

LIVERPOOL CITY COUNCIL

PLANNING AND GROWTH

ORDINARY MEETING

25/09/2013

ITEM NO:	GMPG 02	FILE NO:	2013/1076
SUBJECT:	DRAFT AMENDMENT NO. 32 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 MINOR REZONINGS AND ANOMALIES AND DRAFT AMENDMENT 11 TO LIVERPOOL DEVELOPMENT CONTROL PLAN		
COMMUNITY STRATEGIC PLAN REFERENCE:	LIVEABLE SAFE CITY		

EXECUTIVE SUMMARY:

A number of necessary minor amendments to the Liverpool Local Environmental Plan (LLEP) 2008 have been identified including the rezoning of both privately owned land and Council owned land; reclassification of land from Community Land to Operational Land; rectifying anomalies associated with the LLEP 2008 maps; and minor amendments to the written instrument.

It is also proposed to amend the Liverpool Development Control Plan (DCP) 2008 to expand upon existing controls for sex service premises and to create specific land use controls for restricted premises. The revised development guidelines will ensure that the location and appearance of these types of developments are contextually appropriate and are more consistent with the surrounding streetscape.

The proposed changes are deemed necessary for the promotion and co-ordination of the orderly and economic use and development of land within the Liverpool Local Government Area (LGA).

It is recommended that Council proceeds with this amendment to LLEP 2008 and that this report and the attached documentation are forwarded to the Department of Planning and Infrastructure for a Gateway determination.

DETAILED REPORT:

Background

In order to limit the number of amendments to Council's principal planning instrument, it is an accepted practice to group a number of proposed changes together. This proposed LEP amendment considers Council staff initiated changes, as well as changes made in accordance with advice from the Department of Planning and Infrastructure.

Amendments proposed as part of this planning proposal include:

Schedule 5 Environmental Heritage

Item 55 in Schedule 5 of the LLEP 2008, being the former Pitt Street Road Bridge at Cabramatta Road, Miller, is incorrectly described as being located within Lots 100 and 101, DP 1118802. It is proposed to amend the property description of Item 55 to indicate its correct location as Lot 16, DP 1036695, Hoxton Park Road, Cartwright. The associated LLEP 2008 heritage map will also be corrected.

Minimum Lot Widths in Zones R1, R2, R3 and R4

Clause 7.13(4) has created inefficiencies in the assessment of irregularly shaped lots and is proposed to be amended to better reflect its intent. Numerous applicants have sought exceptions to the existing controls, pursuant to Clause 4.6 of the LLEP 2008. The proposed amendment will ensure that an irregular shaped lot being created through the subdivision of land is able to accommodate a dwelling footprint of 200sqm.

It is also being proposed to amend the LLEP 2008 to facilitate shared access arrangements for adjacent battle-axe lots. At present, it is stated within the Liverpool Development Control Plan (DCP) 2008 that two adjacent battle-axe lots may share an access handle with a minimum width of five (5) metres. The proposed amendment will make the LLEP 2008 controls consistent with those of the DCP. The objective of this amendment is to reduce the proliferation of hardstand areas and driveways when viewed from the public domain.

Acid Sulfate Soils

The proposal will seek to amend Clause 7.7(6) of the LLEP 2008 in accordance with changes to the Model Local Provision. The amendment is sought following advice from the Department of Planning and Infrastructure.

The proposed amendment to subclause 7.7(6) will stipulate that development consent is not required for the carrying out of works on land shown on the Acid Sulfate Soils Map, where these works will result in the displacement of less than one tonne of soil and are not likely to lower the watertable. The clause is only relevant where both of these specified criteria are met.

Rural Workers Dwellings

It is proposed to restrict the size and quantity of Rural Workers Dwellings which are permitted on land zoned RU1 Primary Production, and land zoned RU4 Primary Production Small Lots. Feedback received during the public exhibition period of Draft Amendment No. 28 to the LLEP 2008 expressed concern regarding the proliferation of

these types of accommodation and their potential impact on rural amenity. The changes proposed were deemed substantial enough to warrant re-exhibition of the planning proposal. Re-exhibition of the planning proposal was unreasonable at that time, considering the cumulative impact of prior delays on the processing of the proposed amendment.

It is being proposed to limit the number of rural workers dwellings permitted on rural lots to one (1) and restrict their size to a maximum of 100 square metres.

Dual Occupancies in the R5 Large Lot Residential Zone

It is proposed to amend controls relating to the permissibility of dual occupancy developments on R5 Large Lot Residential zoned land. The proposed amendment is the outcome of community consultation undertaken as part of Draft Amendment No. 28 to the LLEP 2008. Submissions received during the public exhibition period supported implementing controls related to the development of dual occupancies within the R5 zone. The changes proposed were deemed substantial enough to warrant re-exhibition of the planning proposal. Re-exhibition of the planning proposal was unreasonable at that time, considering the cumulative impact prior delays on the processing of the proposed amendment.

It is proposed therefore as part of this amendment to limit the permissibility of detached dual occupancies to lots which are greater than two hectares, and attached dual occupancies on lots greater than one hectare.

Restricted Premises and Sex Service Premises

To limit the proliferation of these kinds of developments in the Liverpool City Centre, it is being proposed to remove the permissibility of Restricted Premises from the B3 Commercial Core and B4 Mixed Use zones.

To ensure that the services offered by these premises remain available to the Liverpool community, it is being proposed to permit these developments within the IN1 General Industrial and IN2 Light Industrial zones.

In addition to this permissibility change it is proposed to amend the Liverpool Development Control Plan 2008 to create greater controls on these types of developments to ensure that their location, appearance and signage are discreet and contextually appropriate. The proposed amendment will make existing controls for sex service premises in industrial zones and in the Liverpool City Centre consistent and expand controls relating to restricted premises. The attached Draft DCP controls incorporate the planning principal established by the Land and Environment Court in paragraph 18 of *Martyn v Hornsby Shire Council* [2004] NSWLEC 614.

Mapping Anomalies

The planning proposal seeks to rectify a number of minor mapping anomalies.

Casula

The proposal will rezone lots 1-2, DP 1162379 entirely R2 Low Density Residential. A small portion of these lots is currently zoned RE1 Public Recreation due to an inconsistency between the zoning boundary and the lot boundary of Council owned land at Lot 3, DP 1162379. The corresponding Environmentally Significant Land, floor space ratio,

minimum lot size and maximum building height maps will also be amended to align with the lot boundaries.

