



Camden Council
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Attention: Peter Goth
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124

14 October 2011

Planning Proposal – Amendment No. 10 – Mount Annan Leisure Centre

Dear Peter,

Please find enclosed a planning proposal which refers to the Mount Annan Leisure Centre site. The proposed amendment is minor in nature and consistent with the status quo approach adopted by Council throughout the preparation of the LEP.

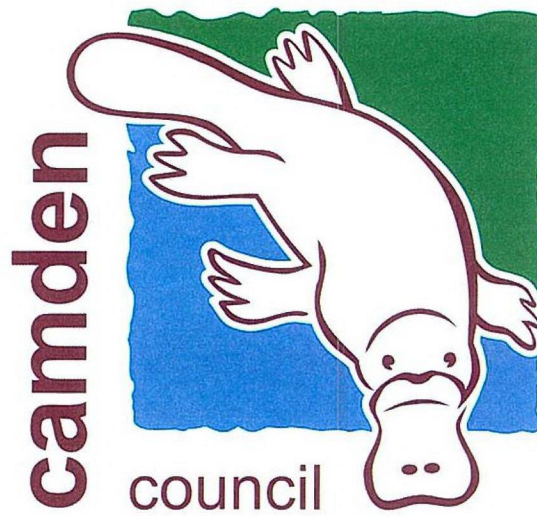
Please find enclosed the planning proposal which explains the nature of the proposed amendment and an accompanying attachment which includes a copy of Council report dated 11 October 2011, a memo to Councillors and Council resolution. These attachments aim to resolve to amend Camden LEP 2010.

Should you or your officers require any further information, please do not hesitate to contact either myself on 4654 7801 or Christina Heather on 4654 7804.

Yours Sincerely,

Kate Speare
Team Leader – Land Use Planning

Department of Planning
Received
17 OCT 2011
Scanning Room



CAMDEN COUNCIL

PLANNING PROPOSAL

**Amendment to Camden LEP 2010 in relation to
Mount Annan Leisure Centre**

October 2011

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Background

On 3 September 2010, the Camden Local Environmental Plan 2010 was gazetted. The primary purpose of this LEP was to adopt the 'standard template LEP' for the Camden local government area. In the process of preparing this template LEP, Camden Council intended for the amendment to be a 'like for like' instrument. That is, land uses permitted under the original LEPs should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances, the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are discovered.

Council has recently discovered that in the process of changing the zoning of land on which the Mount Annan Leisure Centre is located from Residential 2(d) to R2 – Low Density Residential, the use of the site as an indoor recreation facility is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

The Mount Annan Leisure Centre is owned by Camden Council and it is intended to expand the centre in the future. The zoning anomaly has led to the proposed expansion of the centre being prohibited. This outcome was not intended as Council is currently collecting Section 94 Development Contributions to fund the proposed expansion of the leisure centre to cater for recreation demands of new residents.

Part 1 – Objectives or Intended Outcomes

The intended outcome of the planning proposal is to be incorporated into Camden LEP 2010 to ensure that controls that were in place in Camden, prior to the gazettal of the LEP, are maintained.

It is proposed to amend Camden LEP 2010 to allow 'recreation facilities (indoor)' as a permissible use on land known as Lot 1101 in Deposited Plan 884135 (363 Welling Drive, Mount Annan), which is the current site of the Mount Annan Leisure Centre.

Part 2 – Explanation of provisions

The subject site is illustrated in **Figure 1** and Council is seeking to reinstate recreation facilities (indoor) as a permissible use.

Insert a new Clause 26 in Schedule 1 – Additional Permitted Uses as follows:

26 Use of certain land at 363 Welling Drive, Mount Annan

- (1) This clause applies to the land zoned R2 – Low Density Residential at Mount Annan, as shown edged heavy blue on sheet 017 of the Additional Permitted Uses Map.
- (2) Development for the purposes of recreation facilities (indoor) is permitted with development consent.

Prepare a new Sheet 017 of the Additional Permitted Uses Map to identify the Mount Annan Leisure Centre site, which is Lot 1101 in Deposited Plan 884135 and Lot 53 in Deposited Plan 857052, and is shown in the map below shaded grey. **Attachment A** contains the Council report dated 11 October 2011, memo to Councillors and Council resolution.

