

### **8.3 Reclassification of Land at Apex and Bradbury Parks, Bradbury - Outcome of Public Exhibition and Public Hearing**

#### **Reporting Officer**

Executive Manager Urban Centres  
City Development

#### **Community Strategic Plan**

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

#### **Officer's Recommendation**

1. That Council forward the Planning Proposal to reclassify land at Apex and Bradbury Parks, Bradbury at attachment 1 to this report to the Minister for Planning and Public Spaces, and request that the Planning Proposal be sent to the Governor for final approval and that, subject to that approval, the Planning Proposal be made.
2. That all those who made a submission during the public exhibition and at or following the public hearing be notified of Council's decision.

#### **Purpose**

The purpose of this report is:

- To advise Council of the outcome of the public exhibition and public hearing of the subject Planning Proposal (PP) in accordance with the Council resolution of 9 February 2021.
- To seek Council's endorsement of the proposed next steps in regards to the proposed land reclassification through an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

**Property Description:** Part Lot 532 DP 230227, The Parkway, Bradbury, (Incorporating Apex Park, 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)

**Applicant:** Campbelltown City Council

**Owners:** Campbelltown City Council

### **Executive Summary**

- At its meeting on 9 February 2021 Council resolved to forward the subject PP and attachments to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. The PP sought to reclassify the subject site from community land to operational land.
- DPIE issued a Gateway Determination on 12 April 2021.
- A further alteration to the Gateway Determination was issued by DPIE on 6 May 2021 to resolve anomalies in the initial Gateway Determination.
- In response to the positive Gateway Determination, the PP and associated attachments were publicly exhibited from 1 June to 29 June, 2021.
- Twelve submissions were received during the public exhibition, 9 of those were from members of the public. Eight public submissions were in-opposition to the proposal and one was neutral.
- State Agency submissions were received from Transport for NSW and NSW Mining, Exploration and Geoscience. No objections were raised in either submission.
- One submission was received from the State Member for Macquarie Fields who was in opposition to the proposal.
- A public hearing was held on 30 September, 2021 which was chaired by an independent chairperson in accordance with the *Local Government Act 1993* (LG Act).
- A total of 26 submissions were made to the public hearing, 5 verbally at the hearing and 21 written submissions made directly to the independent chairperson.
- The Gateway Determination requires the PP must be submitted to DPIE for finalisation by 24 December, 2021 to allow adequate time for DPIE to seek the Governor's approval and assess the proposal.

### **Background**

In March 2018 the Greater Sydney Commission released 'A Metropolis of Three Cities – The Greater Sydney Region Plan', together with 5 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.

As part of the greater project a PP to reclassify the entire site has been prepared and publically exhibited. The PP aims to facilitate the project and provide greater flexibility for the future management of the site.

## **Report**

The PP and associated attachments were publically exhibited from 1 June to 29 June, 2021. A public hearing for the PP was also held on 30 September, 2021.

Land owners located within 200 m of the subject site were notified of the public exhibition in accordance with the Council's Community Participation Plan. Exhibition materials were made available on Council's website and on the NSW Planning Portal website.

Two public authorities were also notified in writing of the public exhibition in accordance with requirements of the Gateway Determination.

In response, 9 public submissions, one submission from the Member for Macquarie Fields and 2 State Agency submissions were received.

A public hearing on the PP was also held on 30 September, 2021 in accordance with the LG Act. A total of 26 submissions were made to the public hearing. A copy of the Public Hearing Report prepared by the Independent Chairperson is attachment 2 to the report.