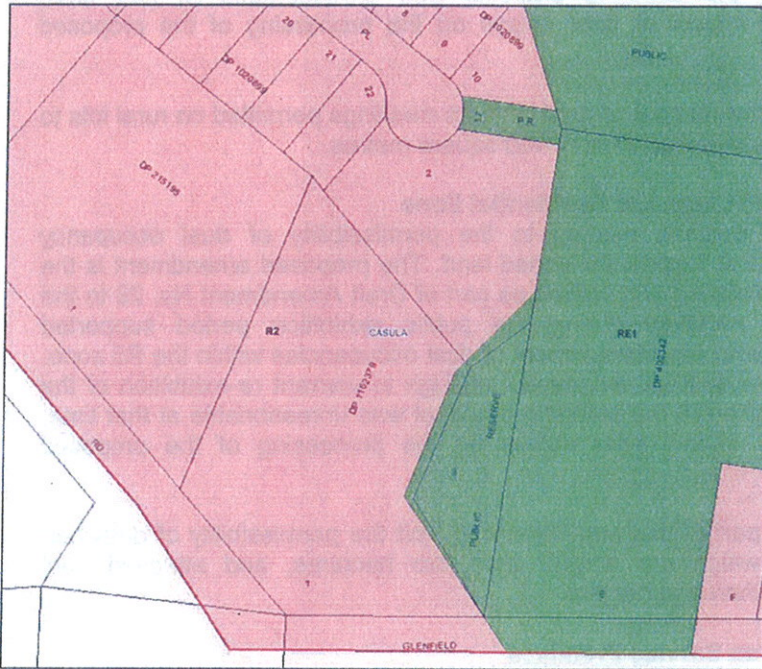


Figure 1: LLEP 2008 Zoning Extract

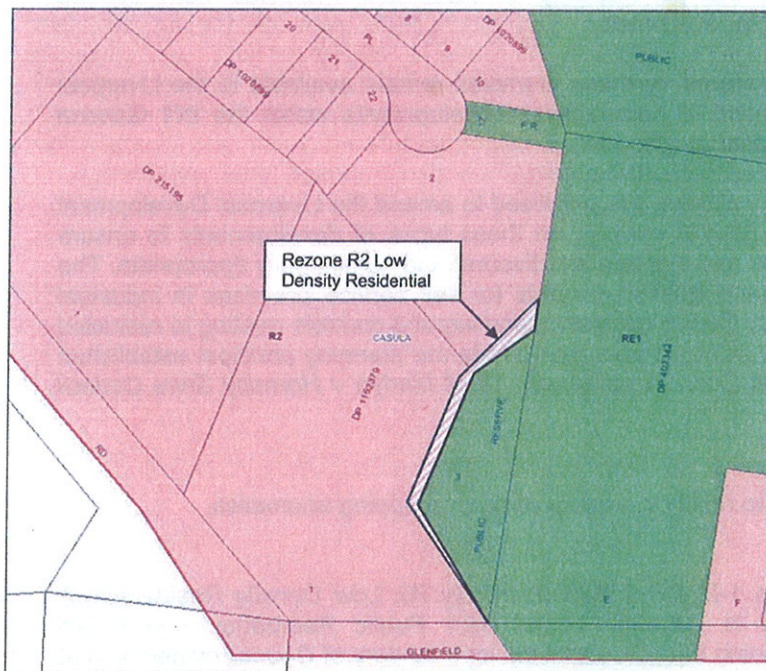


Figure 2: Proposed Amendment to LLEP 2008 Zoning



Figure 3: Aerial Photograph of Affected Land

Middleton Grange

Lot 213 in DP 280030, known as Lot 213 Robey Avenue, Middleton Grange is a drainage basin under the ownership of Liverpool City Council. At present, the lot is zoned predominantly SP2 (Drainage) and partially R1 General Residential and four residential lots opposite the drainage reserve are zoned partially SP2 (Drainage). This proposal will rezone Lot 213 to be entirely SP2 (Drainage) and rezone lots opposite the drainage basin entirely R1 General Residential. Associated height of building, minimum lot size, floor space ratio and land reservation acquisition maps are also proposed to be amended.

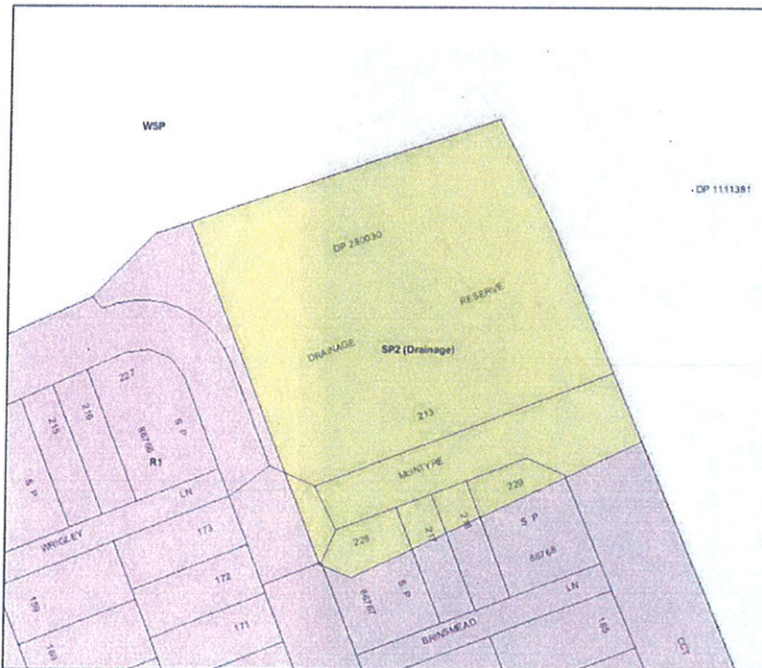


Figure 4: LLEP 2008 Zoning Extract

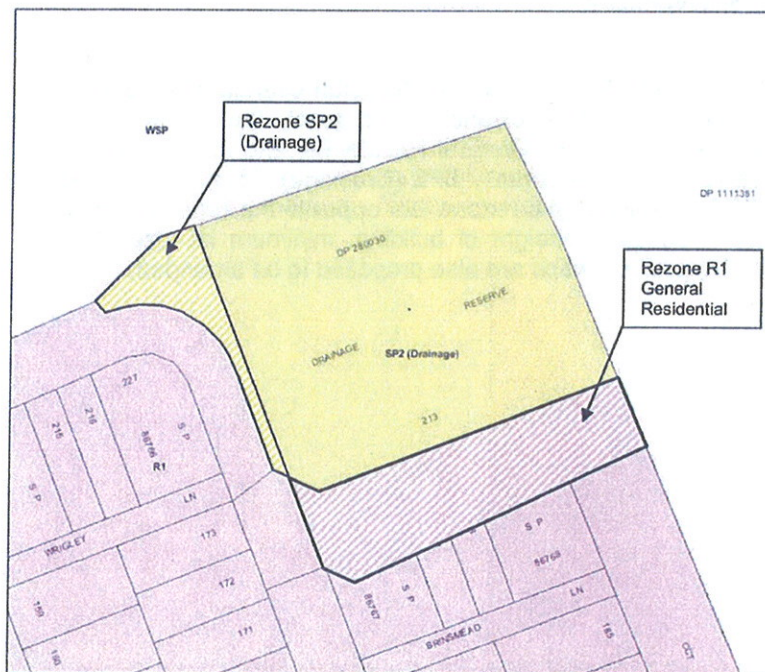


Figure 5: Proposed Amendment to LLEP 2008 Zoning



Figure 6: Aerial Photograph of Affected Land

Hoxton Park

Lot 1, DP 1046088, known as 20 Nimbin Avenue, Hoxton Park, is zoned predominantly R2 Low Density Residential and partially E2 Environmental Conservation. The current zoning is a result of a mapping inconsistency between the LLEP 2008 zoning map and the cadastre. It is proposed to rezone the lot entirely R2 Low Density Residential and amend the corresponding height of buildings, minimum lot size and floor space ratio maps accordingly. The site has been developed for residential purposes and the proposed amendment will reflect this existing use.

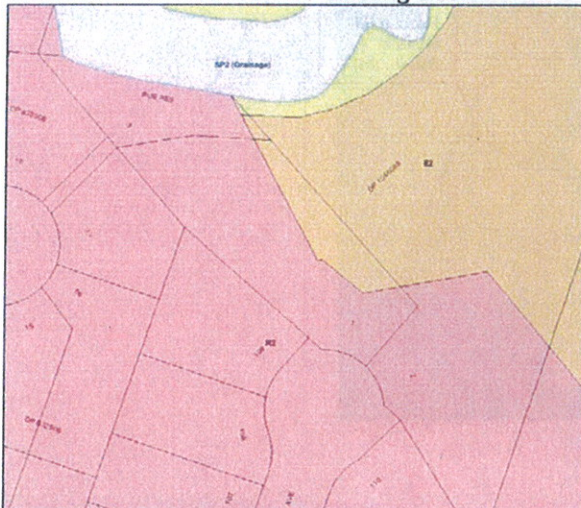


Figure 7: LLEP 2008 Zoning Extract

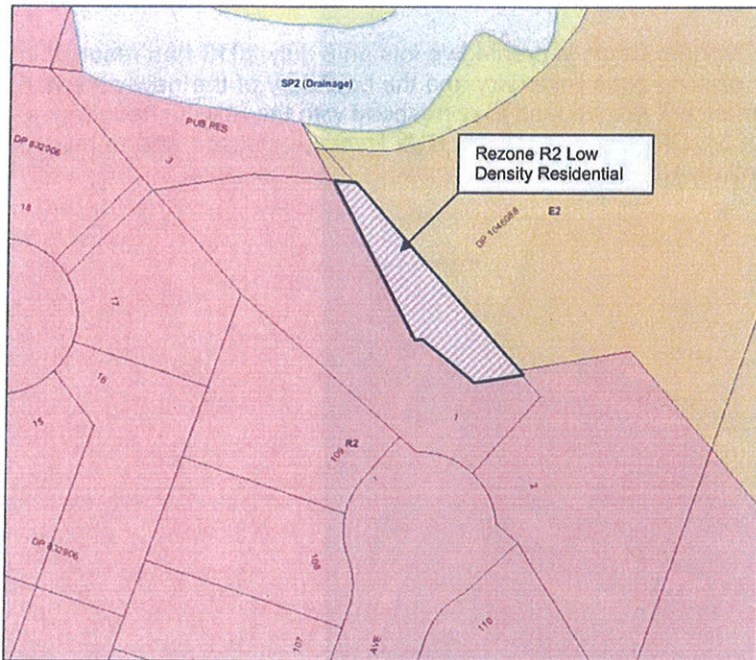


Figure 8: Proposed Amendment to LLEP 2008 Zoning



Figure 9: Aerial Photograph of Affected Land

Denham Court

The subdivision of land in Denham Court to create five lots on 8 July 2013 has resulted in inconsistency between the existing zone boundary and the boundary of the newly created lots. The proposed amendment will rezone land to correspond with the new lot boundaries. It is proposed to rezone Lot 31, DP 1005883 entirely RU2 Rural Landscape and to rezone Lots 42-44, DP 1186853 entirely R5 Large Lot Residential.