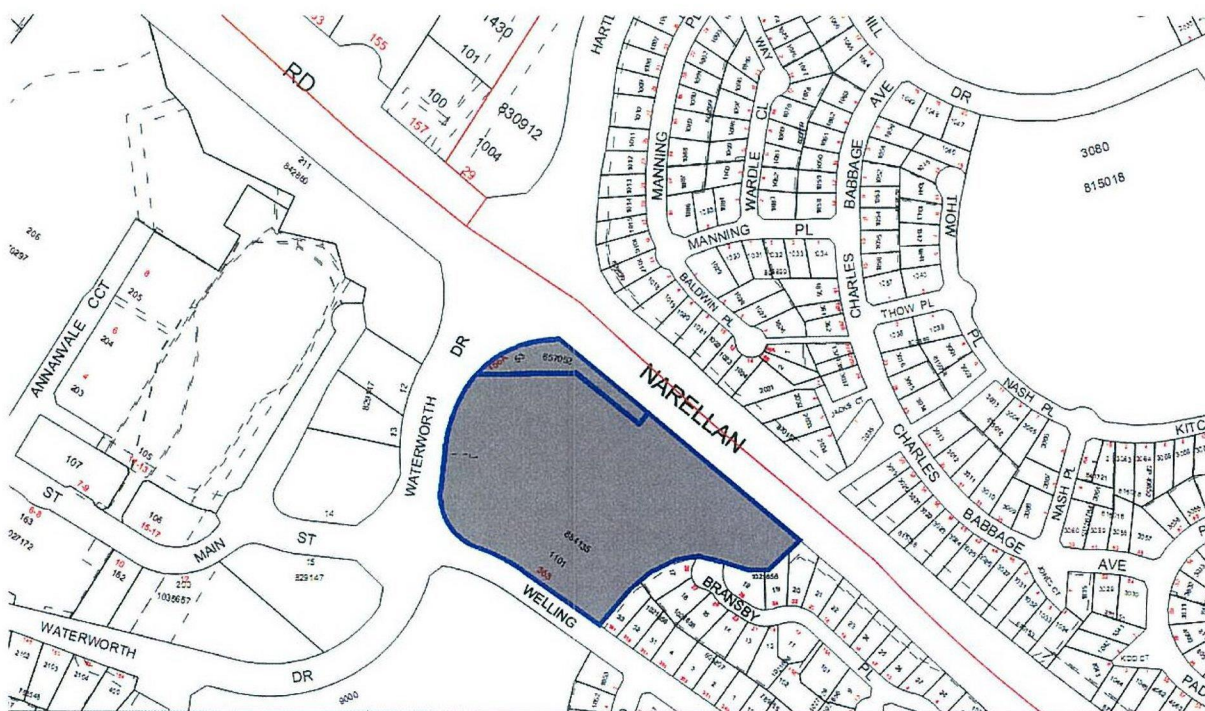


Figure 1: Site Location of the Mount Annan Leisure Centre

It is Council's strong preference to correct the land use permissibility issue for the site by way of introducing an additional permitted use for the site. However, the Council understands that the Department of Planning & Infrastructure does not prefer this approach. If this approach is to be rejected by the Department, then it is proposed to rezone the site to R1 – General Residential by amending Sheet 17 of the Land Zoning Map.

While the objectives of the R1 and R2 zones are similar, rezoning the site to R1 – General Residential would also permit advertising structures; health services facilities; residential accommodation; and veterinary hospitals. It is not Council's intention to allow these types of uses on the site. However, the public may be concerned that Council is rezoning the site to allow such uses, which would not be compatible with the surrounding residential areas. For this reason, it is strongly recommended that a scheduled additional permitted use be allowed for the site, rather than rezoning the land.

Part 3 – Justification

Section A – Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. It is to address a minor anomaly that has become evident in the following the gazettal of Camden LEP 2010 on 3 September 2010.

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

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor discrepancy in a relatively prompt and efficient manner.

3. Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal it is not considered that a Net Community Benefit Test need be undertaken. It is a given that the matter addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that existing controls are maintained which provides the community with greater certainty. It will ensure that Council can provide an expansion to the Mount Annan Leisure Centre which has been planned and Section 94 Development Contributions have been collected to fund the works.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with both the draft South Western Regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable state planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)? (see Appendix A)

The planning proposal is consistent with applicable Ministerial Directions.

Section C – Environmental, social and economic impact.

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

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

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

There are no likely environmental effects as a result of this planning proposal.

- 10. How has the planning proposal adequately addressed any social and economic affects?**

Not applicable.

Section D – State and Commonwealth interests.

- 11. Is there adequate public infrastructure for the planning proposal?**

Not applicable.

- 12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?**

Given the minor nature of the issues listed in this planning proposal no State or Commonwealth public authorities have been consulted.

Part 4 – Community Consultation

Background and Strategy

The matter dealt with in this planning proposal is maintaining the 'status quo' with regard to planning controls that applied to the site prior to Camden LEP 2010 being gazetted. The planning proposal seeks to amend an anomaly that occurred in relation to the Mount Annan Leisure Centre site when Camden LEP 2010 was prepared, in that the selected zone for the site did not permit indoor recreation facilities.

Given that the site has been used for some time as a district level indoor recreation facility and the previous Camden LEP No. 47 zoned the site 2(d), which permitted indoor recreation centres, it is Council's view that consultation with State or

Commonwealth public authorities is not required. Likewise, Council considers that community consultation is not required.

Results of Community Consultation

The planning proposal has not been on public exhibition. It is Council's recommendation that this planning proposal does not need to be publicly exhibited as it is seeking to rectify a minor anomaly in Camden LEP 2010. The subject site has been used for an indoor leisure centre for some time and the community would expect that this is a permitted use on the site. No reasonable person would be expected to make a submission in relation to this planning proposal if it were to be publicly exhibited. Therefore, a public exhibition would be an unnecessary delay in the process of rectifying an obvious anomaly.

Appendix A – Applicable section 117 directions

Direction	Objective	Response
3.1 Residential Zones	The objectives of this direction are: (a) To encourage a variety and choice of housing types to provide for existing and future housing needs, (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands.	The subject site is currently zoned R2 – Low Density Residential under Camden LEP2010. The previous LEP 47 permitted indoor recreation facilities, however this use is now prohibited under Camden LEP 2010. This planning proposal aims to permit this use via inserting a new clause in Schedule 1 – Additional Permitted Uses and prepare a new sheet 017 of the Additional Permitted Uses Map. This will ensure Council can provide the expansion to the Mount Annan Leisure Centre which has been planned for and Section 94 Development Contributions have been collected to fund the works. If the DPI reject this amendment option, it is proposed to rezone the site the R1 – General Residential. However this will also permit other uses on the site, which is not a favourable outcome for Council. This matter is minor in nature as the planning proposal seeks to reinstate a use that was previously permissible on the site under LEP 47. This anomaly was not carried over when

Direction	Objective	Response
		Camden LEP 2010 was prepared. Therefore this amendment will not have a detrimental effect on the surrounding residential areas. Rather it will provide the opportunity to provide services and facilities which are necessary and accessible to the immediate and broader residential areas surrounding the site.
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposal is compatible with the Metropolitan Strategy in that it provides a community recreation facility to meet the needs of existing and future residents.