The following submissions were made:

<b>Submissions made during the public exhibition</b>		
	<b>Submission</b>	<b>Response</b>
1 Resident	The submission is in opposition to the PP as it would remove the playing fields as green space.	The PP does not seek to remove the playing fields as green space. The PP seeks to reclassify the land only.
2 Campbelltown Collegians	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> <li>• Traffic issues caused by the Billabong.</li> <li>• High rise apartments will be built.</li> <li>• Safe by design evaluation is required to be undertaken on the site.</li> <li>• Prime location for the local community to undertake physical activity as well as the club who has a number of sporting teams.</li> <li>• Blowout costs on the Billabong project has resulted in Council undertaking this PP.</li> </ul>	<p>The PP relates to the reclassification of the entire site. There is no information to suggest high rise apartments will be built on the site.</p> <p>The reclassification of the site does not result in the need for a safer by design study as it does not of itself change the sites use. The sporting fields would remain should the PP be gazetted. The costs relating to the PP are not related to the construction costs.</p>
3 Resident	The submission is in opposition to the PP as it would take away the fields from the Campbelltown Collegians who have utilised the fields for decades.	<p>The PP does not seek to amend the current use of the sporting fields or remove any lease arrangement for their use.</p> <p>Council is making significant investment to upgrade the facilities at Bradbury Oval.</p>
4 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> <li>• The PP would increase traffic flow.</li> <li>• Impact on existing parking.</li> <li>• The Billabong is considered to be in a poor location.</li> <li>• The funds used on the Billabong could have been used elsewhere such as roads, homelessness and children's education.</li> <li>• The PP would remove the opportunity for kids to get active.</li> </ul>	<p>The PP relates to reclassification of land and would not generate existing traffic around the site and there are no plans to alter the existing car parking arrangements on the site.</p> <p>Although the Campbelltown Billabong development is located on the same site of the proposed reclassification, the construction and design are not related to this PP.</p> <p>The funding arrangements relating to the Campbelltown Billabong were agreed to by three tiers of Government. Council's budget is reviewed on a financial year basis and is available on Council's website.</p>

		There is no information to suggest that the PP would remove the opportunity for kids to get active.
5 Resident	The submission is in opposition to the PP as the fields will not remain for community purposes.	The PP does not seek to amend the current sporting fields from the site.
6 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> <li>• The land should remain community land to stop the land from being sold in the future.</li> <li>• The funds should be used on other infrastructure projects and not on the current site.</li> <li>• The land should remain solely green space as there are café's and eateries in close proximity.</li> <li>• Cafes and eateries would be more suitable at Koshigaya Park.</li> </ul>	<p>The PP does not seek to sell the land once the land is made operational land.</p> <p>Funding has been used on the subject site as recently as 2021 to upgrade the lighting of the sports fields.</p> <p>The RE1 – Public Recreation zone for the site ensures that the land is used as a public recreation and green space.</p> <p>Further investigation into the suitability of commercial premises complementary to the Billabong will be undertaken in the future and would not be located on either Bradbury 1 or Bradbury 2.</p>
7 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> <li>• The oval has been used for sport for decades.</li> <li>• The oval is used to get kids active.</li> <li>• The reclassification would impact on the sporting clubs that use the grounds all year round.</li> </ul>	<p>Noted.</p> <p>Noted.</p> <p>The PP does not impact on the sporting clubs use of the fields as the proposal does not seek to amend any current lease/user arrangements.</p>
8 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> <li>• Why is it necessary to reclassify the land if Council does not intend to change the continual use of the site as a community space?</li> <li>• The oval is a highly used area by both children and adults.</li> <li>• The PP states that Council seeks to investigate parts of the site that are considered underutilised. How has this benchmark been established?</li> </ul>	<p>The PP seeks to reclassify the land to provide a greater flexibility in the options to manage the land which is consistent with other Council assets such as the Campbelltown Arts Centre.</p> <p>It is noted that the sporting fields are used by both children and adults.</p>