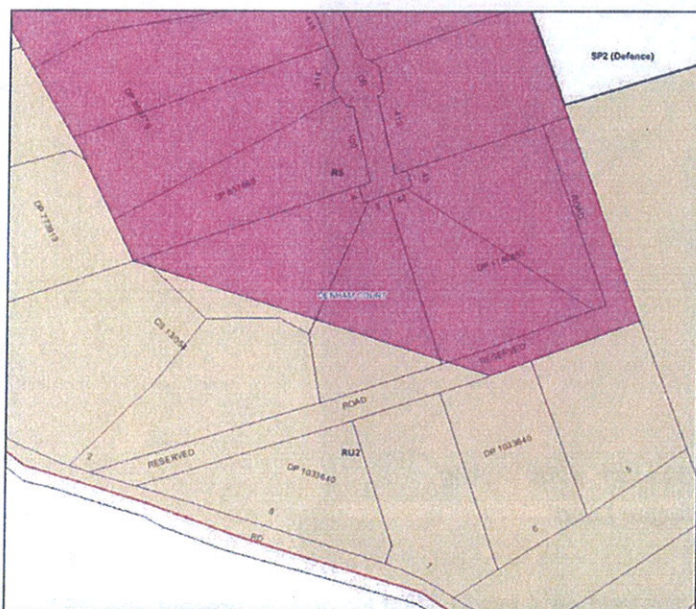


Figure 10: LLEP 2008 Zoning Extract

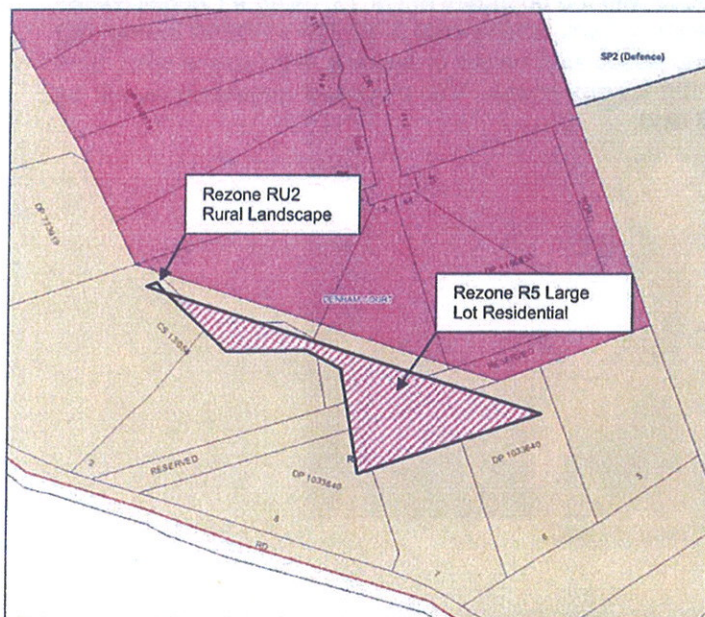


Figure 11: Proposed Amendment to LLEP 2008 Zoning



Figure 12: Aerial Photograph of Affected Land

West Hoxton

The proposed amendment will rezone land on 4 lots in West Hoxton. At present, the RE1 Public Recreation zone affects part of Lots 8-10 and Lot 13 in DP 1172599. It is proposed to amend the RE1 zone to correspond with the boundary of Lot 13, being a Council owned public reserve. The proposed amendment will rezone Lots 8-10, DP 1172599 entirely R2 Low Density Residential and amend associated height of building, floor space ratio, land reservation acquisition and minimum lot size maps. The proposed amendments will be consistent with adjacent residential land.

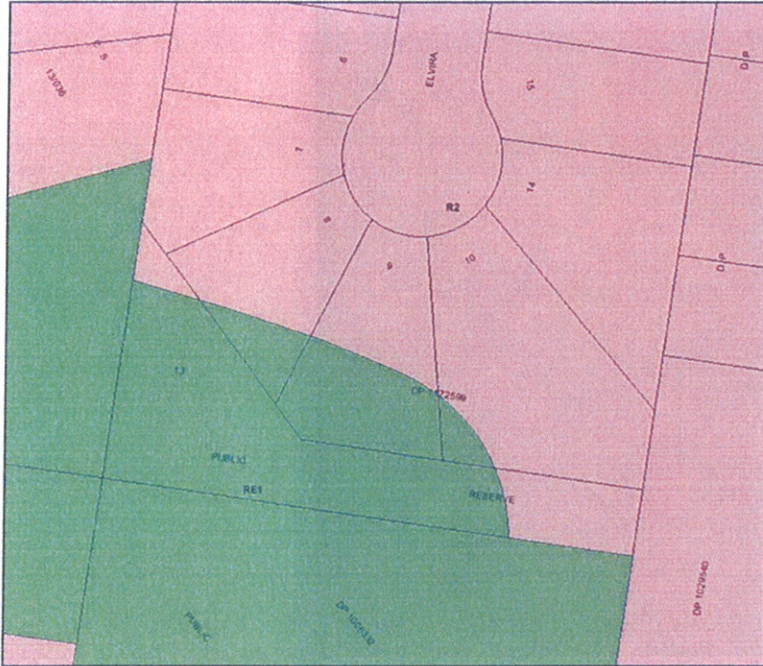


Figure 13: LLEP 2008 Zoning Extract

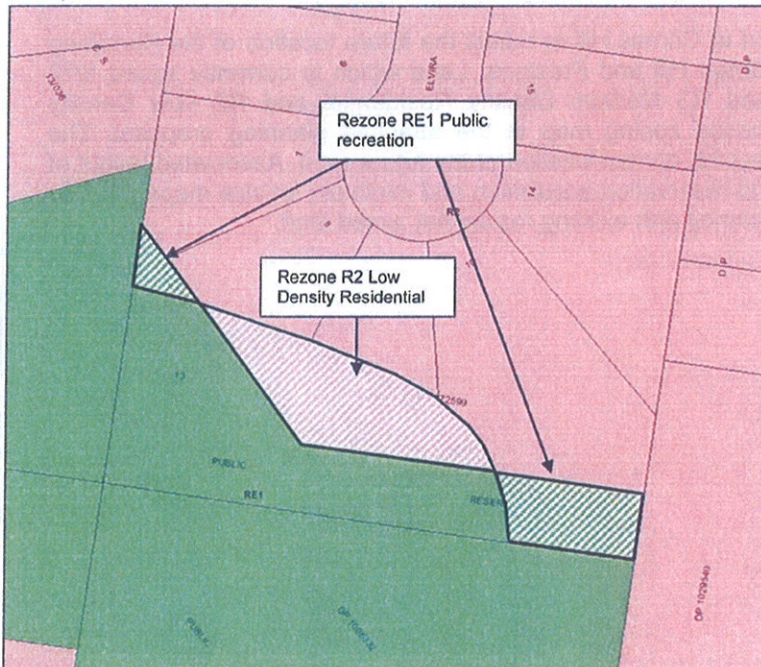


Figure 14: Proposed Amendment to LLEP 2008 Zoning



Figure 15: Aerial Photograph of Affected Land

Carnes Hill

This proposal will rezone land at Carnes Hill to reflect the future location of the Kurrajong Road extension between Carnes Hill and Prestons. Land which is currently zoned SP2 (Local Road) will be rezoned R3 Medium Density Residential and R2 Low Density Residential as per the proposed zoning map in the attached planning proposal. The amendment is sought to reflect the correct location of the future road. Associated height of building, floor space ratio, land reservation acquisition and minimum lot size maps will also be amended to ensure consistency with existing residential zoned land.

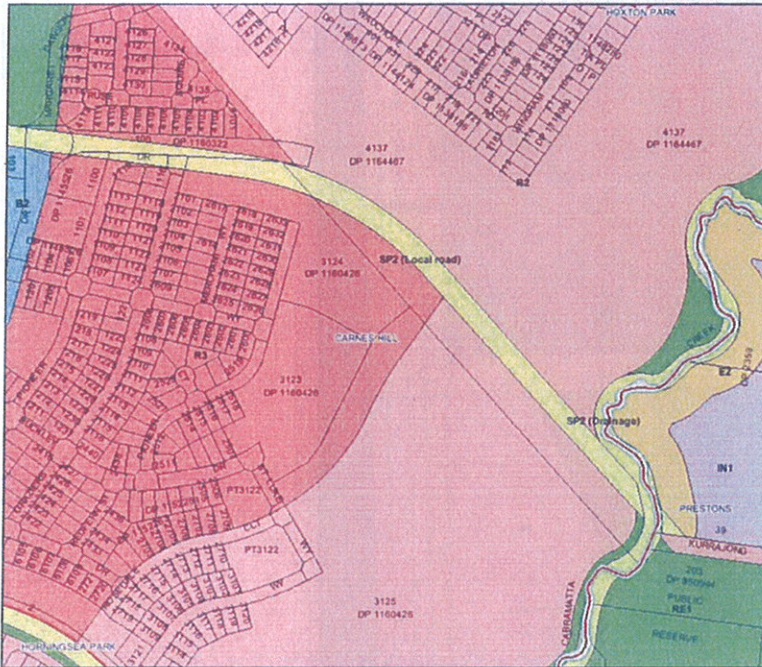


Figure 16: LLEP 2008 Zoning Extract

Elizabeth Hills

The proposal will amend the LLEP 2008 zoning maps to indicate the correct location of Aviation Road, Elizabeth Hills. Aviation Road will be zoned SP2 (Local Road) and the land which is currently zoned SP2 (Local Road) will be zoned RE1 Public Recreation. The land has been dedicated to Council as a Public Road. The Land Reservation Acquisition Map will be updated to reflect this.

