

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)



Planning Proposal

**Reclassification of Land at Apex Park and Bradbury
Park from Community Land to Operational Land to
facilitate the Campbelltown Billabong Project**

February 2021

Introduction

This Planning Proposal seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and explains the intent of, and justification for, the reclassification of land located at Apex Park and Bradbury Park from Community to Operational Land. The purpose of the reclassification of land is to facilitate the ongoing use and management of the Billabong which is under construction, and any future co-located facilities, following funding under the Western Sydney City deal to construct the Billabong.

The Site

The subject site currently includes the following properties:

- Part Lot 532 DP 230227, The Parkway, Bradbury, (Incorporating Bradbury Park and The Gordon Fetterplace Aquatic Centre)
- Lot 1 DP 137067, The Parkway, Bradbury, (incorporating Bradbury Park)
- Lot 4 DP 259807, The Parkway, Bradbury, (incorporating Bradbury Park)
- Lot 66 DP 1127402, The Parkway, Bradbury, (incorporating Bradbury Park)
- Part Lot 67 DP 1127402, The Parkway Bradbury,
- Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
- Lot 35 DP 702933, The Parkway, Bradbury, (incorporating Bradbury Park)
- Part Lot 1 DP 213026, The Parkway, Bradbury, (incorporating Bradbury Park)

A map of the subject site is provided in Figure 1 below.



Figure 1: Subject site

The subject site incorporates 8 lots as identified above and are all owned and managed by Council. The site is currently zoned RE1 – Public Recreation and is identified as Community Land. The purpose of the planning proposal is to reclassify the land from community to operational land.

Background

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.

As part of the Western Sydney City Deal, the three 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 with committed 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, 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.

The project received funding of \$31,000,000 which included \$7,500,000 from the Australian Government, \$7,500,000 from the NSW Government and \$16,000,000 from Council.

In order to facilitate the project and ensure that the site successfully operates as a Billabong, a planning proposal is required to make the land operational.

Existing Situation

The site currently comprises 8 lots of land that form part of Bradbury Park and Apex Park. The site is located on the corner of Moore-Oxley Bypass and The Parkway in Bradbury. The site

incorporates Bradbury Oval and associated clubhouse, a skate park, basketball and netball courts and the Gordon Fetterplace aquatic centre.

The site is zoned RE1 – Public Recreation under the Campbelltown Local Environmental Plan 2015. A zoning map of the site is shown in Figure 2 below.

