



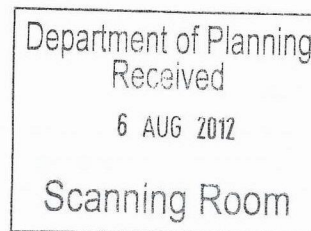
Camden Council
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Binder: Amendment No. 17 – Sex Service Premises

1 August 2012

Peter Goth
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124



Dear Peter,

RE: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT 17) – SEX SERVICE PREMISES

I refer to the Planning Proposal attached for the making of the plan.

Council, at its meeting of the 24 July 2012, resolved to submit this Planning Proposal to the Department of Planning and Infrastructure for the plan to be made. The Planning proposal seeks to amend the land zoning maps to reinsert mapped areas eligible to accommodate a 'Sex Service Premises'.

In this regard, please find enclosed the following documents accompanying this letter:

- Planning Proposal and associated attachments;
- Council report dated 24 July 2012;
- Council Resolution dated 24 July 2012; and
- Compact Disc containing the above material.

Should you or your officers require any further information, please do not hesitate to contact me on 4654 7798 or via email at Matt.Loader@Camden.nsw.gov.au.

Yours sincerely,

Matt Loader
A/ Team Leader – Land Use and Planning

ORDINARY COUNCIL

ORD05

SUBJECT: PLANNING PROPOSAL - SEX SERVICE PREMISES POST-EXHIBITION

FROM: Director Governance

BINDER: Amendment 17 - Sex Service Premises

PREVIOUS ITEMS: ORD02 - Planning Proposal - Sex Service Premises - Ordinary Council - 10 April 2012

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition for the Sex Services Premises Planning Proposal (Amendment 17). This proposal seeks to reinstate mapped areas for sex services premises. In addition, this report seeks Council endorsement to proceed with the Planning Proposal and submit it to the Department of Planning and Infrastructure (DPI).

BACKGROUND

Council, at its meeting of 10 April 2012, resolved to proceed with the Sex Services Premises Planning Proposal (Amendment 17) and seek Gateway Determination from the DPI. The Planning Proposal seeks to reinstate mapped areas where Sex Services Premises are a permitted use from superseded LEPs No. 46 and No. 47. This amendment will provide certainty to the public and help minimise potential land use conflicts.

It was also resolved at this meeting that upon a favourable gateway determination, Council will proceed to exhibit the Planning Proposal in accordance with the conditions of the gateway determination.

MAIN REPORT

The Camden LEP 2010 currently permits the use of 'Sex Service Premises' within the IN1 – General Industrial zone, which are located within the Narellan and Smeaton Grange Industrial Precincts. Clause 7.6 of Camden's Local Environmental Plan 2010 (LEP) provides the legislative framework for the control of Sex Services Premises within this zone.

The objective of this clause is to '*minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.*' In summary, the clause currently restricts the establishment of Sex Services Premises from areas that directly adjoin, are opposite to, or are separated by only a local road from:

- R1 – General Residential Zone;
- R2 – Low Density Residential zone;
- R3 – Medium Residential zone;
- RE1 – Public Recreation zone; and
- Any land used for the purpose of:

- A child care centre
- A community facility
- A school; or
- A place of worship

Following Council's resolution at its meeting held on the 10 April 2012, the Sex Services Premises Planning Proposal was forwarded to the DPI for a gateway determination. The determination was issued on 21 May 2012, and is provided **as Attachment 1** to this report.

The gateway determination conditioned that the Planning Proposal be placed on public exhibition for a period of 28 days in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979*. Council placed the Planning Proposal on public exhibition for a total of 33 days from 30 May 2012 to 2 July 2012.

In addition to the public consultation, the gateway determination also required Council to undertake consultation with the NSW Police Force. In this regard, the NSW Police Force was provided with a copy of the Planning Proposal and also given 33 days to review the proposal.

Submissions Received

During the exhibition period, Council received no comments from the public.

A response was received on 18 June 2012 from the NSW Police Force in support of the Planning Proposal. A copy of this submission is provided within the Planning Proposal.

The Process from Here

Should Council endorse the recommendation of this report, an amended Planning Proposal provided **as Attachment 2 to this report** will be forwarded to the DPI for the plan to be made. When the plan is made an advertisement will be placed in a local newspaper notifying the public of the change to the LEP.