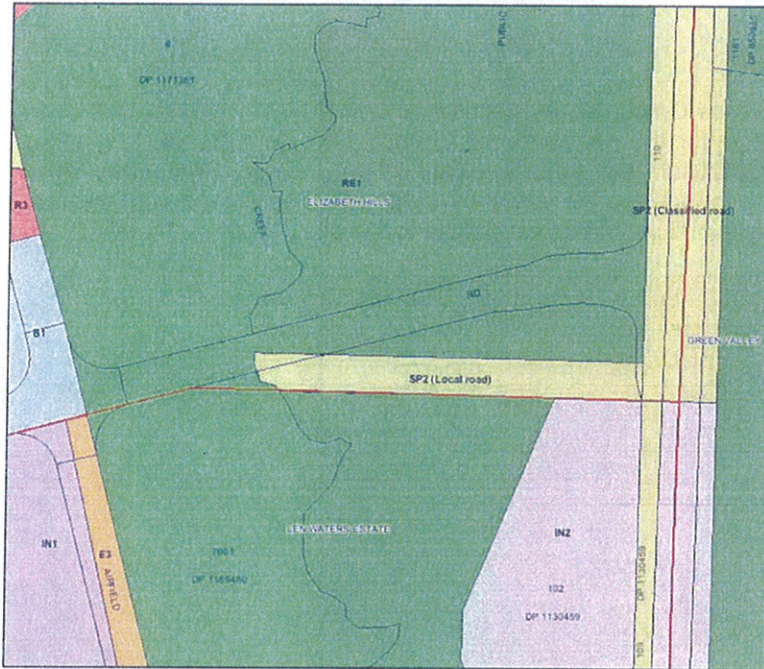


Figure 17: LLEP 2008 Zoning Extract

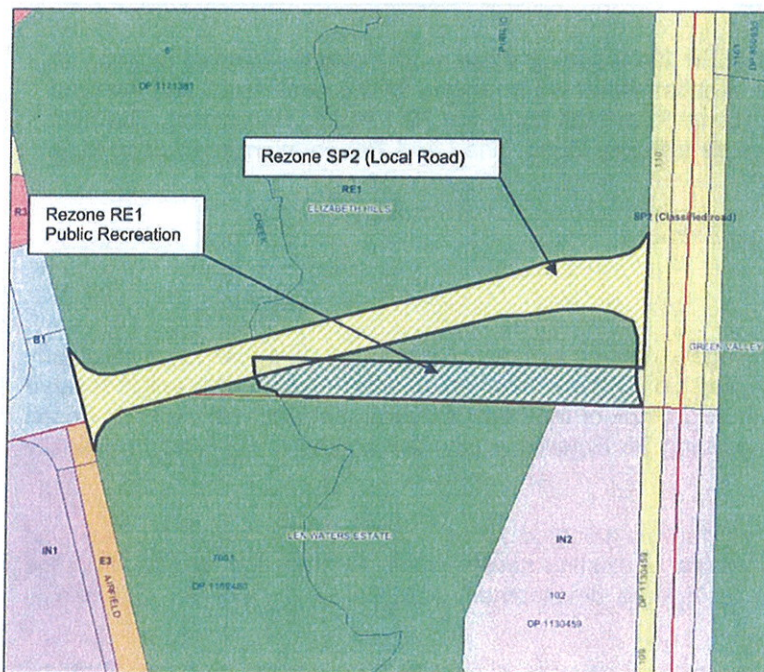


Figure 18: Proposed Amendment to LLEP 2008 Zoning

Spot Rezoning

Lot 101, DP 630178

85 Lee & Clarke Road, Kemps Creek, legally defined as Lot 101, DP 630178, has been acquired by Council to allow for the expansion of Council's Western Depot. It is being proposed to rezone the 12,720sqm site from its existing RU4 Primary Production Small Lots zoning to SP2 (Depot) to facilitate the future development. The amendment will also seek to remove the existing minimum lot size applicable to the site.

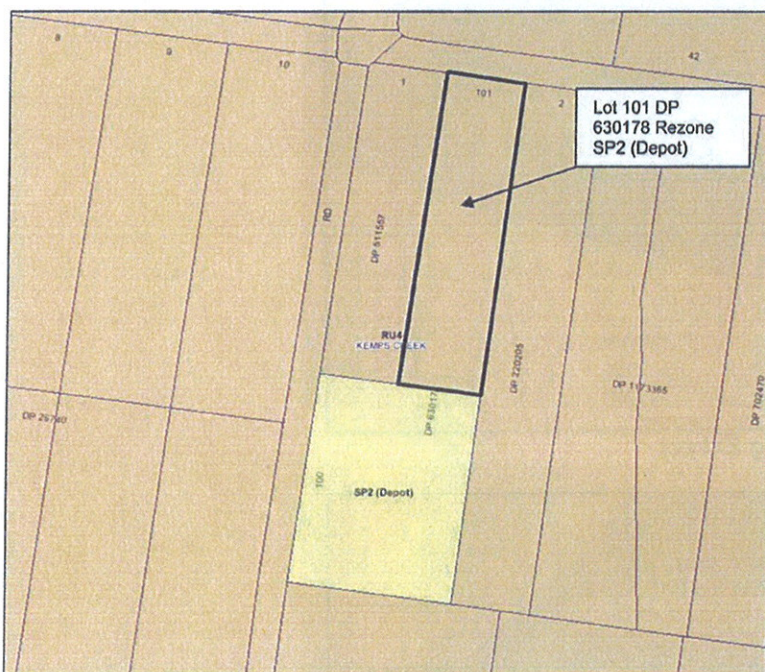


Figure 19: LLEP 2008 Zoning Extract

Lot 7, DP 238364

9 McLean Street, Liverpool, legally defined as Lot 7, DP 238364, is a 436.3sqm irregularly shaped lot under Council ownership. The site was dedicated to Council as a public reserve on 10 September 1969 under Part 12A of the Local Government Act 1919. It is proposed to rezone the site from its existing B6 Enterprise Corridor zoning to R3 Medium Density Residential.

It is unlikely that the site will be amalgamated with the adjacent B6 zoned land fronting Elizabeth Drive due to the nature of existing development. Further, the lot size, frontage and irregular configuration restrict the development potential of the site for commercial purposes.

The 436.3sqm lot size is less than that which would be required to permit many of the developments types which would otherwise be permissible under the R3 zone. The proposal will seek to amend the associated LLEP 2008 maps to remain consistent with R3 zoned land adjacent to the site.