	<ul style="list-style-type: none"> <li>• The current space promotes good psychological impacts on the community.</li> <li>• What assurances are there that Council will not sell the site?</li> </ul>	<p>Further investigation into the useability of space on the site would be able to occur once the land is made operational.</p> <p>It is noted that the current site promotes positive outcomes for the community.</p> <p>While the classification of the land as operational in theory enables Council to sell the land, there is no intention to do so. Council has other key sites classified as operational land, such as the Campbelltown Arts Centre and has continued to hold and develop these sites. In the case of the Arts Centre the classification as operational land provides greater flexibility in the management of the site similar to what is proposed for Apex and Bradbury Parks. Council could only choose to sell the land through a public process and given the significant public investment on the land its sale is clearly not Council's intention.</p>
9 Resident	<p>The submission is neutral however some points are raised in relation to the PP.</p> <ul style="list-style-type: none"> <li>• Why does Council need to reclassify the site?</li> <li>• What does Council envisage for the entirety of the site?</li> <li>• Would the site be rezoned to another use?</li> <li>• Will the Gordon Fetterplace Aquatic Centre be relocated?</li> <li>• What are the objectives of the Planning Proposal?</li> <li>• Is a housing estate planned for the site?</li> <li>• Council has spent a lot of money over the last few years on the ovals. Was this a mismanagement of funding?</li> <li>• The Local Planning Panel advised in their comments that "The reclassification of land would also</li> </ul>	<p>The PP seeks to reclassify the land to provide a greater flexibility in the options to manage the land which is consistent with other Council assets such as the Campbelltown Arts Centre.</p> <p>Council would undertake an investigation to determine uses that would be suitable in conjunction with the sporting fields in the future.</p> <p>There are no current plans to relocate Gordon Fetterplace Aquatic Centre.</p> <p>A housing estate is not planned for the site.</p>

	<p>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." What are the concerns of the panel to make this statement?</p>	<p>Due to the uniqueness of the site which incorporates an aquatic centre, sporting fields and the future Campbelltown Billabong the Local Planning Panel advised Council that the site is not a usual community land space as a lot of construction work and financial investment is being undertaken on the site, and this justifies it being treated differently to other community land like neighbourhood parks.</p>
<p>10 Federal MP for Macquarie Fields</p>	<p>The submission is in opposition of the PP for the following reasons.</p> <ul style="list-style-type: none"> <li>• Insignificant detail relating to the funding increase for the Billabong project.</li> <li>• The PP does not provide clear details about what the reclassification will mean.</li> <li>• How will the PP impact the existing sporting fields and their use by sporting clubs?</li> <li>• If commercial operations are established on the site will Council be the owner?</li> <li>• What potential management options would be unlocked as a result of the PP?</li> <li>• The submission raises concerns relating to the Billabong project.</li> </ul>	<p>The funding in relation to the Campbelltown Billabong does not form part of this PP.</p> <p>All information provided in the PP, attachments and public hearing report are aimed to inform the public of the aims of the proposed reclassification.</p> <p>The PP does not impact on the existing sporting fields and use of the fields will continue should the land be changed to operational land.</p> <p>Investigation will occur into the future on the best approach to commercial operations that could be co-located on the site including ownership.</p> <p>Potential management options such as maintenance of the site and co-locate commercial opportunities would be able to be investigated for the site.</p> <p>The Campbelltown Billabong project forms a small part of the greater site. The Billabong will provide a great community facility which is co-located with existing sporting fields and aquatic centre.</p>

## Public Hearing

A public hearing chaired by an independent chairperson was held on 30 September, 2021 in accordance with the LG Act 1993. The hearing was chaired by Sandy Hoy of Parkland Planners. A total of 7 people attended the virtual public hearing and 5 made submissions at the hearing. A further 21 submissions were made in writing to Sandy Hoy. The following concerns were raised.

No.	No. of times raised	Submission	Council Response
1 In - opposition	18	Do not support reclassification of Bradbury Park - impact on cricket, rugby league and other sports using Bradbury Ovals 1 and 2	The PP does not impact on the continued use of the site for sporting teams.  The PP only seeks to amend the classification of the land from public to operational land. The proposal would allow for a simplified approach to the management of the land.
2 In - opposition	1	Do not support - impact on place to exercise	The PP would not impact on the site and its freedom to undertake exercise.
3 In - opposition	1	Do not support - community will be charged for access	There are no plans to charge the community for access to the site and Campbelltown Billabong.
4 Neutral	1	Concerns that the assumption of commercial success may not eventuate and will only further compound the financial risk to ratepayers.	Investigations into viable options for the site would be undertaken to ensure that the most sensible commercial operations will operate in a manner that is considered successful and also co-locate with existing sporting fields.
5 In - support	1	Support - Billabong Parklands will be a recreation asset for the community	Noted.

The following table provides the recommendations from the Chairperson and responses to each recommendation.

