



IRF IRF22/2597

## Plan finalisation report – PP-2021-6347

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Campbelltown Local Environmental Plan 2015  
(Amendment No. 31) – Reclassification of land at  
Campbelltown Sports Ground

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Introduction

## Overview

### 1.1.1 Name of draft LEP

Campbelltown Local Environmental Plan 2015 (Amendment No. 31).

The planning proposal seeks to amend the *Campbelltown Local Environmental Plan 2015* to reclassify part of the Campbelltown Sports Ground site from 'community land' to operational land'.

### 1.1.2 Site description

**Table 1 Site description**

Site Description	The planning proposal ( <b>Attachment A</b> ) applies to land at 12 Old Leumeah road, Leumeah, Campbelltown Sports Ground, legally described at Lot 2, DP 1019063
Type	Site
Council / LGA	Campbelltown City Council
LGA	Campbelltown

The site is bounded by Rose Payten Drive to the north-east, Pembroke Road to the south-east, Old Leumeah Road to the south-west and the Main southern railway to the north-west.

A number of easements are on the site; however, the proposal will not discharge any easements or other interests applying to the site.

The site is owned and managed by Campbelltown City Council (Council) and includes a sports stadium, athletics track and grandstand and associate car parks (**Figure 1**).



**Figure 1 Subject site (Source: SIX Maps)**

### 1.1.3 Purpose of plan

The planning proposal seeks to reclassify part of the site from ‘community land’ to ‘operational land’ to create a consistent land classification across the site.

This is part of work undertaken by Council in its LEP review with the intention of simplifying the LEP by correcting mapping anomalies and fragmented planning controls.

The draft LEP therefore seeks to amend the Campbelltown LEP 2015 to reclassify part of the site from ‘community land’ to ‘operational land’ as follows:

- Identifying the site on the Reclassification Part Lots Map
- Amending Part 1, Schedule 4 to insert the site, as follows:

Column 1	Column 2
Locality	Description
Campbelltown Sports Ground	Lot 2 DP 1019063 12 Old Leumeah Road, Leumeah

No other changes to the written instrument or mapping are proposed a part of the planning proposal.

### 1.1.4 State electorate and local member

The site falls within the Campbelltown state electorate. Greg 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.

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 1 November 2021 (**Attachment G**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions, as follows:

- In accordance with condition 1, Council exhibited the planning proposal for 28 days
- In accordance with condition 3, an independent chair conducted a public hearing for the planning proposal on 17 February 2022.

In accordance with the Gateway determination (as altered) the proposal is due to be finalised by 1 November 2022.

## 3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 11 November 2021 to 9 December 2021, consistent with the requirements of the Act.

No community submissions were received (**Attachment A**).

### Public Hearing

In accordance with the Gateway determination and the requirements of the *Local Government Act 1993*, a public hearing was held for the planning proposal. This was held on the 17 February 2022 by independent chair Ms Sandy Hoy, Director of Parkland Planners.

The public hearing was attended by one community member who also submitted a written submission prior to the hearing raising the follow matters:

- Concerns that the public notice did not contain sufficient information.
- Concern that the proposal would result in a public park becoming subject to access restrictions
- Concern that the proposal will result in the privatisation of Campbelltown Sportsground.

During the public hearing, this member of the public made a verbal submission which raised concerns that the proposal would isolate public use from the sports ground and would result in the privatisation of the site.

An Independent Public Hearing report dated 28 February 2022 (**Attachment E**) was prepared following the public hearing, it recommended that Council:

1. *Consider the viewpoints and issues raised in the verbal and written submission outlined in Section 5 when making the decision whether to proceed with the proposed reclassification.*
2. *Reclassify the parts of Campbelltown Sportsground (Lot 2 DP 1019063) which are community land to operational land as shown in Figure 8 below.*



3. *Review community notification and engagement processes to ensure that the community is adequately notified about public hearings, and is aware of easily accessible sources of background information to assist community understanding of the proposal.*

The report also noted:

*In addition to the points above, the operational land classification is more appropriate for regional sporting facilities for which bookings need to be made and which are not open for general public access.*

*The operational land classification also allows Council the flexibility to permit commercial opportunities to support users of the Sportsground, such as a café, medical facilities, etc.*

Council's post exhibition report contained the following response to matter raised in submissions to the public hearing:

**Table 2 Summary of submissions to the public hearing**

Submission summary	Council response
<p>The submission raised concerns in relation to the following:</p> <ul style="list-style-type: none"> <li>• The public notice is deficient in the information provided. No proposal or reasoning was provided.</li> <li>• Why does a public park need to become subject to access restrictions, in reference to the access restrictions to Campbelltown Sportsground.</li> <li>• Concerned that the reclassification will result in the precinct becoming privatised</li> </ul>	<p>Notification of the planning proposal was undertaken in accordance with the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act). Under the current legislation, letters to residents and access to the planning proposal documentation via Council's website is required. A newspaper article was also published to engage a wider audience.</p> <p>Under the current agreement, the Campbelltown Sportsground facility is closed to the general public. In order to access the site a booking is required. The planning proposal does not amend the current arrangement.</p> <p>There are no plans for Council to sell the land. Should a sale ever be undertaken, community consultation would be required.</p>

The Department is satisfied that Council has adequately addressed the matters raised during the public hearing process.

## Post-exhibition changes

### 3.1.1 Council resolved changes

At Council's Ordinary Meeting on 12 April 2022, Council resolved to proceed with the planning proposal with the no post-exhibition changes.

### 3.1.2 The Department's recommended changes

The Department recommends no post exhibition changes.



## 4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment G**). It has also been subject to 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 modified).

As outlined in the Gateway determination report (**Attachment G**), 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
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
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> (<b>Attachment C</b>)</p> <p>Council confirmed on 7 July 2022 that it approved the draft and that the plan should be made (<b>Attachment D</b>).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	<p>On 6 July 2022, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at <b>Attachment PC</b>.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Mapping	<p>Two maps have been prepared and meet the technical requirements. The maps and map cover sheet are provided at <b>Attachment Maps</b> and <b>Attachment MCS</b>.</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 the following plans and strategies:
  - Campbelltown Community Strategic Plan – Campbelltown 2027
  - Campbelltown Local Strategic Planning Statement (LSPS)
  - Reimagining Campbelltown City Centre Master Plan.
- It is consistent with the Gateway Determination.
- It will not generate adverse social, environmental or economic impacts on the surrounding locality
- It seeks to address the fragmented land classification of Campbelltown Sports Ground and will support the operation of a regional sporting facility.



1 August 2022

Naomi Moss

Manager, Western District



1 August 2022

Adrian Hohenzollern

Director, Western District

## Attachments

Attachment	Document
PC	Parliamentary Counsel's Opinion
Maps	Draft LEP Maps
LEP	Draft LEP
MCS	Map Cover Sheet
Council	Letter to Council advising of the decision
A	Planning Proposal
B	Gateway Determination
C	Section 3.36(1) consultation with Council
D	Council comments on draft LEP
E	Independent public hearing report
F	Council meeting agenda (12 October 2021 and 12 April 2022)
G	Gateway Determination report