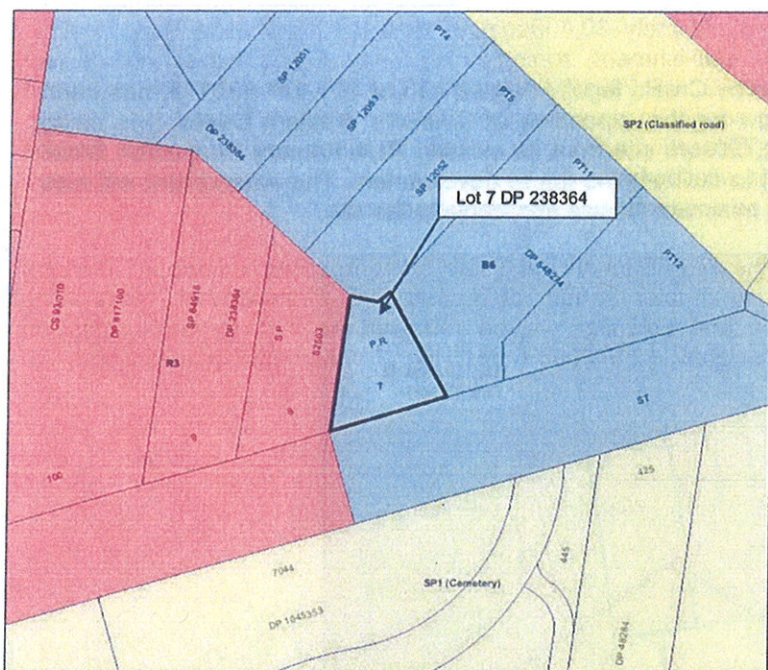


Figure 20: LLEP 2008 Zoning Extract

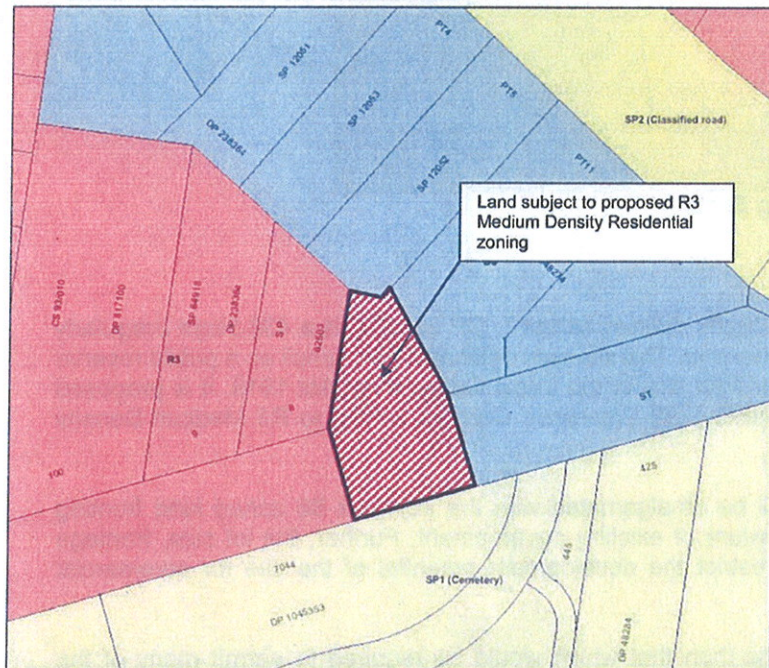


Figure 21: Proposed Amendment to LLEP 2008 Zoning

Part Lots 20-22, DP 29317

It is proposed to rezone approximately 30,400sqm of land in Edmondson Park from its current SP2 (Educational Establishment) zoning to R1 General Residential. The current zoning affects part of Lots 20-22 DP 29317, known as 132-160 Jardine Drive, Edmondson Park. The existing zoning sought to preserve the site as the future location of a public school. The Department of Education and Communities has since advised Council and the landowner that an alternate location has been selected within Edmondson Park South, and that the site will no longer be acquired for educational purposes.

It is proposed to rezone the SP2 (Educational Establishment) zoned land to R1 General Residential to facilitate a greater range of permissible development types. The "Department of Education and Training" will be removed as the relevant acquisition authority of the land. Associated LLEP 2008 maps will be amended, consistent with the adjacent R1 zoned land.

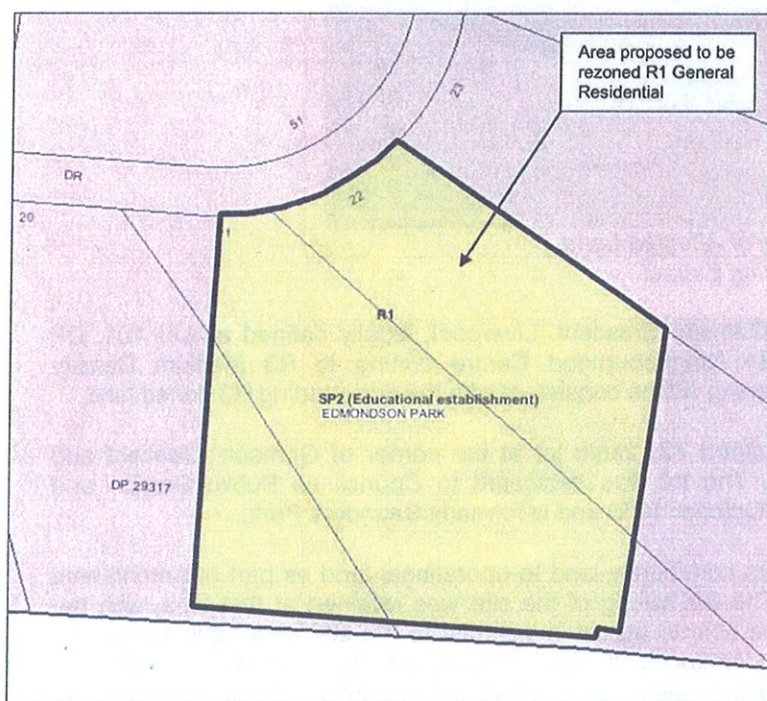


Figure 22: LLEP 2008 Zoning Extract



Figure 23: Aerial Photograph of Affected Land

Lot 101, DP 30136

It is proposed to rezone 9 Grimson Crescent, Liverpool, legally defined as Lot 101, DP 30136, from its existing B1 Neighbourhood Centre zoning to R3 Medium Density Residential. The proposed zoning will be consistent with the surrounding R3 zoned land.

The site is an irregularly shaped 727.2sqm lot at the corner of Grimson Crescent and Grimson Lane in Liverpool. The lot was dedicated to Council as Public Garden and Recreation Space on the 13 October 1959 and is formerly Saunders Park.

The site was reclassified from community land to operational land as part of Amendment No. 11 to the LLEP 2008. The B1 zoning of the site was retained at that time, with the intention that Council may be able to attract investment to the site under this zoning. As part of the reclassification process, it was determined that Saunders Park was underutilised and surplus to the open space provisions identified in the DCP and the Liverpool City-Wide Recreation Strategy. Council has been unsuccessful in reaching a satisfactory sale outcome for the site under its current zoning and has concluded that the R3 zoning for the site is most appropriate.

The Liverpool Retail Centres Hierarchy Review 2012 states that the existing centre consists of a total of five tenancies, four of which were vacant at the time of the review. The close proximity of the site to larger centres such as the Liverpool Regional Centre (approximately 450 metres) and the Orange Grove Stand Alone Centre (approximately 750 metres) is such that the loss of additional B1 zoned land in this location may be supported at this time.

