



IRF21/4666

Plan finalisation report – PP 2021-2980

Campbelltown Local Environmental Plan 2015 –
Billabong Reclassification, land at Apex Park and
Bradbury Park

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Campbelltown Local Environmental Plan 2015 (Amendment No. 29).

1.1.2 Site description

Table 1 Site description

Site Description	<p>The planning proposal (Attachment A) applies to land at Apex Park and Bradbury Park, Bradbury. It consists of eight lots:</p> <ul style="list-style-type: none"> • Lot 532 DP 230227, The Parkway, Bradbury (<i>Incorporating Bradbury Park and The Gordon Fetterplace Aquatic Centre</i>) • Lot 1 DP 137067, The Parkway, Bradbury (<i>incorporating Bradbury Park</i>) • Lot 4 DP 259807, The Parkway, Bradbury (<i>incorporating Bradbury Park</i>) • Lot 66 DP 1127402, The Parkway, Bradbury (<i>incorporating Bradbury Park</i>) • Part Lot 67 DP 1127402, The Parkway, Bradbury • Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown • Lot 35 DP 702933, The Parkway, Bradbury (<i>incorporating Bradbury Park</i>) • Lot 1 DP 213026, The Parkway, Bradbury (<i>incorporating Bradbury Park</i>) <p>All eight lots are owned and managed by Council.</p>
Type	Site
Council	Campbelltown City Council
LGA	Campbelltown



Figure 1 Subject site (red outline)

1.1.3 Purpose of plan

The plan will reclassify the subject site from community to operational land. This will be achieved by an amendment to the Campbelltown LEP 2015 (CLEP 2015) through the inclusion of the subject site as 'Operational' land under Part 2 of Schedule 4 of the CLEP 2015.

The amendment will assist Council in the delivery of the Campbelltown Billabong Parklands project, which is due for completion in June 2022. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting.

Two minor post exhibition changes are made by the department. Justification for this change is discussed in **Section 3.3.2** of this report.

The site is zoned RE1 Public Recreation under the CLEP 2015. The planning proposal does not seek to amend the zoning or any other planning controls under CLEP 2015.

1.1.4 State electorate and local member

The site falls within the Campbelltown state electorate. Gregory Warren MP is the State Member.

The site falls within the Macarthur federal electorate. Mike Freeland MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

However, the Member for nearby electorate of Macquarie Fields issued an objection to the proposal. This is detailed in **Section 3.1** of the report.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 21 March 2021 (**Attachment B**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions. The Gateway determination was altered on 6 May 2021, to amend the wording of conditions 1 and 3 to better reflect the PN 16-001 (**Attachment C**).

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 1 June 2021 to 29 June 2021, as required by section 29 of the *Local Government Act 1993*.

A total of 12 community submissions were received, comprising of 11 objections and one submissions supporting the proposal during the public exhibition period (**Attachment D**).

3.1 Submissions during exhibition

3.1.1 Submissions supporting the proposal

One submission supports the reclassification as it will provide a high-quality recreation facility to the community. The department notes this submission in support of the planning proposal.

3.1.2 Submissions objecting to and/or raising issues about the proposal

Eleven submissions raised concern about the planning proposal. This included nine from the community, one organisation the 'Campbelltown Collegians' and one from the MP for Macquarie Fields. The key concerns raised included:

- Opposition to reclassification of the site citing it will result in adverse traffic impacts and a loss of sporting fields and parking
- Ownership concerns that the proposal will result in the land no longer remaining for community purposes
- Lack of detail on the funding associated with the Billabong project
- Uncertainty as to what reclassification means for the site.

A public hearing conducted by an independent consultant was held on 30 September 2021. Seven people attend the virtual public hearing. A total of 26 submissions were made to the public hearing, the majority from local sport clubs. The main issues raised in the public hearing were:

- Opposition to reclassify the site due to concerns of cost onto the community, loss of community access to sports fields and the impact on Bradbury Oval

Council and department responses to the key issues raised in the submissions objecting to and/or raising issues about the planning proposal is provided in **Table 2**.

Table 2 Responses to key issues

Submission Matter	Council and Department Response
<p>The proposal will result in a loss of playing fields and impact sporting clubs and community's recreation use</p>	<p><u>Council response:</u></p> <p>The proposal does not seek to remove the playing fields as green space. No amendments are proposed to remove the use of the sporting fields or any lease arrangement for their use. Council is making investments to upgrade the facilities at Bradbury Oval. This proposal seeks to reclassify the land only.</p> <p><u>Department response:</u></p> <p>Council's response is considered adequate. This planning proposal does not permit any other change other than the reclassification from 'community' to 'operational'. This process is required to be done by amending the Local Environmental Plan.</p>
<p>The proposal will result in increased traffic, existing parking and development such as high-rise buildings</p>	<p><u>Council response:</u></p> <p>The proposal does not result in high rise development. It seeks to reclassify the site, not to change the site's uses. Further, no traffic generation or alterations to existing parking is proposed as part of this proposal.</p> <p><u>Department response:</u></p> <p>Council's response is considered adequate. The site's RE1 – Public Recreation zone is retained. Under this zone high rise development is not permitted. The proposal seeks to reclassify the land to assist in Council's ability to manage and utilise the site.</p>
<p>Costs for the Billabong Parklands project has increased, and funds should have been used on other projects</p>	<p><u>Council response:</u></p> <p>While the Billabong Parklands development is located on the site of the proposed reclassification. The construction, design and funding's associated the Billabong Parklands is not related to this planning proposal. Notwithstanding the above, funding agreements relating to Billabong Parklands was agreed to by three levels of Government. Council's budget is reviewed on a financial year basis and is available on Council's website.</p> <p>Funding has been used on the site as recently as 2021 to upgrade the lighting of the sports fields.</p> <p><u>Department response:</u></p> <p>Council's response is considered adequate.</p>