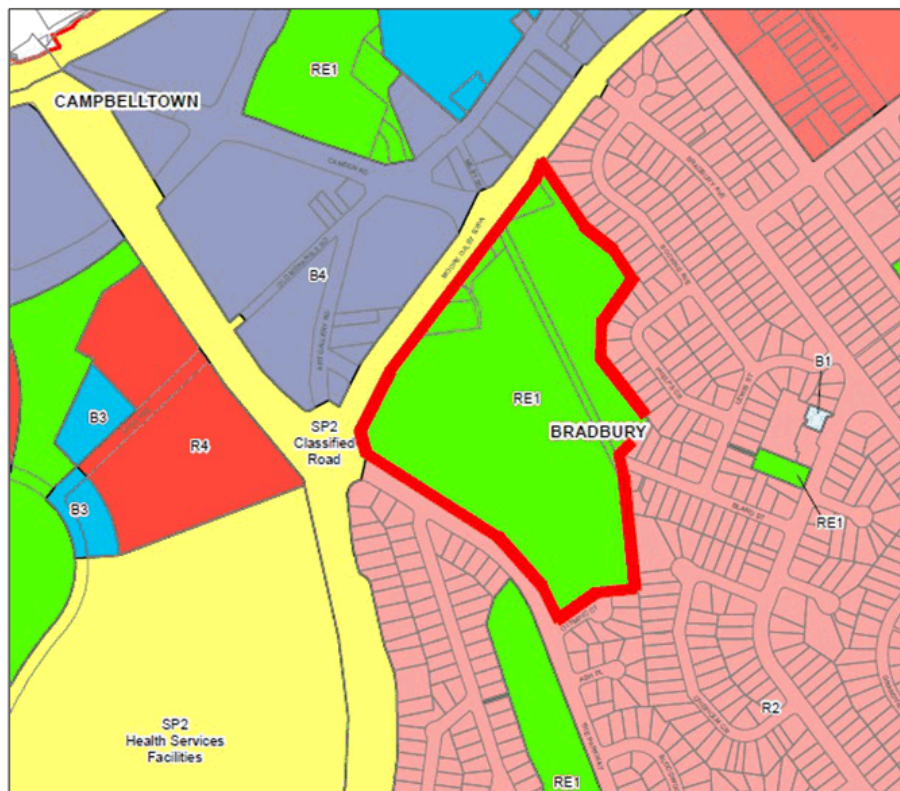


Figure 2: Zoning of subject site.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to reclassify the subject site from community to operational land. The proposed reclassification would assist Council in the process of turning the proposed Billabong into a functioning project once it is completed in 2022. The reclassification would also allow Council to unlock land that may be considered under utilised and promote other uses that would work in cohesion with the Billabong.

The land is currently owned by Campbelltown City Council and is classified as 'Community Land' under the Local Government Act 1993. In order for the land to be functioning and used for business purposes it will be required to reclassify the land to 'Operational Land' which is undertaken by a Local Environmental Plan amendment under the Environmental Planning and Assessment Act 1979.

The planning proposal does not seek to amend the zoning or any other planning controls under CLEP 2015. The proposed use as a Billabong would be considered a permissible use in accordance with the RE1 – Public Recreation zone under CLEP 2015 thus not requiring an amendment to the LEP.

Part 2 – Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending the CLEP 2015 through the inclusion of the subject site as 'Operational Land' under Part 1 of Schedule 4 of the CLEP 2015. The proposed wording is outlined below in Figure 3.

Insert into Part 2 of Schedule 4 of CLEP 2015 the following:

Column 1	Column 2
Locality	Description
Bradbury Park and Apex Park	Part Lot 532 DP 230227 Lot 1 DP 137067 Lot 4 DP 259807 Lot 66 DP 1127402 Part Lot 67 DP 1127402 Part Lot 68 DP 1127402 Lot 35 DP 702933 Part Lot 1 DP 213026

Figure 3: Proposed wording to be inserted into CLEP 2015

The following table provides greater detail on each of the lots including the interests in the land.

Lot and DP	Interest	Proposed Action
Lot 532 DP 230227	The lot currently incorporates the Gordon Fetterplace Aquatic Centre. Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act 1919, relating to public reserves.	No further action is required to the caveat. It is proposed to extinguish the caveat as part of the planning proposal. It is recommended that a condition of the gateway determination be included requiring the caveat be discharged prior to public exhibition of the planning proposal.
Lot 1 DP 137067	Land excludes minerals under section 536AA of the Local Government Act 1919. The land subject to the lot and dp is outlined as a public reserve.	No further action is required.
Lot 4 DP 259807	Land excludes minerals vide memorandum V595431.	It is recommended that a condition of the gateway determination be included requiring the restriction on

	E471945 – Restriction(s) on the use of the land. By the Roads and Traffic Authority. E977491 – Transfer from Roads Authority to Council.	the land be discharged prior to public exhibition of the planning proposal.
Lot 66 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 67 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 68 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 35 DP 702933	Departmental Dealing – V256669	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 1 DP 213026	BK 2630 No 60 Covenant – for land to be used as public park and recreation BK 3596 No 31 – Land excludes Road as shown in DP 259807 attached	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.

Figure 4: Interests on the subject site

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 and is a public reserve containing two ovals, an aquatic centre and a skate park. As part of the Billabong development Bradbury Oval and the Aquatic Centre will continue to operate during and after construction.

The planning proposal is a result of the joint funding agreement between the Federal Government, State Government and Campbelltown City Council. The Western Sydney City Deal signed in March 2018 is the catalyst for a collaborative approach across three tiers of government to create world-class jobs and a great quality of life through the vision of the Western Parkland City. The Billabong project forms part of the Livability Program and seeks to respect and build on the local character of the area.

Figure 4 below outlines the extent of the Billabong project.



Figure 5: Billabong Masterplan

The Billabong Parklands are identified with green on the map. The Billabong precinct is outlined by a red line.

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

The Planning Proposal is the best way to achieve the intended outcomes and objectives. 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, Industry and Environment.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes.

The Planning Proposal is consistent with the relevant objectives and actions outlined in the Greater Sydney Region Plan and the Western City District Plan.

A Plan for Growing Sydney

'A Plan for Growing Sydney' sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

This Planning Proposal is not inconsistent with the objectives outlined within the Plan.

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 three 30 minute cities through four 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. The planning proposal is considered to be consistent with Objective 7 'Communities are healthy, resilient and socially connected' of the Plan. The planning proposal will facilitate flexibility in the future management and operation of the precinct thereby enhancing opportunities for another major meeting place that will promote connected communities and an additional facility for residents to use.