CONCLUSION

As outlined earlier within this report, the Planning Proposal - Sex Services Premises was placed on public exhibition for a period of 33 days from 30 May 2012 to 2 July 2012. During this time the proposal attracted no submissions from the public and one submission from the NSW Police raising no concerns with the proposal.

Should Council endorse the recommendation, the Planning Proposal will be forwarded to the DPI for the plan to be made and the public will be notified of the adoption of the proposal.

RECOMMENDED

That Council:

- i. **submit the amended Planning Proposal to the Department of Planning and Infrastructure for the plan to be made; and**

- ii. upon notification of publication of the plan in the Government Gazette, place an advertisement in the local newspaper notifying the public of the making of the plan.

ATTACHMENTS

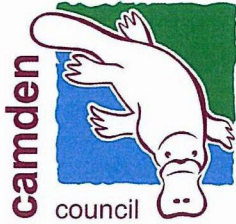
1. Gateway Determination
2. Amended Planning Proposal

Ordinary Council Resolution

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

- i. submit the amended Planning Proposal to the Department of Planning and Infrastructure for the plan to be made; and
- ii. upon notification of publication of the plan in the Government Gazette, place an advertisement in the local newspaper notifying the public of the making of the plan.

ORD171/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)



Camden Council Minutes

Ordinary Council Meeting
24 July 2012

**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.

STAFF

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

APOLOGIES

Resolution: Moved Councillor Funnell, Seconded Councillor Campbell that Councillor Patterson be granted a leave of absence

ORD162/12 THE MOTION ON BEING PUT WAS **CARRIED**

DECLARATIONS OF INTEREST

Resolution: Councillor Funnell declared an interest in Items ORD 03, ORD05 and ORD 10, being the owner of an electrical firm within the Local Government Area which had tendered for work for the companies concerned, however did not consider it a pecuniary interest and would be participating in debate and voting on the Items.

Moved Councillor Anderson, Seconded Councillor Symkowiak that the declarations be noted.

ORD163/12 THE MOTION ON BEING PUT WAS **CARRIED**

PUBLIC ADDRESSES

Ms Rosie Russell addressed Council in relation to Sand Mining Extension.
Mr David Taylor addressed Council in relation to Item ORD03.
Ms Angela Adam addressed Council in relation to Item ORD01.

Resolution: Moved Councillor Anderson, Seconded Councillor Campbell that the public addresses be noted.

ORD164/12 THE MOTION ON BEING PUT WAS **CARRIED**

CONFIRMATION OF MINUTES

Resolution: Moved Councillor Dewbery, Seconded Councillor Funnell that the Minutes of the Ordinary Council Meeting held 10 July 2012, copies of which have been circulated, be confirmed and adopted.

ORD165/12 THE MOTION ON BEING PUT WAS **CARRIED**

MAYORAL MINUTE Mayoral Minute - Retirement Of Director - Works And Services

Resolution: Moved Councillor Warren that Council extend its best wishes to Ian Gannell on the occasion of his retirement and thank him for his contribution to the Camden community.

ORD166/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORD01 Proposed Two Storey Dwelling, No 22 (Lot 9183 DP 1153075) Crick Place, Oran Park

MOTION

Moved Councillor Campbell, Seconded Councillor Funnell that Council approve Development Application 427/2012 for the construction of a two storey dwelling at No 22 (Lot 9183 DP 1153075) Crick Place, Oran Park, subject to the draft Development Consent conditions shown above, with the reinstatement of the bedroom window on the upper storey from a highlight window to the originally proposed full size window.

ORD167/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD02 Second Sydney Airport Campaign

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

- i. endorse the draft Position Paper to oppose any second airport in the Sydney basin, particularly at Wilton or Badgerys Creek; and
- ii. defer consideration of any direct financial contribution to the broader campaign until after the Federal Government's 'scoping study' is completed.

ORD168/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD03 Proposed Rezoning On Landturn 'Triangle' Site At Narellan And Amended Development Controls For The Narellan Town Centre Area.