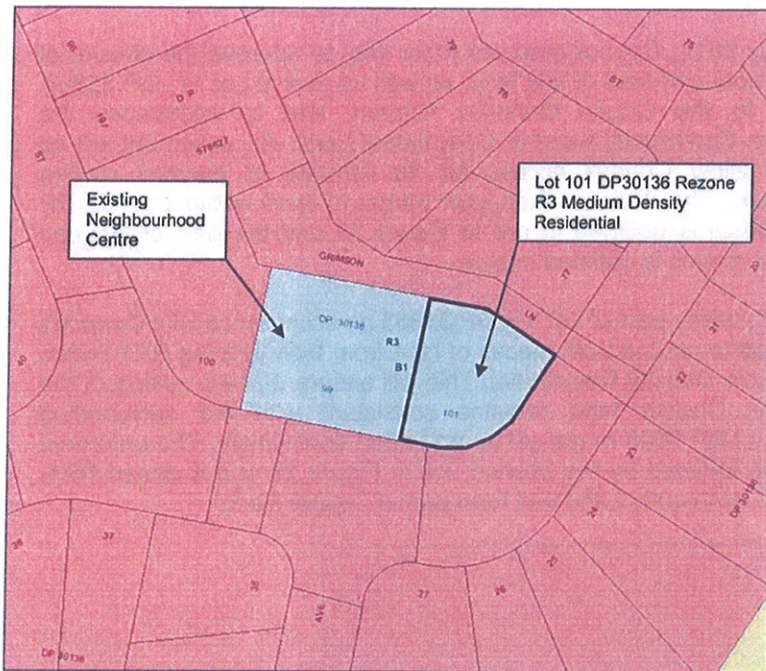


Figure 24: LLEP 2008 Zoning Extract

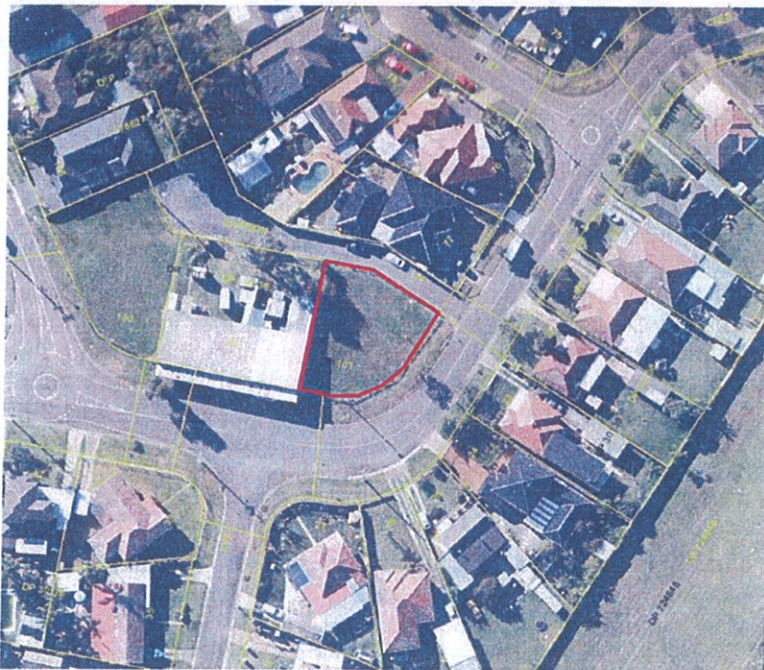


Figure 25: Aerial Photograph of Lot 101, DP 30136

Lot 17, DP 3186

At its meeting dated 23 May 2011, Council resolved (inter alia) to approve the closure of part of McLean Street Liverpool and sale of this land, as well as part of Lot 17, DP 31863, known as Tepper Park, to the Coptic Orthodox Church, and to commence the reclassification process from Community Land to Operational Land. An easement will be provided on this land to allow Council access for its vehicles to conduct routine maintenance of Tepper Park. The 135sqm triangular parcel of land within Lot 17, DP 31863, subject to this proposal is outlined in red in Figure 28 and the part of McLean Street to which this proposal relates is outlined in blue.

This proposal will seek to reclassify part of Lot 17, DP 31863, in accordance with Council's resolution. It is also proposed to rezone both pieces of land from their existing RE1 Public Open Space zoning to R2 Low Density Residential. This will ensure that the zoning of the expanded Coptic Orthodox Church land remains consistent with the surrounding residential land. Associated LLEP 2008 maps will be amended accordingly. The unformed section of the road, which is outlined by the dashed line in Figure 28 and is zoned RE1, will be vested in Council as Community Land and form part of Tepper Park.



Figure 26: LLEP 2008 Zoning Extract

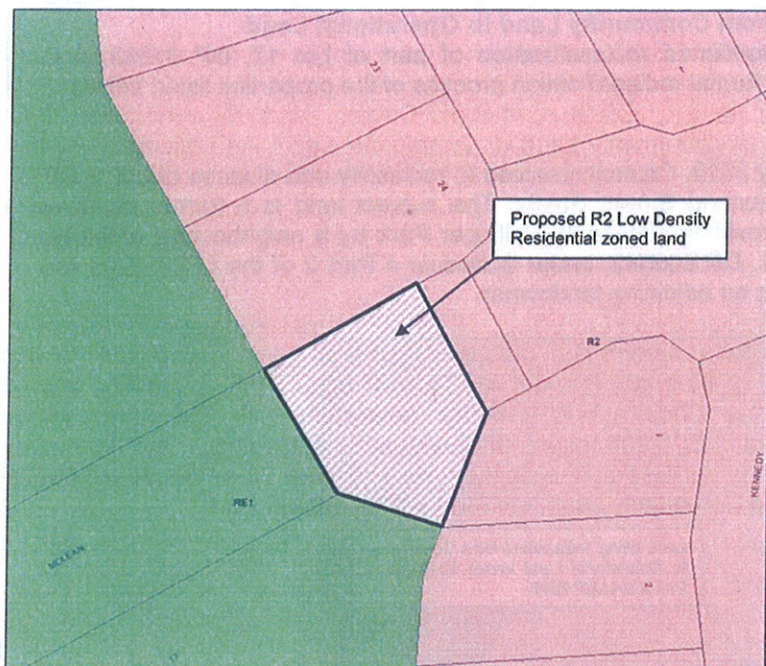


Figure 27: Proposed Amendment to LLEP 2008 Zoning



Figure 28: Aerial Photograph Lot 17, DP 31863

Reclassification of Land from Community Land to Operational Land

In addition to the abovementioned reclassification of part of Lot 17, DP 31863, it is proposed to commence the formal reclassification process of the properties listed below;

Lot 1, DP 805582

At its meeting dated 28 May 2012, Council resolved to reclassify and dispose of Lot 1, DP 805582, known as 16A Coonong Street, Busby. The subject land is a former laneway which is obstructed from providing access to Skillinger Park by a neighbouring property. The reclassification of Lot 1, DP 805582, under Schedule 4 Part 2 of the LLEP 2008 will facilitate the sale of the lot to an adjoining landowner.

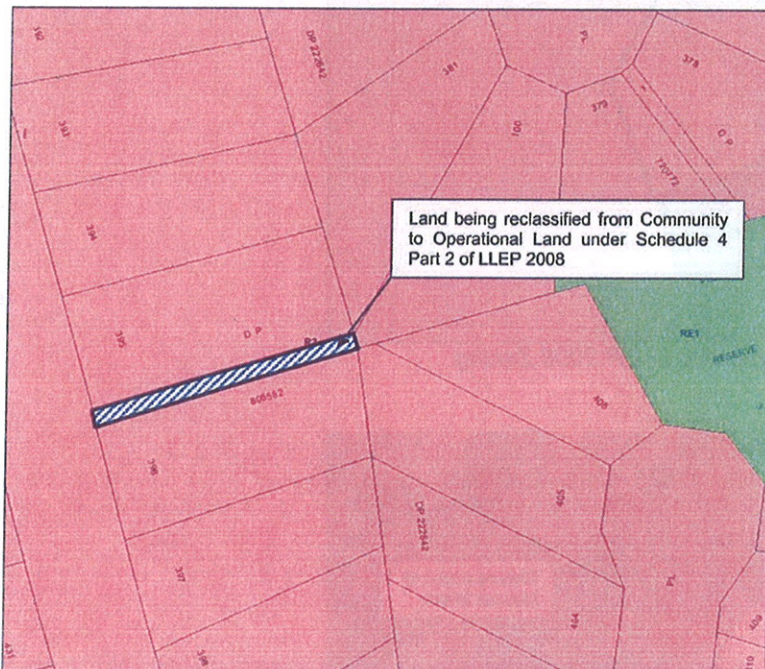


Figure 29: Reclassification of Lot 1, DP 805582



Figure 30: Aerial Photograph of Lot 1, DP 805582

Lot 2-3, DP 1184259

Council acquired land in Middleton Grange for the purposes of constructing Genairco Park and local roads, using Section 94 Developer Contributions, on 23 July 2007. This proposal seeks to reclassify lots 2-3, DP 1184259, from Community Land to Operational Land, so that they may be dedicated as public road. Interests will remain vested in Council.



Figure 31: Reclassification of Lots 2 & 3, DP 1184259



Figure 32: Aerial Photograph of Lots 2 & 3, DP 1184259

Lot 10, DP 776165

At its meeting dated 6 February 2013, Council resolved to reclassify and dispose of Lot 10, DP 776165, known as Lot 10 Sappho Road, Warwick Farm. The subject land is a narrow strip of land adjacent to the railway line in Warwick Farm. It is proposed to reclassify the 570sqm, 3.65 metre wide lot from Community Land to Operational Land under Schedule 4 Part 2 of the LLEP 2008, in accordance with this resolution. The reclassification will facilitate the sale of the lot to an adjoining landowner.

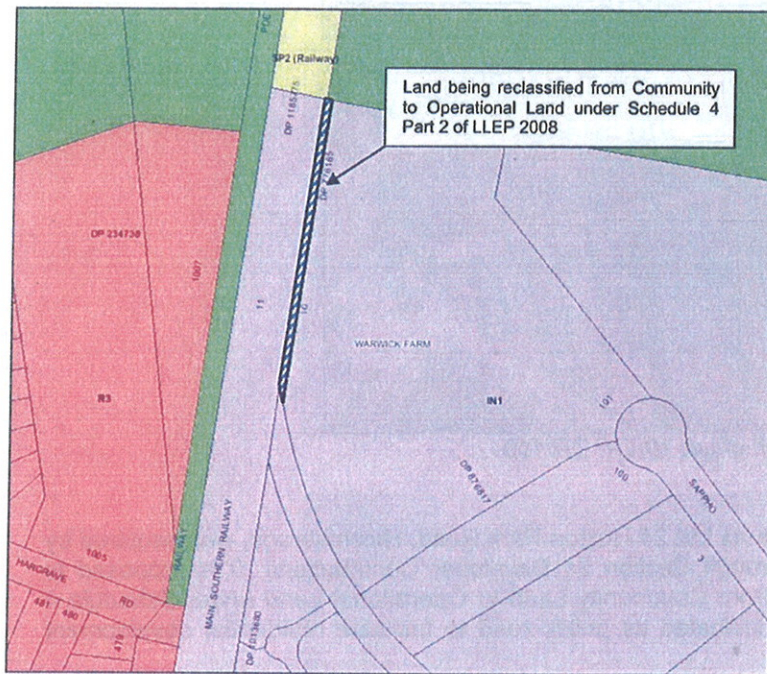


Figure 33: Reclassification of Lot 10, DP 776165



Figure 34: Aerial Photograph of Lot 10, DP 776165

Lot 24, DP 877371

Lot 24 in DP 877371, known as Lot 24 Hoxton Park Road, Hinchinbrook, was acquired by Council on 3 July 1998 through Section 94 Developer Contributions. It is proposed to reclassify the subject land from Community Land to Operational Land under Schedule 4 Part 1, so that it may be dedicated as public road to facilitate residential development within the locality.

