

Blacktown Local Environmental Plan 1988 Amendment No.236

Proposal Title :	Blacktown Local Environmental Plan 1988 Amendment No.236		
Proposal Summary :	This Planning Proposal seeks to amend clause 42A (1)(ab) of the Blacktown Local Environmental Plan 1988 to increase the separation distance required between brothels from 200 metres to 400 metres in industrial zones.		
PP Number :	PP_2011_BLACK_008_00	Dop File No :	11/20876

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions : **1.1 Business and Industrial Zones
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 not proceed and be advised that should Council wish to submit a new planning proposal seeking to increase the limitation required between brothels, that it carry out an initial demand analysis or study to demonstrate the need for the increase in restricting the legitimate land use to give merit to such a proposal.**

Supporting Reasons : **It is considered that the planning proposal as submitted fails to demonstrate the merit and need (justification) for it's objective. In this regard the planning proposal is considered inadequate for the following reasons:**

- 1. The key strategic planning matter for which this planning proposal needs in order to demonstrate initial merit has not been demonstrated. This information and justification was specified by the Department in it's letter dated 31 August 2011;**
- 2. An analysis (demand) or otherwise has not been carried out or provided to demonstrate the need to further limit brothels, or indicate the existing 200 metre limitation is unsatisfactory leading to the creation (or could lead to) of 'red light districts';**
- 3. Based on the information provided, it is not considered that two (2) existing approved legitimate brothels and (a further 2 development applications) in different locations is leading to or demonstrates that an area will become a 'red light district';**
- 4. Based on the information (and similar to a previous decision in 2008 by the Department), the proposed increase in controls would place unnecessary restrictions on the ability to carry out a legitimate land use (if there is a demand for the land use); and**
- 5. The current 200metre controls appear to be working in an effective, satisfactory manner based on the information provided (two existing approved brothels within the Blacktown LGA).**

In addition, the following minor matters in the planning proposal are inconsistent with existing policies and strategies:

- 1. the planning proposal does not adequately address the SEPP (Sydney Region Growth Centres) 2006;**
- 2. the planning proposal does not consider s.117 Direction 6.3 - Site Specific Provisions; and**

3. minor discrepancies and changes would be required to Parts 1 and 2 as outlined in this report to be consistent with the relevant Planning Proposal and Local Environmental Plan Guidelines.

Panel Recommendation

Recommendation Date : 01-Dec-2011

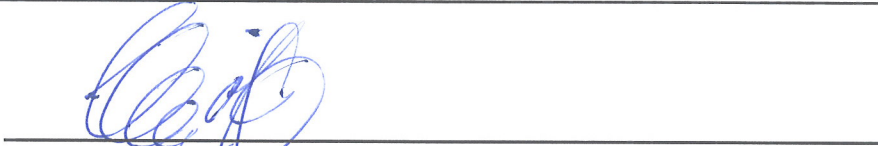
Gateway Recommendation : Rejected

Panel
Recommendation :

The Planning Proposal should not proceed for the following reasons:

1. Council has not provided sufficient strategic justification for the proposal to proceed in its current form.
2. Council has not demonstrated in the information provided with the planning proposal how the proposed increase in separation distance will achieve the stated objectives of the planning proposal.
3. Council has not adequately demonstrated that the introduction of the increased separation distance will not create a situation where it is unduly restrictive for sex services premises to locate in zones where this land use is permitted.

Signature:



Printed Name:

Neil McGee

Date:

6.12.11