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

- i. endorses the proposed building height limits for the Narellan Town Centre of:
 - a) 25 metres for land shaded green on the Figure 1 in this report and
 - b) 15.5 metres for land shaded blue on Figure 1 in the report covering land zoned B2 – Local Centre within the Narellan Town Centre and the draft Development Control Plan for the purposes of public exhibition;
- ii. forward the revised Planning Proposal, which contains amendments to the Height of Buildings Map to the Department of Planning and Infrastructure Regional Team for their comment prior to public exhibition in accordance with the Gateway Determination;
- iii. publicly exhibit the amended Planning Proposal and Draft Development Control Plan in accordance with the provisions of the Gateway Determination,

- Environmental Planning and Assessment Act and Regulations, following receipt of comment from the Department of Planning and Infrastructure Regional Team;
- iv. writes to affected land owners to advise them of the public exhibition;
 - v. consults with government agencies in accordance with the requirements of the Gateway Determination during the public exhibition period; and receives a report at the conclusion of the public exhibition to enable consideration of any submissions received.

ORD169/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD04 Open Fire And Slow Combustion Wood Heaters

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

- i. adopt a position to permit only slow combustion and open wood fire heaters with a 1 gram per kilogram emission and 65% efficiency rating;
- ii. notify and provide an update to relevant stakeholders of Council's decision to promote the above standards;
- iii. develop a robust Local Approvals Policy promoting the above position to be reported back to Council for consideration;
- iv. provide the above information on Council's website to notify the public of its decision;
- v. develop an education strategy and comprehensive web page to inform and educate the public of the health effects and proper use of wood fire heaters to be reported back to Council for consideration;
- vi. write to the relevant State and Federal statutory authorities and Standards Australia advising of the above policy position; and
- vii. Adapt an interim position to support applications that comply with the Australian Standards.

ORD170/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD05 Planning Proposal - Sex Service Premises Post-Exhibition

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

- i. submit the amended Planning Proposal to the Department of Planning and Infrastructure for the plan to be made; and
- ii. upon notification of publication of the plan in the Government Gazette, place an advertisement in the local newspaper notifying the public of the making of the plan.

ORD171/12 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD06 El Caballo Blanco Gledswood Voluntary Planning Agreement

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

- i. delegate authority to the Mayor and the General Manager to sign the Assignment Deed associated with the ECBG VPA and to affix the Council Seal; and
- ii. once the Novation/Assignment Deed is signed by all parties ensure that it is placed in Council's Legal Documents/Amendments Register attached to the ECBG VPA.

ORD172/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillor Campbell voted against the Motion.)

ORD07 Proposed Amendment To Turner Road DCP 2007 And Indicative Layout Plan For Gledswood Hills In The Turner Road Precinct, And Draft Voluntary Planning Agreement

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

- i. notes the outcome of the exhibition of the draft amendment to the Turner Road DCP 2007 and the Indicative Layout Plan for the Gledswood Hills site;
- ii. endorses the draft Voluntary Planning Agreement and Explanatory Note;
- iii. publicly exhibits the draft Voluntary Planning Agreement and Explanatory Note for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulation* ; and
- iv. requires a further report be provided to Council detailing the results of the exhibition of the draft VPA and to adopt the amendment to the DCP and ILP applying to the land.

ORD173/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Patterson Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD08 Amendment 14 Planning Proposal - Minor Housekeeping Amendments To Camden LEP 2010

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

- i. adopt the planning proposal and associated map amendments for Camden LEP 2010;
- ii. forward the planning proposal to the DPI for gateway determination;
- iii. pending a favourable response from DPI, proceed directly to public exhibition; and
- iv. bring a report back to Council at the conclusion of the public exhibition period.

ORD174/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, and Cottrell voted in favour of the Motion. No Councillors against for the Motion.)

ORD09 Local Emergency Management Officer

Resolution: Moved Councillor Campbell, Seconded Councillor Anderson that:

- i. Council appoint the Manager Assets, Hendro Harsojo, as the Local Emergency Management Officer and Chairperson of the Local Emergency Management Committee, effective as from 13 August 2012;
- ii. Council appoint the Manager Environment and Health, Geoff Green, as the alternate (Deputy) for the LEMO/Chairperson, effective as from 13 August 2012;
- iii. Council re-appoint the Construction and Contract Engineer, Leo Letizia, as the Local Engineering Services Functional Area Coordinator, effective as from 13 August 2012; and
- iv. the positions be authorised to commit Council resources, within and outside the Camden Local Government Area, in times of emergency.