Attachment A –
Council Report 11 October 2011
Memo to Councillors
Council Resolution

ORDINARY COUNCIL

ORD04

SUBJECT: MOUNT ANNAN LEISURE CENTRE PLANNING PROPOSAL

FROM: Director Governance

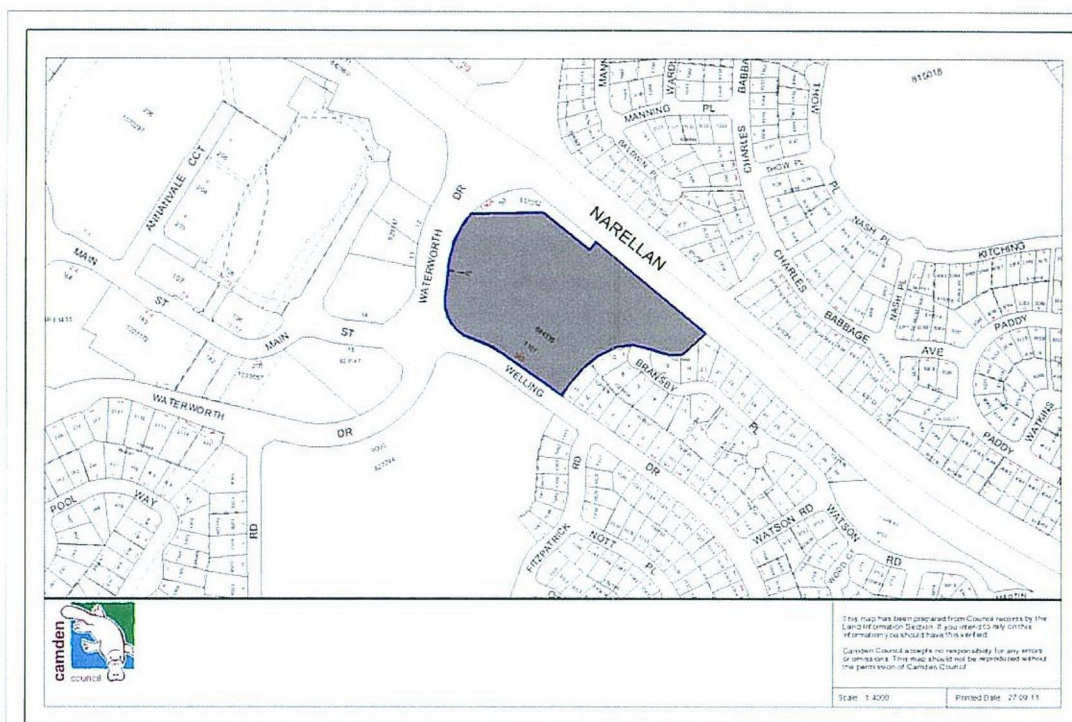
BINDER: Amendment No 10 Mount Annan Leisure Centre

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to rectify an anomaly in Camden Local Environmental Plan (LEP) 2010 in relation to the Mount Annan Leisure Centre site.

BACKGROUND

The Mount Annan Leisure Centre is owned by Camden Council and is located at 363 Welling Drive, Mount Annan (Lot 1101 in Deposited Plan 884135). The site is shown shaded grey in the map below.



The site was previously zoned Residential 2(d) under Camden LEP No 47, and in this zone an indoor recreation centre was a permissible use. When Camden LEP 2010 was gazetted on 3 September 2010, the site was rezoned R2 – Low Density Residential. This zone does not permit indoor recreation facilities, which was an inadvertent error in relation to the Mount Annan Leisure Centre site.

MAIN REPORT

Under the provisions of Camden LEP No 47, the Mount Annan Leisure Centre site was zoned Residential 2(d). Indoor leisure centres were a permissible use in this zone.

On 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of this LEP was to adopt the 'standard template LEP' for the Camden LGA. In the process of preparing this template LEP, every effort was made to ensure that the provisions of the new LEP reflected the 'status quo' of the previous planning controls, so that the new instrument would provide a 'like for like' in terms of permitted land uses. However Council has recently become aware that in the process of changing the zoning for the Mount Annan Leisure Centre site from Residential 2(d) under LEP No 47 to R2 – Low Density Residential under Camden LEP 2010, indoor recreation facilities are no longer permissible on the site.

While the leisure centre can continue to operate as it has existing use rights, this anomaly presents difficulties for the planned future expansion of the leisure centre. As a result it is necessary to amend Camden LEP 2010 to correct this inadvertent error.

A Planning Proposal has been prepared and is provided as **Attachment 1** to this report. The Planning Proposal identifies two options for making indoor recreation facilities permissible on the site. The first option is to simply allow an 'additional permitted use' on the site. However the DPI has been reluctant to use this approach as it undermines their intention for planning controls to be standard across all LGAs. In the event that the DPI refuse to adopt this approach, a second option is proposed which would require rezoning the land to R1 – General Residential. The zone objectives for the R1 and R2 zones are similar, however the R1 zone allows recreation facilities (indoor) as a permissible use. The site is owned by Council and is only intended for use as a recreation centre, however a change in zone to R2 may prompt concerns from the public unnecessarily.