No.	Recommendation	Response
1.	Consider the community's viewpoints and issues raised in the verbal and written submissions outlined in detail in Section 5 and summarised in Section 6.1 when making the decision whether to proceed with the proposed reclassification.	The submissions received both through the public exhibition period and public hearing process have been considered.  The PP is the most suitable approach when considering the site in its entirety. The reclassification of land would provide greater flexibility for future use and management of the site.



2.	Consider reclassifying only part of the proposed Billabong Precinct Area ie. Apex Park as operational land.	Reclassifying part of the land would not be a suitable approach for the site. It is likely that split reclassification would in future result in different standards of management on different parts of the site.
3.	Consider retaining Bradbury Ovals 1 and 2, Gordon Fetterplace Aquatic Centre and the sports courts as community land.	Reclassifying only part of the land would not be a consistent approach to the greater site and would cause issues in terms of management options. Bradbury Ovals 1 and 2, Gordon Fetterplace Aquatic Centre and the sports courts will remain as accessible to the community even if the land classification for the site is amended.
4.	Ensure continued access by sporting organisations to Bradbury Ovals 1 and 2.	The PP does not remove ongoing public access to Bradbury Ovals 1 and 2 and does not alter Council's ability to manage existing site users.
5.	Provide more information to the community to address their concerns about commercial ventures, financial viability, leasing and management of the Billabong Parklands.	All future considerations for the site will be presented to the community through relevant communication materials.
6.	Continue to engage the local community about plans for and progress of the Billabong Parklands.	Noted.

The submissions identified concerns relating to the ongoing future of the entire site particularly Apex and Bradbury Parks. A copy of the public hearing report and submissions are located within attachment 6.

### **Partial reclassification of the Apex/Bradbury Park lands**

Councillors were provided with a briefing on the submissions received on Tuesday 19 October, 2021. At this briefing it was requested that the Council report include some explanation of the benefits and potential implications of reclassifying only part of the site to operational land, in response to recommendations 2 and 3 of the independent chair persons report.

A partial reclassification of the site for the purposes of this section of the report would mean that just the proposed Billabong site would become operational land and the remainder of the site, being Bradbury Ovals 1 and 2, the Gordon Fetterplace Aquatic Centre and the sports courts would remain as community land.

The benefits of a partial classification with only the Billabong area reclassified are:

- Reduced community concern over how the reclassification of land might impact on the community's ongoing use of the non-Billabong lands.
- The management controls for the sports courts, Gordon Fetterplace Aquatic Centre and Bradbury 1 and 2 ovals would not change.

- The management options for the sports courts and Bradbury 1 and 2 ovals would remain consistent with the majority of other sports fields owned by Council.

The disbenefits and consequences of only reclassifying part of the site are:

- The partial reclassification creates an inefficient management structure across the Apex and Bradbury Parks. It is more efficient if classification boundaries match land title boundaries.
- Due to there being no legal boundary along the perimeter of the Billabong, the delineation of the actual classification boundary would be arbitrary and inefficient. Future changes to this classification boundary would create an unnecessary administrative burden.
- The partial reclassification would hinder the regularising of the lot and boundary arrangement across the wider Apex/Bradbury Park area due to the restrictions that apply to community land.
- The partial reclassification would result in 2 different management regimes across the site, potentially leading to different standards of management and to community concern if one area was clearly managed to a higher standard than the other.
- The partial reclassification would not be consistent with the current NSW Government's Gateway determination for the entire land to hold a single classification, and it is expected that the process would need to start again from the beginning if the whole site is not reclassified.
- Reclassifying part of the site may result in missed opportunities to take advantage of management options and the benefits of co-location.
- The partial reclassification would limit Council's ability to take commercial opportunities within the Gordon Fetterplace Aquatic Centre.

It is important to note that there are some elements that remain constant regardless of the classification of the site:

- The use of Bradbury 1 and 2 ovals, Gordon Fetterplace Aquatic Centre, sports courts, remains unchanged.
- Council's ability to continue current user agreements remains unchanged.
- Council's ability to remove or renew current users and/or future users of the land remains unchanged.
- Any decision to alter the use of Bradbury 1 and 2 ovals, or the sports courts would be made independent of its classification and would be subject to a completely separate public engagement process.
- There is no intention to sell any of the land and any decision to do so would need to be made by the whole Council through a public process.

