

Mount Annan Leisure Centre

Proposal Title : **Mount Annan Leisure Centre**

Proposal Summary : **To correct an anomaly in Camden Local Environmental Plan 2010 which has inadvertently resulted in the Mount Annan Leisure Centre becoming prohibited within the R2 Low Density Residential Zone. Further details of the Planning Proposal are at Attachment A.**

PP Number : **PP_2011_CAMDE_003_00**

Dop File No : **11/18687-1**

Proposal Details

Date Planning Proposal Received : **20-Oct-2011**

LGA covered : **Camden**

Region : **Sydney Region West**

RPA : **Camden Council**

State Electorate : **CAMDEN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **363 Welling Drive**

Suburb : **Mount Annan**

City : **Sydney**

Postcode : **2567**

Land Parcel : **Lot 1101 in DP 884135 and Lot 53 in DP 857052**

DoP Planning Officer Contact Details

Contact Name : **Mato Prskalo**

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RPA Contact Details

Contact Name : **Kate Speare**

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DoP Project Manager Contact Details

Contact Name : **Cho Cho Myint**

Contact Number : **0298738583**

Contact Email : **chocho.myint@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion**

Consistent with Strategy : **Yes**

Mount Annan Leisure Centre

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

N/A

No. of Lots : 0

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council has prepared the Proposal (see Attachment A) to rectify an anomaly which arose during the preparation of Camden LEP 2010. In rezoning the subject site to R2 Low Density Residential Zone under Camden LEP 2010, Council had attempted to reflect the previous residential zoning but had inadvertently prohibited the current use of the subject land as a leisure centre.

The Mount Annan Leisure Centre is owned by Camden Council and Council intends to expand the centre in the future. The Planning Proposal will ensure that it is a permissible use with consent on the subject land to enable expansion works to be carried out by Council.

External Supporting
Notes :

The Planning Proposal has been prepared to rectify an oversight which occurred during the recent rezoning of the subject land. The rezoning of subject land had inadvertently prohibited its current use as a leisure centre. The Planning Proposal seeks to ensure that a leisure centre continues to be a permissible use with consent on the subject land.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective is to amend Camden Local Environmental Plan 2010 to allow "recreation facilities (indoor)" as a permissible use on the site of the Mount Annan Leisure Centre.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Council's ordinary meeting on 11 October, 2011, resolved to make "recreation facilities (indoor)" a permissible use on the Mount Annan Leisure Centre site.

Council's Planning Proposal seeks to enable this by amending the Camden Local Environmental Plan 2010 to introduce a new clause 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.

The Planning Proposal also seeks to add this site in the Additional Permitted Uses Map under Camden Local Environmental Plan 2010.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies to the Proposal as it affects land within an existing residential zone (Zone R2 Low Density Residential).

The Direction requires the Proposal to contain provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

The Direction also requires the Proposal to:

- (a) contain a requirement that residential development is not permitted on the land until it is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it); and
- (b) not contain provisions which will reduce the permissible residential density of the land.

The Proposal is technically inconsistent with the Direction as it does not meet all of the above requirements, however, it is considered that the inconsistency is justified on the basis of being of minor significance. Council has advised that the current use will remain unchanged. If the Proposal proceeds, the Director General (or his delegate) will be required to approve the inconsistency pursuant to clause 6(d) of the Direction.

SECTION 117 DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The Proposal is inconsistent with part 4(a) of section 117 Direction 6.3 Site Specific Provisions as the Proposal does not allow the proposed land use to be carried out in the zone which applies to the subject land.

The subject land is currently zoned R2 Low Density Residential under Camden LEP 2010 (zoning extract and land use table are at Attachments B and B1). Council has advised that, while its preference is to facilitate the proposal by introducing an additional permitted use to the subject land, it is alternatively willing to rezone the subject land to R1 General Residential, which permits "recreation facilities (indoor)" with consent. However, Council does not favour a R1 General Residential zoning because of the potential for public perception about the potential future uses that this zone may enable.