The Planning Proposal recommends that no consultation be undertaken with either State Government agencies or the public, as the amendment is minor in nature. The subject site has been used for an indoor leisure centre for some time and the community would expect that this is a permitted use of the site. It is highly unlikely that a reasonable person would make a submission in relation to this planning proposal if it were to be publicly exhibited. Therefore a public exhibition would be an unnecessary delay in the process of rectifying this obvious, though unintended, error.

CONCLUSION

By undertaking a Planning Proposal process to allow indoor recreation facilities as a permissible use on the subject site, Council will be correcting an anomaly in Camden LEP 2010 in relation to the Mount Annan Leisure Centre. Council has been collecting Section 94 development contributions to expand the leisure centre to cater for the increased demand for recreation facilities as a result of the growing population.

The Camden LEP 2010 was intended to be a 'status quo' planning instrument that would adopt the standard template LEP provisions while maintaining the permissibility of the land uses under the previous LEPs. Council used its best efforts to ensure these 'like for like' arrangements, and the anomaly in relation to this site was inadvertent.



Consultation with the public and other State Government agencies is considered unnecessary given the minor nature of the intended change and the long standing use of the site as a leisure centre.

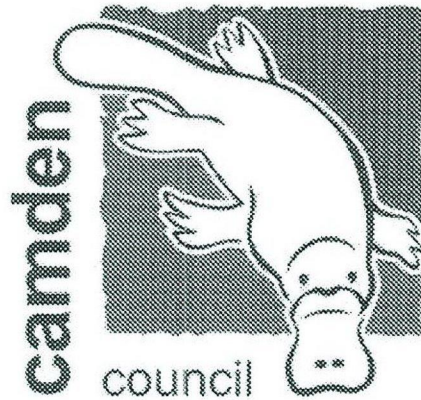
RECOMMENDED

That Council:

- i. submit a Planning Proposal to the Department of Planning and Infrastructure to amend Camden Local Environmental Plan 2010 to make 'recreation facilities (indoor)' a permissible use on the Mount Annan Leisure Centre site (known as 363 Welling Drive, Mount Annan);**
- ii. place the Planning Proposal on public exhibition, without a further Council resolution, only if it is required to do so as a result of the Gateway Determination; and**
- iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the public exhibition period; or**
- iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.**

ATTACHMENTS

1. Planning Proposal



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 10

Mount Annan Leisure Centre

September 2011

ORD04

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

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Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

ORD04

Background

On 3 September 2010, the Camden Local Environmental Plan 2010 was gazetted. The primary purpose of this LEP was to adopt the 'standard template LEP' for the Camden local government area. In the process of preparing this template LEP, Council intended the amendment to be a 'like for like' instrument. That is, land uses permitted under the original LEPs should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances, the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are discovered.

Council has recently discovered that in the process of changing the zoning of land on which the Mount Annan Leisure Centre is located from Residential 2(d) to R2 – Low Density Residential, the use of the site as an indoor recreation facility is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

The Mount Annan Leisure Centre is owned by Camden Council and it is intended to expand the centre in the future. The zoning anomaly has led to the proposed expansion of the centre being prohibited. This outcome was not intended as Council is currently collecting Section 94 Development Contributions to fund the proposed expansion of the leisure centre to cater for recreation demands of new residents.

Part 1 – Objectives or Intended Outcomes

The intended outcome of the planning proposal is to be incorporated into Camden LEP 2010 to ensure that controls that were in place in Camden, prior to the gazettal of the LEP, are maintained.

It is proposed to amend Camden LEP 2010 to allow 'recreation facilities (indoor)' as a permissible use on land known as Lot 1101 in Deposited Plan 884135 (363 Welling Drive, Mount Annan), which is the current site of the Mount Annan Leisure Centre.

Part 2 – Explanation of provisions

The subject site is illustrated in **Figure 1** and Council is seeking to reinstate recreation facilities (indoor) as a permissible use.

This anomaly can be corrected via inserting a new Clause 26 in Schedule 1 – Additional Permitted Uses as follows:

26 Use of certain land at 363 Welling Drive, Mount Annan

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

- (1) This clause applies to the land zoned R2 – Low Density Residential at Mount Annan, as shown edged heavy blue on sheet 017 of the Additional Permitted Uses Map.
- (2) Development for the purposes of recreation facilities (indoor) is permitted with development consent.

In addition a new Sheet 017 of the Additional Permitted Uses Map will be prepared to identify the Mount Annan Leisure Centre site, which is Lot 1101 in Deposited Plan 884135, and is shown in the map below shaded grey.

