

Liverpool Local Environmental Plan 2008 (Amendment No 42) – Restricted Premises

Proposal Title : **Liverpool Local Environmental Plan 2008 (Amendment No 42) – Restricted Premises**

Proposal Summary : **The planning proposal pertains to control on the location of 'restricted premises' within the Liverpool Local Government Area (LGA). It is proposed to add an additional clause to Part 7 – Additional Local Provisions of the Liverpool Local Environmental Plan (LEP) 2008, relating to 'restricted premises'. Under the proposed changes, development of this nature would be subject to greater control on their design and appearance, as well as their location.**

PP Number : **PP_2014_LPOOL_003_00** Dop File No : **14/03137**

Proposal Details

Date Planning Proposal Received : **13-Feb-2014** LGA covered : **Liverpool**

Region : **Sydney Region West** RPA : **Liverpool City Council**

State Electorate : **CAMDEN
LIVERPOOL
MACQUARIE FIELDS
MULGOA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **The planning proposal applies to any land zoned B2 Local Centre, B3 Commercial Core and B4 Mixed Use within the Liverpool LEP 2008**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Taylor Vernon**

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DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
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 : **In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.**

Supporting notes

Internal Supporting Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective of this planning proposal is to ensure that any future development for**

'restricted premises' is appropriately located.

Council is concerned with the proliferation of such businesses in inappropriate locations and is seeking to ensure that future development for the purpose of 'restricted premises' occurs in locations which are less likely to cause offence.

The planning proposal will include a local provision under 'Part 7 Additional Local Provisions' to the Liverpool LEP 2008. The provision is to restrict 'restricted premises' on land opposite or adjacent to land which is primarily zoned for residential purpose, existing or approved community facility (frequented by children), 'restricted premises' or sex service premises.

The proposed provision will also include heads of consideration for the consent authority to consider the impact of the proposed development on areas of high pedestrian activity, land frequented by children and whether the appearance of the premises is sufficiently discreet.

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

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

Comment : **Council has provided an explanation for the proposed amendment. The explanatory statement is in Council's planning proposal in Documents. It is considered that the explanations of the proposed amendments are adequate.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**
*** May need the Director General's agreement 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? **N/A**

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **1.1 BUSINESS AND INDUSTRIAL ZONES:**

This direction applies as the planning proposal relates to existing Business zoned lands. However, it is considered that the proposal is not inconsistent with the direction as it will not result in any loss of business zoned land.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

The Planning Proposal is not inconsistent with the Metropolitan Strategy, Draft Metropolitan Strategy for Sydney to 2031 and the draft South West Subregional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No maps apply to this planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has advised that the planning proposal will be placed on public exhibition for a minimum of 14 days. This is supported.**

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 : **The proposed clause is considered to be minor, and has been used in other EPIs (i.e. Parramatta LEP 2011 Clause 6.8, attached at documents).**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Liverpool principal plan was made in 2008. This planning proposal seeks to amend the Liverpool Local Environmental Plan 2008.**

Assessment Criteria

Need for planning proposal :

BACKGROUND:

'Restricted premises' is defined in the SI LEP (and Liverpool LEP 2008) as:

'restricted premises' means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

Council, in October 2013, prepared a planning proposal (Amendment No 32) to prohibit 'restricted premises' in B3 Commercial Core and B4 Mixed Use Zones and make this use permissible with consent in other zones, to limit the proliferation of 'restricted premises' developments in the city centre. The proposed changes were not supported by the Gateway Determination, as it is a mandated use in B3 and B4 (copy in Documents) and Council was asked to remove this from the planning proposal. On 11 December, 2013, Council advised the Department that a review of the planning controls regarding 'restricted premises' will be pursued through a separate planning proposal (copy in Documents).

THE PROPOSAL

Under the Standard Instrument Order (Local Environmental Plans) 2006 'restricted premises' are a compulsory use in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. The prohibition of 'restricted premises' within these zones is therefore not possible. The planning proposal identifies locations in which 'restricted premises' are not appropriate and proposes to restrict on certain land:

- which is opposite or adjacent to land zoned primarily for residential purposes and on land used for community purposes (such as schools, places of public worship and recreational facilities);
- on which there is an existing 'restricted premises' or sex service premises; and

- which is opposite or adjacent to land upon which there is current approval for a community use, or use as sex services or 'restricted premises'.

The planning proposal will also ensure that the impact of a proposed 'restricted premises' on existing land uses is a consideration in the assessment of any future development for these purpose.

Council also proposes to amend the Liverpool Development Control Plan (DCP) 2008 through a separate process. The proposed amendment to the DCP will seek to establish guidelines for signage, siting, design and operation of 'restricted premises' which are to be considered. Council intends to exhibit this draft DCP concurrently with this planning proposal.

This approach to restrict 'restricted premises' from certain locations is supported. Similar clause has been used in many SI EPIs (i.e. Parramatta LEP 2011).

Consistency with strategic planning framework :

The planning proposal is not inconsistent with both the Sydney Metro Strategy and the draft South West Sub-regional Strategy.

Environmental social economic impacts :

Council has advised that the intent of the planning proposal is to achieve positive social and economic outcomes through controlling the proliferation of 'restricted premises' in inappropriate locations, particularly in those locations where children are likely to be exposed to their existence. The planning proposal is part of the broader City Centre Revitalisation Strategy which aims to increase confidence and investment in the Liverpool City Centre, in line with its role as the Regional City for South-West Sydney. Restricting the proliferation of these types of developments in highly visible locations will advance the achievement of this vision.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	NSW Police Force Adjoining LGAs		

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Determination Document	Yes
Council Resolution.pdf	Determination Document	Yes
Gateway determination - Liverpool LEP 2008 (Amendment No 32).pdf	Determination Document	Yes
11 December Letter from Council .pdf	Determination Document	Yes
Relevant Clause from Parramatta LEP 2011.pdf	Determination Document	Yes
Delegation of Plan MakingFunction to Council - Liverpool Council Draft Amendment 42 LLEP 2008x.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Police Force
- Adjoining Local Government Areas

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

2. Exhibited for 14 days.

3. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

DELEGATION TO COUNCIL

Council intends to use this delegation to proceed with the planning proposal (see attached in Documents). It is recommended that delegation be given to Council to exercise the Minister's plan making powers in this instance.

Supporting Reasons : **The planning proposal is supported as it would limit the permissibility of 'restricted premises' in inappropriate locations.**

Signature: _____



Printed Name: _____

CHO CHO MUMINT

Date: _____

21/2/14