reasonable approach to classify a significant community infrastructure site as operational land. This approach should not be extended to general public open space which should remain as community land and therefore this should not be seen as a precedent to similar decisions for other open space.

To ensure the public have an appropriate level of scrutiny in regards to this decision, a public meeting with an independent chairperson should be held in regards to this planning proposal, post gateway determination.

The Panel considers the draft planning proposal has strategic and site specific merit and is appropriate. The Panel supports Council seeking a Gateway Determination.

#### **4. Public Participation**

In the case that the Council supports the proposal, or otherwise amends it, the proposal will be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

Should a Gateway Determination be obtained then the planning proposal would be publically exhibited at which time the public and anyone with an interest in the land would have the opportunity to comment.

Additionally, under the provisions of the LG Act a public hearing would need to be held in regards to the planning proposal after the completion of the exhibition period. This public hearing would be facilitated by an Independent chairperson. The results of the public exhibition and a report prepared by the independent chairperson following the public hearing would be subsequently reported to Council.

#### **Conclusion**

Council is constructing a Billabong at Apex Park and Bradbury Park, Bradbury. To increase the level of flexibility for the future management of the site, it is proposed to reclassify the land from community land to operational land.

There is no intention to sell the land or to prevent public access to the land.

The proposed reclassification is considered reasonable in the circumstances and will not impact on the continual use of the site as an accessible community space.

#### **Attachments**

1. Planning Proposal – Billabong (contained within this report)