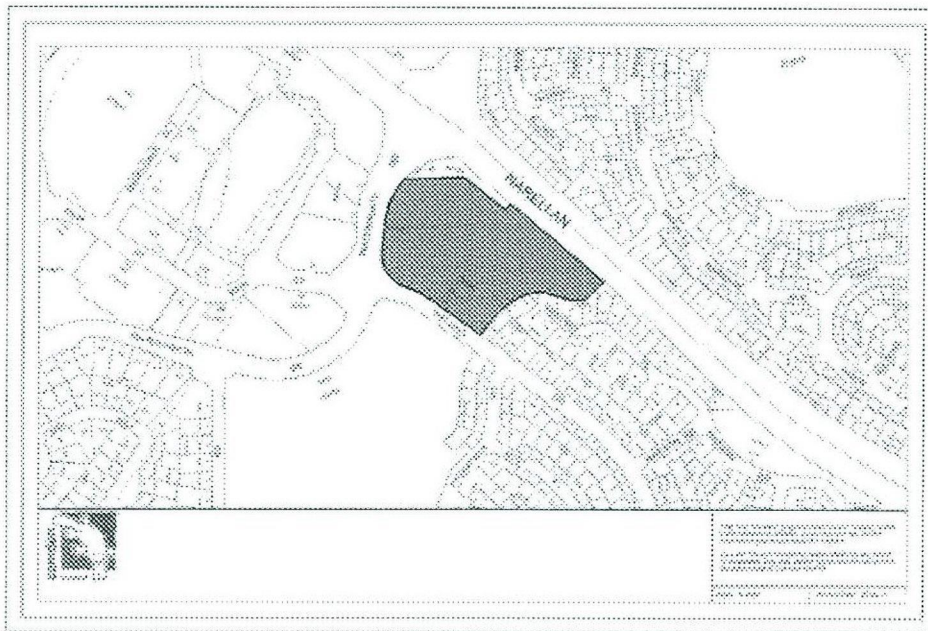


Figure 1: Site Location of the Mount Annan Leisure Centre.

It is Council's strong preference to correct the land use permissibility issue for the site by way of introducing an additional permitted use for the site. However, the Council understands that the Department of Planning & Infrastructure does not prefer this approach. If this approach is to be rejected by the Department, then it is proposed to rezone the site to R1 – General Residential by amending Sheet 17 of the Land Zoning Map.

While the objectives of the R1 and R2 zones are similar, rezoning the site to R1 – General Residential would also permit advertising structures; health services facilities; residential accommodation; and veterinary hospitals. It is not Council's intention to allow these types of uses on the site. However, the public may be concerned that Council is rezoning the site to allow such uses, which would not be compatible with the surrounding residential areas. For this reason, it is strongly

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

recommended that a scheduled additional permitted use be allowed for the site, rather than rezoning the land.

Part 3 – Justification

Section A – Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. It is to address a minor anomaly that has become evident in the following the gazettal of Camden LEP 2010 on 3 September 2010.

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

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor discrepancy in a relatively prompt and efficient manner.

3. Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal it is not considered that a Net Community Benefit Test need be undertaken. It is a given that the matter addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that existing controls are maintained which provides the community with greater certainty. It will ensure that Council can provide an expansion to the Mount Annan Leisure Centre which has been planned and Section 94 Development Contributions have been collected to fund the works.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with both the draft South Western Regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

The planning proposal is consistent with applicable state planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)? (see Appendix A)

The planning proposal is consistent with applicable Ministerial Directions.

Section C – Environmental, social and economic impact.

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

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

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

There are no likely environmental effects as a result of this planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

Not applicable.

Section D – State and Commonwealth interests.

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

Not applicable.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Given the minor nature of the issues listed in this planning proposal no state or commonwealth public authorities have been consulted.

Part 4 – Community Consultation

Background and Strategy

The matter dealt with in this planning proposal is maintaining the 'status quo' with regard to planning controls that applied to the site prior to Camden LEP 2010 being gazetted. The planning proposal seeks to amend an anomaly that occurred in relation to the Mount Annan Leisure Centre site when Camden LEP 2010 was

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

prepared, in that the selected zone for the site did not permit indoor recreation facilities.

Given that the site has been used for some time as a district level indoor recreation facility and the previous Camden LEP No. 47 zoned the site 2(d), which permitted indoor recreation centres, it is Council's view that consultation with State or Commonwealth public authorities is not required. Likewise, Council considers that community consultation is not required.

Results of Community Consultation

The planning proposal has not been on public exhibition. It is Council's recommendation that this planning proposal does not need to be publicly exhibited as it is seeking to rectify a minor anomaly in Camden LEP 2010. The subject site has been used for an indoor leisure centre for some time and the community would expect that this is a permitted use on the site. No reasonable person would be expected to make a submission in relation to this planning proposal if it were to be publicly exhibited. Therefore, a public exhibition would be an unnecessary delay in the process of rectifying an obvious anomaly.

ORD04

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

Appendix A – Applicable section 117 directions

Direction	Objective	Response
3.1 Residential Zones	The objectives of this direction are: (a) To encourage a variety and choice of housing types to provide for existing and future housing needs, (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands.	The subject site is currently zoned R2 - Low Density Residential under Camden LEP 2010. The previous LEP 47 permitted indoor recreation facilities, however this use is now prohibited under Camden LEP 2010. This planning proposal aims to permit this use via inserting a new clause in Schedule 1 – Additional Permitted Uses and prepare a new sheet 017 of the Additional Permitted Uses Map. This will ensure Council can provide the expansion to the Mount Annan Leisure Centre which has been planned for and Section 94 Development Contributions have been collected to fund the works. If the DPI reject this amendment option, it is proposed to rezone the site to R1 – General Residential. However this will also permit other uses on the site, which is not a favourable outcome for Council. This matter is minor in nature as the planning proposal seeks to reinstate a use that was previously permissible on the site under LEP 47. This anomaly was not carried over when

Planning Proposal for amendment to Camden LEP 2010 in relation to Mount Annan Leisure Centre

Direction	Objective	Response
		Camden LEP 2010 was prepared. Therefore this amendment will not have a detrimental effect on the surrounding residential areas. Rather it will provide the opportunity to provide services and facilities which are necessary and accessible to the immediate and broader residential areas surrounding the site.
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposal is compatible with the Metropolitan Strategy in that it provides a community recreation facility to meet the needs of existing and future residents.