Western City District Plan

The Western City District Plan 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 Plan. The proposed development of the Billabong will create a new and improved open space area that will be utilised by a large number of community residents when it is opened in June 2022. The design of the Billabong is aligned with local Indigenous and Aboriginal communities to promote the importance that the community has played in the past and in the future. The reclassification of the land will assist Council in establishing the Billabong as a key meeting point within the LGA.

Glenfield to Macarthur Urban Renewal Corridor Strategy

The Glenfield to Macarthur Urban Renewal Precinct 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 Planning Proposal is not inconsistent with the Strategy.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**Campbelltown Community Strategic Plan – Campbelltown 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.

The planning proposal is consistent with the outcomes listed.

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 Local Environmental Plan (Campbelltown Local Environmental Plan 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 responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition period for the future of our city. The public exhibition of the Draft LSPS provided an opportunity for our community and key stakeholders to provide feedback. Consultation with Government Departments and Agencies, and the Greater Sydney Commission was also undertaken to ensure alignment with other planning initiatives and priorities for Greater Sydney.

The LSPS identifies the Campbelltown Billabong as a key component in Theme 1 of the document which promotes Campbelltown as becoming a vibrant and liveable city. In accordance with priority 4 of the LSPS the construction of the Campbelltown Billabong is noted as being a short term action which would aid in developing a new space to be utilised for the residents of Campbelltown.

As part of the process, the reclassification of the subject site would assist Council in achieving a timely opening of the site and unlocking potential management options and future complementary co-located uses.

Re-imagining Campbelltown CBD

The Re-imagining Campbelltown City Centre Master Plan is a key strategic vision that provides a structured plan for the future growth of the Campbelltown CBD which includes the suburbs of Leumeah, Campbelltown and Macarthur. The subject site is within the boundary of the Re-imagining Campbelltown CBD study area and is consistent with the Master Plan.

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 Council amenity within the Campbelltown CBD and will provide an environmental outlet within an urban setting that will be able to be utilised by the residents of Campbelltown.

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

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the Planning Proposal.

State Environmental Planning Policies	Comment
SEPP No. 1 Development Standards	Not relevant to the proposal
SEPP 14 – Coastal Wetlands	Not applicable
SEPP 19 – Bushland in Urban Areas	Consistent. The planning proposal does not affect the bushland in the subject area.
SEPP 21 – Caravan Parks	Not relevant to the Proposal
SEPP 26 – Littoral Rainforests	Not relevant to the Proposal
SEPP 30 – Intensive Agriculture	Not relevant to the Proposal
SEPP 33 – Hazardous or Offensive Development	Not relevant to the Proposal
SEPP 36 – Manufactured Home Estates	Not relevant to the Proposal
SEPP 44 – Koala Habitat Protection	Consistent. The planning proposal to reclassify does not impact on koala habitat.
SEPP 47 – Moore Park Showground	Not relevant to the Proposal
SEPP 50 – Canal Estate Development	Not relevant to the Proposal
SEPP 52 – Farm Dams	Not relevant to the Proposal
SEPP 55 – Remediation of Lands	Consistent. The use of the land for public recreation purposes is not changing as part of this planning proposal.
SEPP 62 – Sustainable Aquaculture	Not relevant to the Proposal
SEPP 64 – Advertising and Signage	Not relevant to the Proposal. Any future signage would be subject to the provisions of SEPP 64.
SEPP 65 – Design Quality of Residential Apartment Development	Consistent. Residential apartment development is not proposed as part of this Planning Proposal.
SEPP 70 – Affordable Housing Schemes	Not relevant to the Proposal
SEPP 71 – Coastal Protection	Not relevant to the Proposal
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant to the Proposal
SEPP (Educational Establishments and Child Care (Facilities) 2017	Not relevant to the Proposal
SEPP (Affordable Rental Housing) 2009	Not relevant to the Proposal
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Proposal
SEPP (Infrastructure) 2007	Not relevant to the Proposal
SEPP (Housing for Seniors or People with a Disability)	Not relevant to the Proposal
SEPP (Integration and Repeals) 2016	Not relevant to the Proposal
SEPP (Kosciusko National Park) 2007	Not relevant to the Proposal