Comment

It is considered that there are four options to facilitate the Proposal:

Option 1 - Amend the Land Use Table for Zone R2 Low Density Residential

Council has not considered the option of amending the land use table for Zone R2 Low Density Residential to make "recreation facilities (indoor)" permissible with consent throughout the zone. However, this option is not supported due to the broader potential implications of allowing the proposed use in the zone.

Option 2 - Additional Permitted Use

It is considered that Council has not adequately justified the inconsistency of this option with the Direction as suitable alternatives exist. Council's concerns with the potential public perception associated with pursuing the alternative option of rezoning the subject land to Zone R1 General Residential are not based on planning grounds.

Option 3 - Rezone to Zone R1 General Residential

Zone R1 Low Density Residential permits "recreation facilities (indoor)" with consent. While this zone would be consistent with both the current zoning of the subject land and the zoning of adjoining land (R2 Low Density Residential and B2 Local Centre) (as shown on the existing Land Zoning Map at Attachment B), it may not be as suitable as a recreation zone. The zoning extract for R1 General Residential is at Tag B2.

Option 4 - Rezone to Zone RE1 Public Recreation

Zone RE1 Public Recreation in the Camden LEP 2010 permits "recreation facilities (indoor)" with consent and would most appropriately reflect the current use of the land. See zoning extract at Tag B3. Council staff have advised the Sydney West Regional Branch that they do not object to this zone for the subject land. This zone would still be in line with the Council resolution to prepare the planning proposal, which does not identify a specific proposed zone.

It is recommended that Option 4 be supported if the Proposal proceeds. This rezoning (to RE1 Public Recreation) is considered to be consistent with the requirement in Clause 4 (b) of the s117 Direction 6.3 Site Specific Provisions. The RE1 zone is an existing zone in the Camden LEP 2010 and "recreation facilities (indoor)" is a permissible use with consent in the zone. No development standards are proposed.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is not considered to be inconsistent with the Metropolitan Plan for Sydney 2036 and is, therefore, considered to be consistent with this Direction.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Council has identified the subject land by way of a map but has not prepared a draft amending map, as its preferred option is to enable the proposal as an additional permitted use. However, Council has indicated that, should the Proposal proceed as a rezoning, it would be necessary to amend the zoning of the subject land on Sheet 017 of the Land Zoning Map under Camden LEP 2010 from R2 Low Density Residential to R1 General Residential.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : Council does not propose to consult with the community or public authorities in view of the circumstances of the case. It is considered that this request is reasonable.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : The principal LEP, Camden LEP 2010, was made in September 2010.

Assessment Criteria

Need for planning proposal : The Proposal is required as it is the only means of rectifying the anomaly. The Proposal will also enable the planned future expansion of the leisure centre.

Consistency with strategic planning framework : The Proposal is not inconsistent with any relevant local or strategic plans as it seeks to rectify an anomaly which was created inadvertently.

Environmental social economic impacts : It is agreed with Council that, in view of the nature of the Proposal, no environmental, social or economic impacts are anticipated.

Assessment Process

Proposal type : **Inconsistent**

Community Consultation
Period : **Nil**

Timeframe to make
LEP : **3 Month**

Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Attachment_A_-_Planning_Proposal.pdf	Proposal	Yes
Attachment_B_-_Current_Land_Zoning_Map.pdf	Map	Yes
Attachment_B1_-_Land_Use_Table_-_Zone_R2_Low_De nsity_Residential.pdf	Study	Yes
Attachment_B2_-_Land_Use_Table_-_Zone_R1_General Residential.pdf	Study	Yes
Attachment_B3_-_Land_Use_Table_-_Zone_RE1_Public Recreation.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

1) the proposal be facilitated by rezoning the subject land to Zone RE1 Public Recreation,

Mount Annan Leisure Centre

2) the inconsistency with s.117 Direction 3.1 Residential Zones be approved as a minor matter,

3) no community consultation be required,

4) no consultation with public authorities be required, and

5) the timeframe to finalise the rezoning be set at 3 months.

Supporting Reasons : The Proposal rectifies a zoning anomaly.

Signature:



Printed Name:

Cyo Cyo McIntyre Date: 21/10/11