Christina Heather

From: Kate Speare
Sent: Monday, 10 October 2011 3:47 PM
To: Christina Heather
Subject: FW: COUNCILLORS CORRESPONDENCE ATTACHED - Business Paper 11 October 2011 Item ORD04 - Amendment

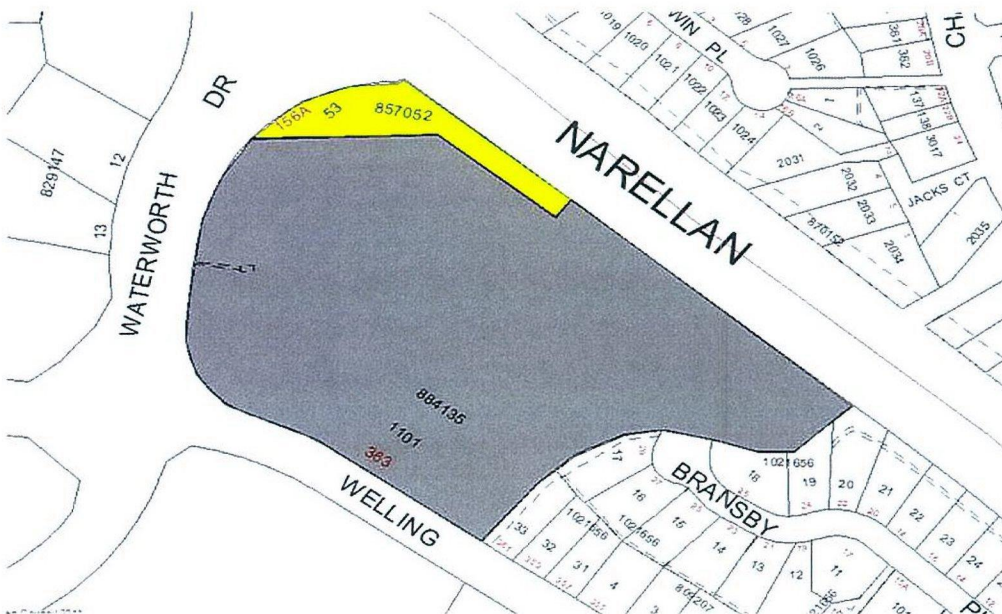
FYI

From: Samantha Sharkey
Sent: Monday, 10 October 2011 3:43 PM
To: Councillors Private
Cc: Councillor's Mail; Kate Speare
Subject: COUNCILLORS CORRESPONDENCE ATTACHED - Business Paper 11 October 2011 Item ORD04 - Amendment

Dear Councillor,

This email is in reference to the Council report for Item [ORD04 - Mount Annan Leisure Centre Planning Proposal](#), for consideration at the Ordinary Council Meeting tomorrow evening (11 October 2011).

The report refers to land known as 363 Welling Drive, which is Lot 1101 in Deposited Plan 884135, and is the current location of the Mount Annan Leisure Centre. Since preparing the report, it has come to our attention that the Mount Annan Leisure Centre site includes Lot 53 in Deposited Plan 857052. Shown coloured yellow in the map below.



It is intended to allow 'recreation facilities (indoor)' on the whole of the Mount Annan Leisure Centre site, which includes both parcels of land.

It is recommended that the Council report recommendation be amended as follows (amendments are shown in bold):

RECOMMENDED

That Council:

- i. submit a Planning Proposal to the Department of Planning and Infrastructure to amend Camden Local Environmental Plan 2010 to make 'recreation facilities (indoor)' a permissible use on the Mount Annan*

14/10/2011

Leisure Centre site (known as 363 Welling Drive, Mount Annan and included Lot 1101 in DP 884135 and Lot 53 in DP 857052);

ii. place the Planning Proposal on public exhibition, without further Council resolution, only if it is required to do so as a result of the Gateway Determination; and

iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the exhibition period; or

iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.

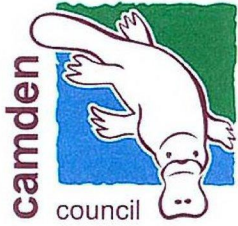
Please note, Council staff will amend the Planning Proposal (Attachment 1 to the report) accordingly before it is submitted to the Department.

Should you have any enquiries regarding this matter, please contact Chris Lalor, Acting Strategic Planning Manager, on 0246 54 7802 in the first instance.

Samantha Sharkey
Governance Officer

Camden Council | PO Box 183, Camden NSW 2570
P: 02 4645 5126 | samantha.sharkey@camden.nsw.gov.au | www.camden.nsw.gov.au

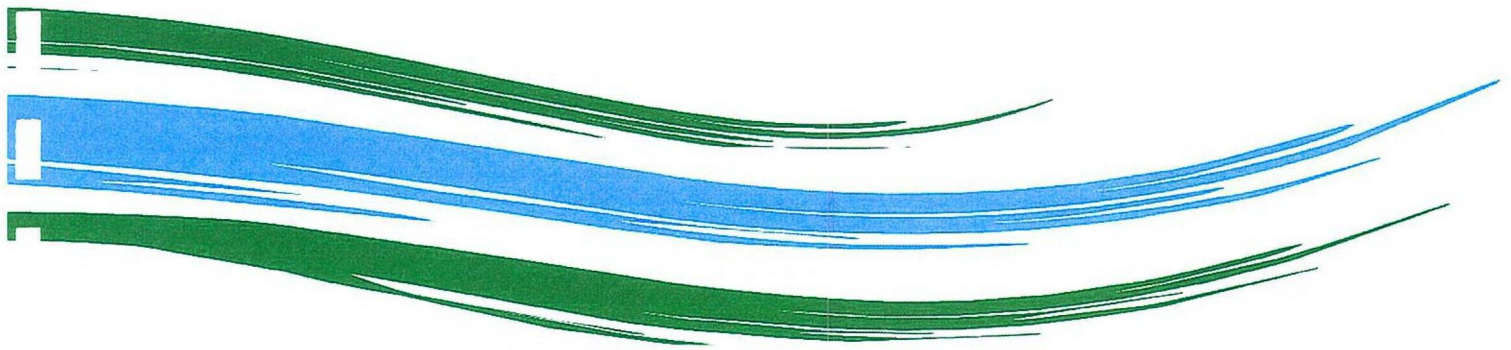
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Camden Council Minutes