ORD175/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORD10 Construction On Roundabout At Springs Road, Spring Farm

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

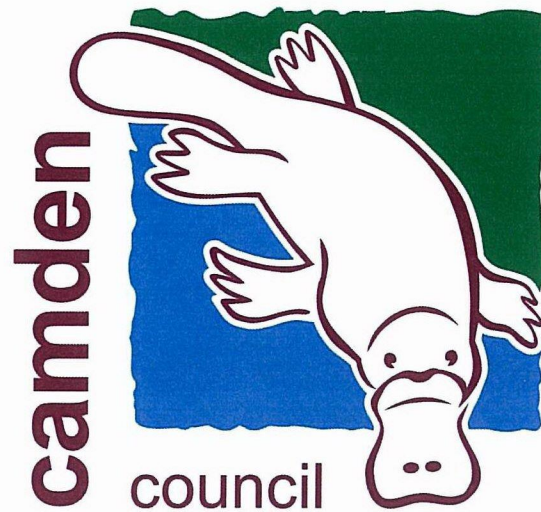
- i. grant approval to vary the existing contract for construction of Springs Road with TJ and RF Fordham Pty Ltd (TRN) to include construction of a new roundabout on Springs Road adjacent to Camden Zone Substation, without calling tenders, on the basis of extenuating circumstances as allowed for under Section 55 (3)i and as detailed in the report, being:
 - TRN has undertaken the work on the existing portion of the roundabout;
 - having the same supplier complete the construction for the balance of the roundabout minimises the potential for dispute relating to the performance and/or future defects of the roundabout;
 - allows work to proceed immediately after power is able to be relocated;
 - TRN is familiar with the location of existing services;
 - TRN has all survey data immediately available due to recent work; and
 - the need for additional document preparation is minimised; and
- ii. authorise expenditure for the above variation in the amount detailed in the supporting documents from Section 94 Development Contributions available within the 2012/13 budget for upgrading of Springs Road.

ORD176/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORD11 Code Of Conduct Investigations

This item was withdrawn from consideration prior the Council meeting.

THE MEETING CLOSED AT 7.39PM



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 17 – Sex Service Premises

April 2012

Version 3 – 3 July 2012

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Background

Camden Local Environmental Plan 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden Local Government Area (LGA). The adoption of the LEP 2010 was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo' from the old to the new LEP.

In Camden's superseded LEP's, Sex Service Premises were mapped to indicate eligible sites possible to accommodate this use. In the preparation and gazettal of the LEP 2010, Council was required to use a zone rather than a mapping approach. Accordingly, the IN1 – General Industrial zone was used which substantially increased the area where Sex Service Premises was permissible.

On 26 February 2012, following representation from Member for Camden - Mr Chris Patterson MP, correspondence from the Minister for Planning and Infrastructure – the Hon. Brad Hazzard MP detailed an option for Council to investigate possible mapping of eligible sites for the placement of 'Sex Service Premises' within the Camden Local Environmental Plan 2010. A copy of this correspondence is provided as **Attachment A**.

At the Ordinary Council Meeting of 10 April 2012, Camden Council considered a report on the preparation of a planning proposal to reinstate mapped areas indicating eligible sites for Sex Service Premises into LEP 2010. Council resolved it would:

- i. support the Planning Proposal for the mapping of land where Sex Service Premises will be permissible (subject to development consent);*
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;*
- iii. upon receipt of a favourable Gateway Determination:*
 - a. consult relevant public authorities in accordance with the terms of the determination; and*
 - b. publicly exhibit the Planning Proposal in accordance with the terms of the determination and the Environmental Planning and Assessment Regulation 2000; and*
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period.*

A copy of the Council report and resolution is included as **Attachment B**.

Following the resolution of Council, this planning proposal and associated indicative maps have been prepared so that the matter may proceed to Gateway Determination.

Part 1 – Objectives or Intended Outcomes

The planning proposal seeks to amend LEP 2010 to introduce mapped regions identifying sites where Sex Service Premises are permissible with consent. Sex Service Premises will be prohibited within the IN1 – General Industrial zone and Clause 7.6 of the LEP 2010 will allow Sex Service Premises on identified sites in accordance with the proposed maps. The amendments are proposed to reinstate the previous land use permissibilities of superseded LEP 46 and 47 providing certainty to the public and minimising potential land use conflicts.

The Planning Proposal ensures that the planning provisions contained within LEP 2010 are consistent with those of superseded Camden LEP 46 and 47, which were in place prior to the gazettal of LEP 2010. This is consistent with the philosophy adopted by Council during the preparation of LEP 2010 where the 'status quo' was to be maintained as far as possible.