SEPP (Kurnell Peninsular) 1989	Not relevant to the Proposal
SEPP (Mining and Extractive Industries) 2007	Not relevant to the Proposal
SEPP (Miscellaneous Consent Provisions)	Not relevant to the Proposal
SEPP (Penrith Lakes Scheme) 1989	Not relevant to the Proposal
SEPP (Rural Lands) 2008	Not relevant to the Proposal
SEPP (State and Regional Development) 2011	Not relevant to the Proposal
SEPP (State Significant Precincts) 2005	This SEPP does not apply to the land
SEPP (Sydney Drinking Water Catchment) 2011	This SEPP does not apply to the land
SEPP (Sydney Region Growth Centres) 2006	The proposal is consistent with this SEPP
SEPP (Three Ports) 2013	This SEPP does not apply to the land
SEPP (Urban Renewal) 2010	This SEPP does not apply to the land
SEPP (Western Sydney Employment Area) 2009	This SEPP does not apply to the land
SEPP (Western Sydney Parklands) 2009	This SEPP does not apply to the land
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant to the Proposal

Figure 6 - Consistency with State Environmental Planning Policies

Consideration of Deemed SEPPs	Comment
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Consistent. The proposal would not impact on the water quality and river flows of the Georges River and its tributaries. The proposal is designed to mimic the Georges River and thereby will provide greater community affinity with the River and its qualities.

Figure 7 - Consistency with Deemed State Environmental Planning Policies

6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable
1.2 Rural Zones	Not relevant to the Proposal. The Proposal does not propose any amendments to rural zones.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	The Proposal is consistent with this Direction. The Proposal seeks to expand terrestrial Biodiversity mapping in certain areas within the LGA.

2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Homes	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	Not applicable
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	The planning proposal is consistent with this Direction. The proposed amendments do not propose to increase the planning provisions related to flood prone land.
4.4 Planning for Bushfire Protection	The proposed amendments will not impact on this Direction and the Proposal is generally consistent.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 - 5.7	Repealed
5.8 Second Sydney Airport	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes	The Proposal does not propose any additional land for public purposes. The planning proposal seeks to reclassify already existing public land from community to operational land to facilitate the start of the Billabong.
6.3 Site Specific Provisions	The planning proposal is not inconsistent with this Direction.

7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The Proposal is consistent with this Direction.
7.2 Implementation of Greater Macarthur Land Release Investigation	The proposal is not inconsistent with this Direction.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<p>The Proposal is not inconsistent with this Direction.</p> <p>The planning proposal seeks to facilitate the reclassification of the land from community to operational for the purposes of a Billabong.</p>

Figure 8 - Consistency with Section 9.1 Directions

Section C – Environmental, social and economic impact

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

No.

There is no critical habitat or threatened species, populations' or ecological communities or habitat located on the site.

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

No.

It is anticipated that there would be no environmental effects as a result of the planning proposal. The planning proposal seeks reclassification of land only.

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

No.

The Planning Proposal is not supported by a social or economic assessment. The planning proposal seeks to reclassify the land from community to operational land to facilitate the

development of the Campbelltown Billabong which will continue to be owned by Council and open to the community to use.

Section D – State and Commonwealth Interests

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

No.

The planning proposal will not result in a need for additional public infrastructure.

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

Consultation will occur with public authorities identified in the Gateway Determination. Three tiers of Government have already been involved in the process and have provided funding to undertake the construction of the Campbelltown Billabong.

The reclassification planning proposal aims to validate the development and allow for the operation and opening of the Billabong to commence in July 2022.

Part 4 – Mapping

The Planning Proposal does not seek to amend any mapping as part of the planning proposal.

Part 5 – Community consultation

In accordance with 'A guide to preparing local environmental plans' prepared by the Department of Planning and Environment (2016), the consultation strategy is:

An advertisement placed in any local paper in publication at the time of exhibition (potentially including the Macarthur Chronicle and Campbelltown – Macarthur Advertiser) identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

The Planning Proposal to be exhibited on Council's website (www.campbelltown.nsw.gov.au). Council's libraries also have access to the website.

The display of the planning proposal at the Council Administration Building, 91 Queen Street, Campbelltown.

Due to the recent events relating to COVID-19, an amendment to the EP&A Act, specifically the inclusion of Clauses 10.7 and 10.8, allowed Council's to satisfy the requirements for public exhibition by having documentation on Council's website.

- **Public Hearing**

A public hearing will be held and facilitated by an independent chairperson following the exhibition period. A report from the independent chairperson on the outcomes of the hearing will

be submitted to Council and incorporated in a report to Council on the public exhibition of the planning proposal.