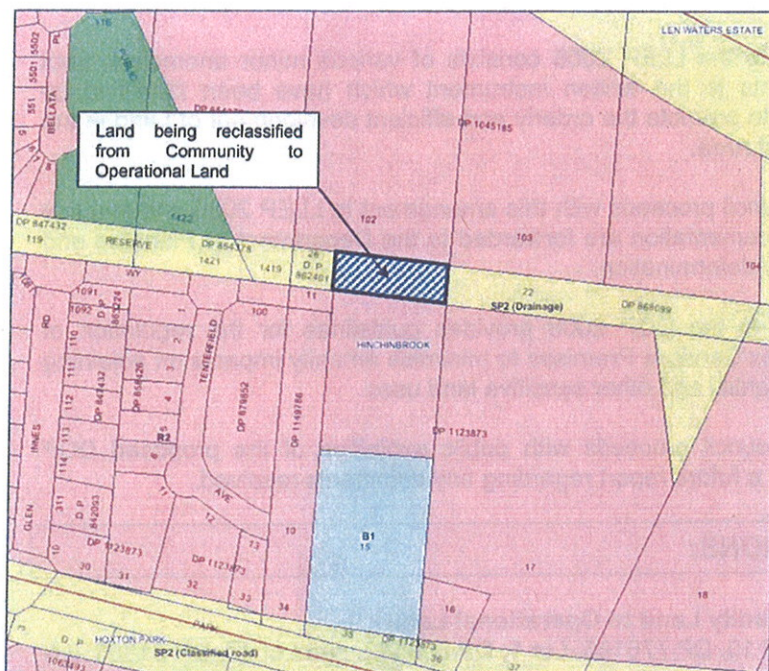


Figure 35: LLEP 2008 Zoning Extract



Figure 36: Aerial Photograph of Lot 24, DP 877371

Conclusion

Draft Amendment No. 32 to the LLEP 2008 consists of various minor anomalies, spot rezonings, and amendments to the written instrument which have been identified by Council staff as necessary to promote the orderly and efficient development of Land in the Liverpool Local Government Area.

It is recommended that Council proceeds with this amendment to LLEP 2008 and that this report and the attached documentation are forwarded to the Department of Planning and Infrastructure for a Gateway determination.

Draft Amendment No. 11 to the DCP 2008 provides guidelines for the regulation of Restricted Premises and Sex Services Premises to minimise amenity impacts on adjoining land uses, particularly residential and other sensitive land uses.

It is recommended that Council proceeds with public exhibition of the proposed DCP Amendment 11 and receive a future report regarding any comments received.

FINANCIAL IMPLICATIONS:

Reclassification of Community Land to Operational Land

The agreed sale price of Lot 10, DP 776165, Lot 1, DP 805582, and Lot 17, DP 31863, will be credited to a property development reserve.

Liverpool LEP Anomalies Amendments

The rezonings incorporated within this proposal provide for a slight increase in development yield, above existing provisions. Allowing for this increased development potential is in line with established growth objectives.

The recommendations require council officers to undertake reporting and liaison with the public and state agencies. This is within existing budget allocations. There are no significant financial implications for Council resulting from the remainder of the report.

RECOMMENDATION:

That Council:

1. Resolves to prepare and exhibit Draft Amendment No. 32 to the Liverpool Local Environmental Plan 2008.
2. Resolves to prepare and exhibit Draft Amendment to the Liverpool Development Control Plan 2008
3. Forwards a copy of the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.
4. Considers further reports that outline the results of the public authority consultation and public exhibition.

SIGNED BY:

Toni Averay
Group Manager
Planning & Growth

Attachments:

1. Draft Liverpool Development Control Plan 2008 Amendment
2. Planning Proposal (Under separate cover)

Attachment 1: Draft Liverpool Development Control Plan 2008 Amendment

7.2 Controls for special uses

Restricted Premises and Sex Service Premises

Objectives

- a) To ensure that the design and external appearance of restricted premises and sex service premises (including colour scheme and lighting) does not have an adverse impact on the architectural character of the surrounding built environment and streetscape appearance
- b) To ensure that the safety of all staff and visitors to restricted premises and sex service premises is maintained when approaching, entering and leaving the premises
- c) To ensure that restricted premises and sex service premises are provided with appropriate facilities in accordance with the relevant occupational health and safety provisions
- d) To ensure that adequate and suitable facilities are provided within restricted premises and sex service premises to ensure the privacy, comfort, safety and security of staff and patrons
- e) To ensure that advertising and signage associated with restricted premises and sex service premises is discreet, does not draw attention to the use and does not result in visual clutter or other adverse visual impacts on the surrounding area
- f) To minimise the potential for the operation of a restricted premises or sex service premises to cause a disturbance in the surrounding area because of its size, location, hours of operation, number of employees or clients, or proximity to other restricted premises or sex services premises
- g) To ensure the safe and adequate storage, handling and disposal of contaminated waste

Controls

Siting

1. Restricted premises or sex service premises shall not be located within 150m of any land zoned residential or any place of worship, school, community facility, child care centre, hospital, rail station, bus stop, taxi stand, licensed premises (i.e. hotel, club, restaurant), or any place regularly frequented by children for recreational or cultural pursuits.

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2. Restricted premises or sex service premises shall not be located within 150m of any land for which a consent for the uses listed in item 1 above exists.

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3. Sex Service Premises shall not be located within 100m of the site of any other Sex Service Premises or any land for which a consent for Sex Service Premises exists.

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4. In determining an application to carry out development for the purpose of sex service premises or restricted premises, the consent authority must consider the following matters:

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- whether the operation of the sex service premises or restricted premises will be likely to cause a disturbance in the neighbourhood because of its size, location, hours of operation, clients or the number of employees and other people working in it.

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- whether the operation of the sex service premises or restricted premises will be likely to interfere with the amenity of the area, and

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- whether the operation of the sex service premises or restricted premises will be likely to cause a disturbance in the neighbourhood when taking into account other businesses operating in the neighbourhood offering similar goods and services and involving similar hours of operation.

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Design of Premises

5. No part of the premises (other than an access corridor to the premises) shall be located at ground floor level, mezzanine, sub basement level or street level or be visible from a public place.

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6. Restricted premises and sex service premises must be designed so that there is only one visible pedestrian entrance to the premises from the primary street frontage. In instances where there is no front access and/or front access is impractical, Council will consider a side or rear pedestrian access where adequate attention has been given to safety and security matters.

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7. Rear or side pedestrian access is to be limited to one only, unless it can be demonstrated to Council's satisfaction that more than one access contributes to the amenity and functional efficiency of the restricted premises or sex service premises and surrounding uses and does not result in safety and security concerns or visual clutter via the need for additional signage.

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8. The external appearance of restricted premises and sex service premises must respect the character and appearance of the streetscape, such that they do not become a prominent feature in the street. In this regard, the

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external colour scheme of these premises is to be consistent with surrounding colour schemes. Vivid and/or ostentatious colour schemes will not be permitted unless it can be demonstrated that the proposed colour scheme would be in keeping with the existing streetscape.

9. All entrances and exits of restricted premises and sex service premises must have appropriate lighting to ensure the safety of all staff and visitors as they arrive and leave the premises. Any flashing, intermittent etc. lighting used in conjunction with a restricted premises or sex service premises must not be visible from a public place.

10. No merchandising display relating to the sex services premises or restricted premises shall be erected, displayed or exhibited in any location which is visible from a public place or in an access corridor (including any stairwell) to the premises.

Signage

11. Signage is to be discreet and is limited to a combination of the business name, address and phone number.

12. There is to be one sign, not exceeding 1.5sqm in area, per premises. A second sign may be permitted where pedestrian access is provided at the side or rear of the site.

13. The content, illumination and shape of the sign must not interfere with the amenity of the locality. In this regard, signs are not to include suggestive or offensive material, or include colours or designs that may distract passing motorists. Illumination of signs must not cause nuisance to any adjoining premises or interfere with the amenity of the area.

14. In addition to a business identification sign, a clearly visible street number is to be displayed on the premises.

Operation of Sex Service Premises

15. Details are to be provided on measures to be undertaken to safeguard workers, clients, and the general public. These are to address security personnel and the lighting of access-ways and car parking areas.