On balance it is considered that the disbenefits and consequences of a partial reclassification outweigh the benefits and accordingly it is recommended that the whole site be reclassified as operational land.

### **Government Agency Submissions**

#### **NSW Mining, Exploration and Geoscience**

NSW Mining, Exploration and Geoscience raised no objection to the PP and associated attachments as there would be no resource sterilisation issues for consideration under section 9.1 of the EP&A Act, Direction 1.3 Mining, Petroleum Production and Extractive industry.

## Transport for NSW

Transport for NSW raised no significant objection to the PP and associated attachment.

However, the response notes that the Narellan Road/Oxley Street/The Parkway/Appin Road signalised intersection is already heavily congested, and careful consideration is needed of proposals that will likely attract more traffic to the area in terms of its ongoing operations. As such, Council should consider assessing the traffic impacts on this intersection, for the scenario when the Billabong is operational and for any other proposed uses that will generate traffic.

## Response

The submission is noted. Any future work relating to the site will require consultation with Transport for NSW. It is anticipated that further work relating to the Campbelltown Billabong and traffic arrangements will also be considered in the near future.

## Gateway Determination Conditions

The following table provides responses to the gateway determination conditions that are required to be met in order for the PP to be finalised.

No.	Condition/Requirement	Response
1	The PP, Part 2 Explanation of Provision, is to be updated to align with the requirements of LEP Practice Note 16-001: a) where all relevant interests proposed to be extinguished and discharged are to be identified; and b) confirm which part of Schedule 4 of the LEP 2015 is to be amended.	The PP has been amended to reflect the changes.
2	Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows: a) The PP must be made publicly available by 1 September 2021 for a minimum of 28 days; and c) The PP authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).	The PP was publically exhibited for 28 days from 1 June to 29 June, 2021.  The PP and associated attachments were made publically available on Council's website and the NSW Planning Portal website.  Section 10.17 and 10.18 of the EP&A Act allows Councils to satisfy public exhibition requirements during the COVID-19 pandemic.

3	<p>Consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act:</p> <ul style="list-style-type: none"> <li>a) Transport for NSW</li> <li>b) NSW Mining, Exploration and Geoscience</li> </ul>	<p>Both State Agencies notified of the PP.</p> <p>Transport for NSW provided comments relating to the existing road network and NSW Mining, Exploration and Geoscience raised no concerns in relation to the PP.</p>
4	A public hearing is required before 1 November 2021, to be held into the matter by any person or body under section 3.34(2)(e) of the Act.	A public hearing was held on 30 September, 2021. The Independent Chairperson for the hearing was Sandy Hoy from Parkland Planners.
5	Council must send the PP to the Department, for Governor Approval and finalisation of the LEP, by 24 December 2021.	Subject to the outcome of the Council Meeting, Council Staff will forward the PP to DPIE for Governor approval and making prior to 24 December 2021.
6	<p>The PP authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following</p> <ul style="list-style-type: none"> <li>a) The PP authority has satisfied all the conditions of the Gateway determination;</li> <li>b) the PP is consistent with section 9.1 directions or the Secretary has agreed that any inconsistencies are justified; and</li> <li>c) there are no outstanding written objections from public authorities.</li> </ul>	<p>The PP has satisfied all the conditions of the gateway determination as well as the Section 9.1 directions.</p> <p>There are no outstanding written objections from public authorities in relation to the PP.</p>
7	The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.	<p>Should the Councillors resolve to proceed the Planning Proposal to finalisation, the PP would be lodged prior to the 24 December, 2021 deadline as outlined in condition 5 of the gateway determination.</p> <p>The deadline for the finalisation of the amendment is 12 April, 2022.</p>

A copy of the original gateway determination and alteration are located at attachments 4 and 5 respectively.

### Next Steps and Timeframe

The next step in the process is to forward the PP and attachments to DPIE requesting Governor's approval. The deadline for this step is 24 December, 2021.