Ordinary Council Meeting
11 October 2011

**Camden Civic Centre
Oxley Street
Camden**



ORDINARY COUNCIL

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PRESENT

Cr Warren (Mayor/Chairperson), Cr Anderson, Cr Cagney, Cr Campbell, Cr Cottrell, Cr Dewbery, Cr Funnell, Cr Symkowiak, Cr Patterson

STAFF

General Manager, Director Governance, Acting Director Development and Health, (Manager Environment and Health), Director Works and Services, Acting Manager Strategic Planning (Team Leader Strategic Planning), Manager Corporate Services, Manager Environmentally Sustainable Design, Manager Capital Works, Acting Manager Development (Team Leader Development), Manager Employee & Community Relations, Manager Community Services, Manager Assets, Governance Officer.

APOLOGIES

There was no leave of absence to be granted.

DECLARATIONS OF INTEREST

Resolution:

Councillor Cottrell declared a non pecuniary interest in relation to Item ORD13, being the subject of the Item. Councillor Cottrell did not consider he had a pecuniary interest in the matter and declared he would take part in the debate and vote on the Item.

Councillor Funnell declared an interest in Item ORD01 as he may tender for future electrical works at the proposed development, however did not consider it a pecuniary interest and would take part in debate and vote on the Item.

Moved Councillor Campbell, Seconded Councillor Cottrell that the declarations be noted.

ORD238/11 THE MOTION ON BEING PUT WAS **CARRIED**

PUBLIC ADDRESSES

There were no public addresses to be noted.

CONFIRMATION OF MINUTES

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that the Minutes of the Ordinary Council Meeting held 27 September 2011, copies of which have been circulated, be confirmed and adopted.

ORD239/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD01 Erection Of Two Industrial Buildings And Their Use For Steel Fabrication And Testing Of Mining Industry Components, Ancilliary Offices And Associated Site Works At 21-33 (Lot 5, Dp 1121978) Dunn

Road, Smeaton Grange

Resolution: Moved Councillor Funnell, Seconded Councillor Dewbery that Council approve Development Application 598/2011 for the erection of two industrial buildings and their use for steel fabrication and testing of mining industry components, ancillary offices and associated site works at 21-33 (Lot 5, DP 1121978) Dunn Road, Smeaton Grange subject to:

- i. the draft development consent conditions shown above; and
- ii subject to receiving the concurrence of the Director General of the Department of Planning and Infrastructure (DPI) to the proposed LEP height development standard variations.

ORD240/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion.)

ORD02 Proposed Park Name - Gregory Hills Amphitheatre

Resolution: Moved Councillor Funnell, Seconded Councillor Dewbery that Council:

- i. endorse the name 'Gregory Hills Amphitheatre' for the identified parkland site within Lot 1180 DP 1153636 in the Turner Road Precinct, Gregory Hills; and
- ii. refer the application prepared by Dart West Pty Ltd to the Geographical Names Board for 30 days exhibition, to be considered by it for formal gazettal.

ORD241/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion.)

ORD03 Spring Farm Eastern Village - Post-Exhibition Comments On The Proposed Amendment To The Camden Development Control Plan 2011

Resolution: Moved Councillor Cagney, Seconded Councillor Anderson that Council:

- i. adopt the proposed amendments to Camden Development Control Plan 2011 for the Spring Farm Eastern Village Master Plan, incorporating the minor amendments outlined within this report; and
- ii. publicly notify Council's determination in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000.

ORD242/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion.)

ORD04 Mount Annan Leisure Centre Planning Proposal

Resolution: **MOTION**

Moved Councillor Anderson, Seconded Councillor Cagney that Council:

- i. submit a Planning Proposal to the Department of Planning and Infrastructure to amend Camden Local Environmental Plan 2010 to make 'recreation facilities (indoor)' a permissible use on the Mount Annan Leisure Centre site (known as 363 Welling Drive, Mount Annan and included Lot 1101 in DP884135 and Lot 53 in DP857052);
- ii. place the Planning Proposal on public exhibition, without a further Council resolution, only if it is required to do so as a result of the Gateway Determination; and
- iii. if submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, a further report is to be provided to Council at the conclusion of the public exhibition period; or
- iv. if no submissions are received as a result of Council being required to publicly exhibit the Planning Proposal, the Planning Proposal is to be forwarded directly to the Department of Planning and Infrastructure to be made.

ORD243/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Patterson and Warren voted in favour of the Motion. No Councillors against for the Motion.)

ORD05 Result Against Budget For Year Ending 30 June 2011

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that Council:

- i. endorse the budget variations contained within this report;
- ii. authorise the following reserve movements, as identified in the table below:

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$2,883,416
Less: Financial Assistance Grant Advance	\$573,650	
Budget Surplus Available for Allocation		\$2,309,766
Central Administration Building Reserve - Transfer to Reserve	\$1,000,000	
Working Funds Reserve - Transfer to Reserve	\$1,309,766	
Total - Allocation of Budget Surplus		\$2,309,766
Budget Surplus Balance After Allocation		\$0

- iii. authorise payment to the YMCA of \$74,462 in accordance with the risk/reward sharing provisions within the operating contract for the Mount Annan Leisure Centre; and
- iv. authorise the automatic transfer of advance payments of the financial assistance grant to Council's working funds reserve.