16. As a condition of development consent a report shall be submitted annually to Council that demonstrates the Sex Service Premises is operating satisfactorily within the terms of the consent and not having an adverse impact upon the neighbourhood amenity. The report shall also provide confirmation from the NSW Police that the Sex Service Premises is operating satisfactorily.

1. Sex services premises must not be sited.

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on any land within 100m from an entry to a school or child care premises, or

on land immediately adjacent to

2. In determining an application to carry out development for the purpose of sex service premises, the consent authority must consider the following matters:

whether the operation of the sex service premises will be likely to cause a disturbance in the neighbourhood because of its size, location, hours of operation, clients or the number of employees and other people working in it,

whether the operation of the sex service premises will be likely to interfere with the amenity of the area, and

whether the operation of the sex service premises will be likely to cause a disturbance in the neighbourhood when taking into account other sex services premises operating in the neighbourhood involving similar hours of operation.

3. No part of the premises (other than an access corridor to the premises) shall be located at ground floor level, mezzanine, sub basement level or street level or be visible from a public place.

4. No merchandising display relating to the sex services premises shall be erected, displayed or exhibited in an access corridor (including any stairwell to the premises).

5. Signage is to be discreet and is not to cause offence to the greater public.

6. Details are to be provided on measures to be undertaken to safeguard workers, clients, and the general public. These are to address security personnel and the lighting of access ways and car parking areas. Note: In addition to the above controls, applications for sex service premises and restricted premises must comply with the requirements of the Crimes Act 1900 Section 578 (e) and Classification (Publications, Films and Computer Games) Enforcement Act 1995. Further, sex service premises must comply with the requirements of the Public Health Act 1997 and the requirements of the New South Wales Health Department.

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12.2 Restricted Premises and Sex Service Premises

a) To ensure that the design and external appearance of restricted premises and sex service premises (including colour scheme and lighting) does not have an adverse impact on the architectural character of the surrounding built environment and streetscape appearance

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b) To ensure that the safety of all staff and visitors to restricted premises and sex service premises is maintained when approaching, entering and leaving the premises

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c) To ensure that restricted premises and sex service premises are provided with appropriate facilities in accordance with the relevant occupational health and safety provisions

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d) To ensure that adequate and suitable facilities are provided within restricted premises and sex service premises to ensure the privacy, comfort, safety and security of staff and patrons

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e) To ensure that advertising and signage associated with restricted premises and sex service premises is discreet, does not draw attention to the use and does not result in visual clutter or other adverse visual impacts on the surrounding area

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f) To minimise the potential for the operation of a restricted premises or sex service premises to cause a disturbance in the surrounding area because of its size, location, hours of operation, number of employees or clients, or proximity to other restricted premises or sex services premises

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g) To ensure the safe and adequate storage, handling and disposal of contaminated waste

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Background

Since the mid 1990's Sex Service Premises have been legalised in NSW. Council has chosen to permit these in industrial areas subject to certain restrictions.

Objectives

a) To ensure Sex Service Premises are located at a reasonable distance from residential areas and other sensitive land uses.

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b) To prevent the concentration of Sex Service Premises in one area.

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c) To ensure safe access to Sex Service Premises for staff and patrons.

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Controls

The following controls are in addition to those in Sections 1 - 10.

Siting

1. Restricted premises or sex service premises shall not be located within 150m of any land zoned residential or any place of worship, school, community facility, child care centre, hospital, rail station, bus stop, taxi

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stand, licensed premises (i.e. hotel, club, restaurant), or any place regularly frequented by children for recreational or cultural pursuits.

2. Restricted premises or sex service premises shall not be located within 150m of any land for which a consent for the uses listed in item 1 above exists.

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3. Sex Service Premises shall not be located within 100m of the site of any other Sex Service Premises or any land for which a consent for Sex Service Premises exists.

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4. In determining an application to carry out development for the purpose of sex service premises or restricted premises, the consent authority must consider the following matters:

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- whether the operation of the sex service premises or restricted premises will be likely to cause a disturbance in the neighbourhood because of its size, location, hours of operation, clients or the number of employees and other people working in it,
- whether the operation of the sex service premises or restricted premises will be likely to interfere with the amenity of the area, and
- whether the operation of the sex service premises or restricted premises will be likely to cause a disturbance in the neighbourhood when taking into account other businesses operating in the neighbourhood offering similar goods and services and involving similar hours of operation.

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Design of Premises

5. No part of the premises (other than an access corridor to the premises) shall be located at ground floor level, mezzanine, sub basement level or street level or be visible from a public place.

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6. Restricted premises and sex service premises must be designed so that there is only one visible pedestrian entrance to the premises from the primary street frontage. In instances where there is no front access and/or front access is impractical, Council will consider a side or rear pedestrian access where adequate attention has been given to safety and security matters.

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7. Rear or side pedestrian access is to be limited to one only, unless it can be demonstrated to Council's satisfaction that more than one access contributes to the amenity and functional efficiency of the restricted premises or sex service premises and surrounding uses and does not result in safety and security concerns or visual clutter via the need for additional signage.

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8. The external appearance of restricted premises and sex service premises must respect the character and appearance of the streetscape, such that they do not become a prominent feature in the street. In this regard, the external colour scheme of these premises is to be consistent with surrounding colour schemes. Vivid and/or ostentatious colour schemes will not be permitted unless it can be demonstrated that the proposed colour scheme would be in keeping with the existing streetscape.

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9. All entrances and exits of restricted premises and sex service premises must have appropriate lighting to ensure the safety of all staff and visitors as they arrive and leave the premises. Any flashing, intermittent etc. lighting used in conjunction with a restricted premises or sex service premises must not be visible from a public place.

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10. No merchandising display relating to the sex services premises or restricted premises shall be erected, displayed or exhibited in any location which is visible from a public place or in an access corridor (including any stairwell to the premises).

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Signage

11. Signage is to be discreet and is limited to a combination of the business name, address and phone number.

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12. There is to be one sign, not exceeding 1.5sqm in area, per premises. A second sign may be permitted where pedestrian access is provided at the side or rear of the site.

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13. The content, illumination and shape of the sign must not interfere with the amenity of the locality. In this regard, signs are not to include suggestive or offensive material, or include colours or designs that may distract passing motorists. Illumination of signs must not cause nuisance to any adjoining premises or interfere with the amenity of the area.

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14. In addition to a business identification sign, a clearly visible street number is to be displayed on the premises.

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Operation of Sex Service Premises

15. Details are to be provided on measures to be undertaken to safeguard workers, clients, and the general public. These are to address security personnel and the lighting of access-ways and car parking areas.

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16. As a condition of development consent a report shall be submitted annually to Council that demonstrates the Sex Service Premises is operating satisfactorily within the terms of the consent and not having an adverse impact upon the neighbourhood amenity. The report shall also

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provide confirmation from the NSW Police that the Sex Service Premises is operating satisfactorily.

Note: In addition to the above controls, applications for sex service premises and restricted premises must comply with the requirements of the Crimes Act 1900 Section 578 (e) and Classification (Publications, Films and Computer Games) Enforcement Act 1995. Further, sex service premises must comply with the requirements of the Public Health Act 1997 and the requirements of the New South Wales Health Department.

Site Planning

~~1. Sex Service Premises shall not be located within 150m of any land zoned residential or any place of worship, school, community facility, child care centre, hospital, rail station, bus stop, taxi stand, licensed premises (i.e. hotel, club, restaurant), or any place regularly frequented by children for recreational or cultural pursuits.~~

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~~2. Sex Service Premises shall not be located within 150m of any land for which a consent for the uses listed in item 1 above exists.~~

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~~3. Sex Service Premises shall not be located within 100m of the site of any other Sex Service Premises or any land for which a consent for Sex Service Premises exists.~~

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~~4. Sex Service Premises shall not be located on a classified road or within 90m of a classified road if on a street intersecting a classified road.~~

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~~5. No patron access is to be from a laneway.~~

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~~6. Appropriate lighting must be provided to the pedestrian access and premises entry.~~

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Amenity and Environmental Impact

~~As a condition of development consent a report shall be submitted annually to Council that demonstrates the Sex Service Premises is operating satisfactorily within the terms of the consent and not having an adverse impact upon the neighbourhood amenity. The report shall also provide confirmation from the NSW Police that the Sex Service Premises is operating satisfactorily.~~

Signage

~~1. Only one unobtrusive sign per premises, having a maximum size of 1.5sqm.~~

~~2. Sign wording must be limited to the trade name of the business operated and the address of the premises. No other characters, depictions, pictures or drawings are to be displayed on the sign.~~

3. The content, illumination, size, shape and location of the sign must not interfere with the amenity of the neighbourhood.