Part 6 – Project Timeline

Weeks after Gateway Determination	Item
16 December 2020	Local Planning Panel advice
February 2021	Council endorsement
February 2021	Referral to DPIE for Gateway Determination
April 2021	Gateway Determination
June 2021	Public exhibition of planning proposal
July 2021	Public Hearing
September 2021	A report to Council on Submissions received and Independent Public Hearing report
September 2021	Send planning proposal to DPIE for finalisation
November 2021	Making of LEP Amendment

ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in A guide to preparing planning proposals and A guide to preparing local environmental plans.

Importantly, A guide to preparing local environmental plans contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in Practice Note No. 1 - Public Land Management (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in

- 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);
- evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- current use(s) of the land, and whether uses are authorised or unauthorised;
- current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- 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 rezoning/reclassification or at a later time);
- any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

A guide to preparing planning proposals and
A guide to preparing local environmental
plans).

- the current and proposed classification of the land;
- whether the land is a 'public reserve' (defined in the LG Act);
- the strategic and site specific merits of the reclassification and evidence to support this;
- whether the planning proposal is the result of a strategic study or report;
- whether the planning proposal is consistent with council's community plan or other local strategic plan;
- a summary of council's interests in the land, including:
 1. 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)
 2. if council does not own the land, the land owner's consent;
 3. the nature of any trusts, dedications etc;
- whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- how council may or will benefit financially, and how these funds will be used;
- how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- 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; and
- preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Responses to Attachment 1

- The current and proposed classification of the land

The subject site is currently community land. The planning proposal seeks to reclassify the land from Community land to Operational land.

- Whether the land is a public reserve (defined in the LG Act)

The land is considered a public reserve under the Local Government Act 1993.

- The strategic and site specific merits of the reclassification and evidence to support this.

The strategic and site specific merits of the reclassification and evidence are outlined within the planning proposal.

- Whether the planning proposal is consistent with council's community plan or other local strategic plan.

The proposed reclassification is considered consistent with Council's community plan and other local strategic plans. Further detail is outlined in the planning proposal.

- A summary of council's interests in the land, including:
 1. 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)
 2. if council does not own the land, the land owner's consent;
 3. the nature of any trusts, dedications etc;

Council is the relevant land owner with regards to the subject site. Further information relating to the land is outlined in the planning proposal.

- Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.

As part of the planning proposal, interests in the land are proposed to be discharged. The subject site is currently owned by Council in its entirety and there are no interests on the land that would impact on the proposed reclassification. The reclassification of land does not impact on the current interests on the land.

- 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 does not seek or achieve to diminish the public open space. The use of the site will continue to operate as a publicly accessible area through the development and future functioning as a Billabong.

- Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);

Title searches for all lots are attached to this planning proposal.

- Current use(s) of the land, and whether uses are authorised or unauthorised

The site currently serves as a public reserve. Further information relating to the current status of the land is provided in the planning proposal.

- Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;

There are currently no lease agreements applying to the land.

- 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 rezoning/reclassification or at a later time);

Council does not currently have any business dealings proposed as part of the reclassification of the site. Council will investigate potential uses in the future that will accompany the Billabong. Potential uses on the site will relate to business establishment and would thus require a future rezoning for a portion of the site. A rezoning of any portion of the land is not proposed as part of this planning proposal and would be subject to a future planning proposal when appropriate.

- Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

Not applicable to this planning proposal.

- How council may or will benefit financially, and how these funds will be used.

Through the reclassification of the land, Council will be able to start operating the Billabong precinct on time. The reclassification of the land will unlock further uses of the land and allow Council to investigate potential other uses that would complement and assist the functioning of the Campbelltown Billabong.

- How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

Council has already formed an agreement along with the State and Federal Governments to develop and construct the Campbelltown Billabong. The Campbelltown Billabong will maintain its use as a useable space for the residents of Campbelltown.

- 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.

A Land Reclassification Map is not proposed as part of this proposal.

- Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Not applicable.

7.3 National Broadband Network (NBN) - Business Fibre Zones in the Campbelltown LGA

It was **Moved** Councillor Gilholme, **Seconded** Councillor Morrison:

That the letter be received and the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Development Application Status

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

That the information be noted.

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

8.2 Planning Proposal - Reclassification of Land - Campbelltown

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

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.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison, G Greiss and T Rowell.

Voting against the Resolution were Nil.

007 The Motion on being Put was **CARRIED** unanimously.