ORD244/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD06 Annual Financial Statement Of Accounts - Year Ending 30 June 2011

Resolution: Moved Councillor Funnell, Seconded Councillor Anderson that:

- i. Council note the management representation letters which are to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer; and
- ii. the public be notified that the Annual Financial Statement of Accounts and Audit Report will be presented to Council on 8 November 2011.

ORD245/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD07 Pecuniary Interest Ordinary Returns - 1 July 2010 To 30 June 2011 And Primary Returns As At 30 September 2011

Resolution: Moved Councillor Cagney, Seconded Councillor Anderson that the information be noted.

ORD246/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD08 Expression Of Interest - Police Citizen Youth Club Establishment

Resolution: Moved Councillor Patterson, Seconded Councillor Symkowiak that Council:

- i. endorse the submission of an Expression of Interest for funding, to establish a PCYC at Hilder Reserve Elderslie;
- ii. as part of the EOI, commit to the provision of a portion of land at Hilder Reserve, Elderslie as its contribution towards the PCYC (Stage 1) works; and
- iii. consider a further contribution to stage 2 works of the PCYC when section 94 funds become available.

ORD247/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD09 Acceptance Of Carer's Week 2011 Grant

Resolution: Moved Councillor Funnell, Seconded Councillor Symkowiak that Council accept the one-off grant funding of \$800 (GST excl).

ORD248/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD10 Resignation From Camden Town Farm Committee

Resolution: **MOTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. accept the resignation of Mr Iain Richard-Evan from membership of the Camden Town Farm Management Committee;
- ii. thank Mr Richard-Evan for his interest and participation in, and contribution to the Committee's activities;
- iii. note the Committee's intention to call for interested persons to express their interest in membership of the Committee; and
- iv. note the Bicentennial Equestrian Park Committee's intention to call for interested persons to express their interest in membership of the Committee.

ORD249/11 THE MOTION ON BEING PUT WAS **CARRIED**

ORD11 Nomination Of Additional Contractor For Supply Of Plumbing Services (Tender 2010/10)

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Council:

- i. accept the submission for Tender 2010/10 Supply of plumbing Services from Royal Flush Plumbing submitted on 21 January 2011 for the remaining 17 months contract term;
- ii. offer Royal Flush Plumbing to be listed as a second provider under the contract; and
- iii. execute the contract agreement with Royal Flush Plumbing by applying Council seal.

ORD250/11 THE MOTION ON BEING PUT WAS **CARRIED**

MOTIONS OF RESCISSION

ORD12 Notice Of Motion Of Rescission - Local Government Association Conference Expenses

Resolution: **MOTION**

Moved Councillor Cagney, Seconded Councillor Cottrell that the Council resolution relating to Item ORD10 of Ordinary Council Meeting of 23 August 2011, Minute No ORD193/11 be rescinded and that any Councillor nominated to attend the Local Government Association Conference have their expenses met in accordance with the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.

ORD251/11 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Campbell, Cagney, Cottrell, and Warren voted in favour of the Motion.
Councillors Dewbery, Funnell, Symkowiak and Patterson voted against of the Motion.)

NOTICES OF MOTION

ORD13 Notice Of Motion - Suspension Of Councillor Cottrell

Resolution: Moved Councillor Funnell, Seconded Councillor Symkowiak that:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440I(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440I(a)(i)) and involved more than one incident as outlined by the Independent Review Panel

(s440l(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

MOTION

Moved Councillor Cagney, Seconded Councillor Anderson that the Motion be put.

ORD252/11 THE MOTION ON BEING PUT WAS **LOST**

(Councillors Anderson, Cagney, Campbell, and Warren voted in favour of the Motion. Councillor Cottrell, Dewbery, Funnell, Patterson and Symkowiak voted against the Motion).

(In accordance with Clause 251(1) of the Local Government Regulation, Councillor Cottrell's abstention from voting was recorded as a vote against the Motion).

MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that:

Given that Councillor Michael Cottrell has been found to be in breach of the Camden Council Code of Conduct (sections 6.1 and 6.3), recommended for censure for his behaviour by an independent committee and subsequently censured by Council on two (2) occasions for his behaviour, it is recommended that in accordance with section 440l(2)(a) of the Local Government Act that Council recommend to the Director of the Department of Local Government that the Department of Local Government engage its powers under the abovementioned Act to suspend the tenure of Councillor Michael Cottrell.

In the view of the Council, it is further recommended that Council believes that Councillor Cottrell's behaviour has been disruptive over a period (s440l(a)(i)) and involved more than one incident as outlined by the Independent Review Panel (s440l(1)(a)(ii)).

Given the nature of both incidents, the Council determines the demeanour and behaviour of Councillor Cottrell to be of such a serious nature that the suspension of the Councillor is warranted.

ORD253/11 THE MOTION ON BEING PUT WAS **LOST**

(Councillors Dewbery, Funnell, Symkowiak and Patterson voted in favour of the Motion. Councillors Anderson, Cagney, Campbell, Cottrell and Warren voted against of the Motion.)

(In accordance with Clause 251(1) of the Local Government Regulation, Councillor Cottrell's abstention from voting was recorded as a vote against the Motion).

THE MEETING CLOSED AT 8.07PM