Submission Matter	Council and Department Response
The fields will not remain for community purposes	<p><u>Council response:</u></p> <p>The proposal will not result in a loss of access of the site for community purposes such as team sports and recreational activity. The current sporting fields on the site will remain.</p> <p><u>Department response:</u></p> <p>Council's response is considered adequate.</p>
What is the intention of reclassify the land, will it be rezoned and how is the site underutilised	<p><u>Council response:</u></p> <p>The proposal seeks to reclassify the site to provide greater flexibility in the options to manage the land which is consistent with other Council assets such as the Campbelltown Arts Centre.</p> <p>The site is unique as it incorporates an aquatic centre, sporting fields and the future Billabong Parklands. The Local Planning Panel advised Council that the site is not a typical community land space as it has construction work and financial investments on the site. This supports it being considered differently to other community land such as a neighbourhood park.</p> <p>Council would undertake an investigation to determine uses that would be suitable in conjunction to the sporting fields in the future.</p> <p>The site will not be rezoned from its existing RE1 – Public Recreation Zone.</p> <p><u>Department response:</u></p> <p>Council's response is adequate, however the Department notes the reclassification can provide a range of ancillary commercial uses to complement the 'Billabong Parklands'. The reclassification is not required to develop the Billabong Parklands as it is currently under construction.</p> <p>The current classification for the land limits Council's ability to use and manage the site. The reclassification improves the ability to co-locate complementary uses on the land such as kiosks or related commercial uses such as a café. These uses will support the operation of the Billabong Parkland and help the site become a community destination.</p>
Council will sell the site	<p><u>Council response:</u></p> <p>Council does not intend to sell the land once the site is reclassified. While the reclassification does provide the ability in theory, there is no intention to do this. Council has other sites classified as operational land such as the Campbelltown Arts Centre and continues to hold and develop such sites. In the case of the Art's centre the classification as operational land has provided greater flexibility in the management of the site, this is what is intended for the Apex and Bradbury Park.</p> <p><u>Department response:</u></p> <p>Council's response is considered adequate.</p>

The department considers that each of the key matters raised in submissions from the community have been adequately addressed.

3.2 Advice from agencies

Council consulted with Transport for NSW (TfNSW) and NSW Mining, Exploration and Geoscience as required by the Gateway conditions. No objection was raised by the agencies, however TfNSW did note heavy congestion at the signalised intersection near the site, and that consideration of the traffic impacts by council when the Billabong Parklands is operational should be assessed. Council notes any future work for the site, including traffic arrangements relating to the Billabong Parklands will need to be considered in the future.

The department considers Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

3.3.1 The department's recommended changes

Following the receipt of the planning proposal from Council, the department has made the following changes to the proposal as follows:

Change 1: Part Lots Map

The creation of a Land Reclassification (Part Lots) map sheet as only part of Lots 67 and 68, DP 1127402 will be reclassified from 'community' to 'operational' land.

Change 2: Removal of the word 'Part' for Lot 532 and Lot 1

The removal of the word "part" from "Part lot 532, DP 230227" and "Part Lot 1, DP 213026" as this was incorrectly recorded in the planning proposal.

Council supports the changes.

3.3.2 Justification for post-exhibition changes

The department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes do not alter the intent of the planning proposal and are minor amendments to the proposal.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal.

As outlined in the Gateway determination report (**Attachment B**), the planning proposal submitted to the department for finalisation:

- Remains consistent with the regional and district plans relating to the site
- Remains consistent with the Council's Local Strategic Planning Statement
- Remains consistent with all relevant Section 9.1 Directions

- Remains consistent with all relevant SEPPs

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

5 Post-assessment consultation

The department consulted with the following stakeholders after the assessment.

Table 5 Consultation following the department's assessment

Stakeholder	Consultation	The department is satisfied with the draft LEP
Mapping	One map has been prepared by the department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment F)</p> <p>Council confirmed on 4 February 2022 that it approved the draft and that the plan should be made (Attachment G)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	<p>On 7 March 2022, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with relevant strategic planning documents.
- It is consistent with the Gateway Determination.
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.
- The proposal will facilitate the delivery of the new Billabong park, a water-play recreation space for the community.



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14 April 2022

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Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination and report
C	Alteration of Gateway Determination
D	Council Post Exhibition Report
E	Public Hearing Report
F	Consultation with Council – Section 3.36(1)
G	Council comments on draft LEP
Attachment ExCo	ExCo Approval
Attachment Maps	Draft LEP Maps
Attachment LEP	Draft LEP
Attachment MCS	Map cover sheet