Part 2 – Explanation of provisions

The Camden LEP 2010 currently permits the use of 'Sex Service Premises' within the IN1 – General Industrial zone, which are located within the Narellan and Smeaton Grange Industrial Precincts. Clause 7.6 of Camden's LEP 2010 provides the legislative framework for the control of Sex Services Premises within this zone.

The objective of this clause is to *'minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.'* In summary, the clause currently restricts the establishment of a Sex Service Premises that directly adjoins, is opposite to, or is separated by only a local road from:

- R1 - General Residential zone;
- R2 - Low Density Residential zone;
- R3 - Medium Density Residential zone;
- RE1 - Public Recreation zone; and
- Any land used for the purposes of:
 - a child care centre
 - a community facility
 - a school; or
 - a place of public worship.

The approach adopted in Camden LEP 2010 is different to that of LEP 46 and 47 and resulted in Sex Service Premises being permitted on a greater number of sites.

Amendment of the LEP will include alterations to the Land Use Table, which will prohibit the use of a sex service premises within the IN1 – General Industrial zone. An amendment of Clause 7.6 of the LEP 2010 will also be required to include the integration of mapped areas onto the LEP 2010 maps to clearly identify potential sites for this use.

In this regard, Clause 7.6 of the LEP will be amended to read:

7.6 Sex services premises

- (1) *The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.*
- (2) *This clause applies to land that is edged and hatched red on the Land Zoning map.*
- (3) *The consent authority must not grant development consent for the use of 'Sex Service Premises' on any land other than that which is edged and hatched red on the Land Zoning map.*

- (4) *Notwithstanding subclause 3, development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:*
- (a) *in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or*
 - (b) *used for the purposes of a child care centre, a community facility, a school or a place of public worship.*
- (5) *In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.*

The following Land Zoning maps of the LEP 2010 will be amended to include an edged and hatched area indicating the sites where Sex Service Premises are permissible with consent:

- Land Zoning Map – Sheet LZN_012
- Land Zoning Map – Sheet LZN_017

In accordance with the proposed LEP framework, **Figure 1** and **Figure 2** (on the following page) outline potential permissible areas within the LGA for Sex Service Premises:

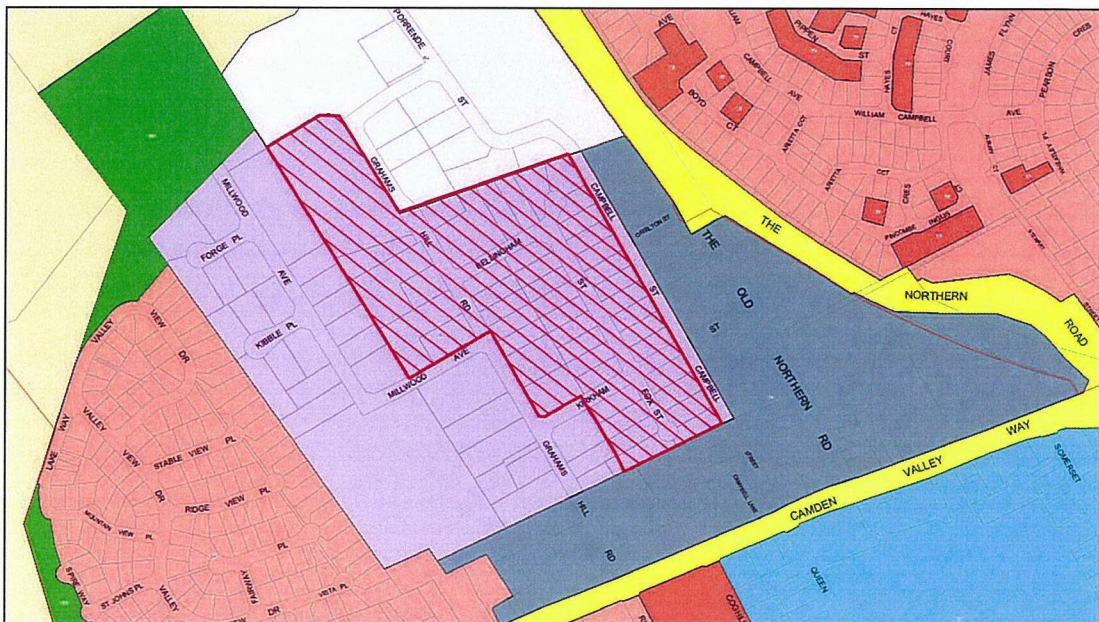


Figure 1 – Narellan Proposed Mapped Areas

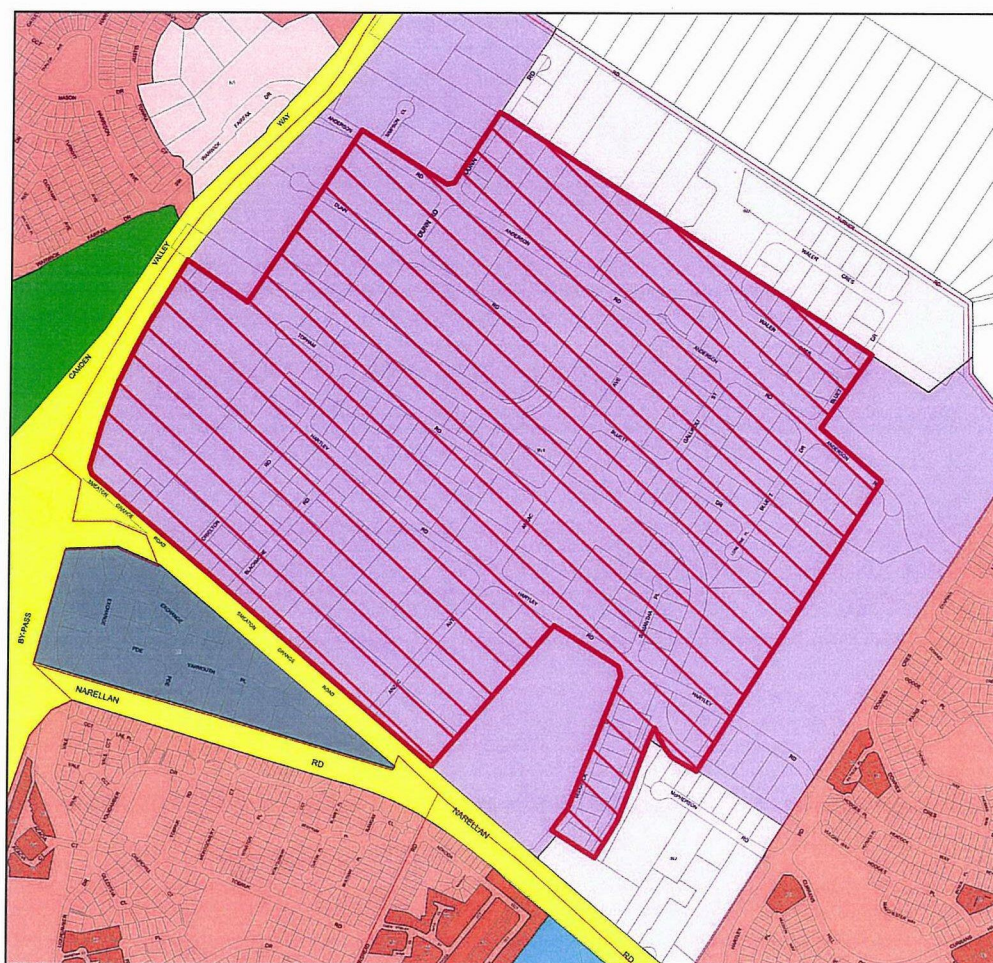


Figure 2 – Smeaton Grange Proposed Mapped Areas

A copy of the amended maps are provided as **Attachment C**.

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. However, as previously stated, the Planning Proposal is made to provide certainty to the public and indicate areas to minimise potential land use conflicts. This proposal has been prepared in accordance with the correspondence received from the Minister of Planning and Infrastructure – the Hon. Brad Hazzard and reinstates previous land use provisions of Camden LEP 46 and 47.

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 objectives and intended outcomes.

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 is required. The matters addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

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)?

The planning proposal is consistent with applicable Ministerial Directions as explained in **Attachment D**.

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 planning 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?

There are no likely social or economic effects as a result of this planning proposal.

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?

Not applicable.

Part 4 – Community Consultation

The matters dealt with in this planning proposal are of a sensitive and highly political nature, with the amendment of Clause 7.6 and the proposed insertion of mapped areas into the LEP maps. Accordingly, the gateway determination conditioned that the Planning Proposal be placed on public exhibition for a period of 28 days in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979*. Council placed the Planning Proposal on public exhibition for a total of 33 days from 30 May 2012 to 2 July 2012.

In addition to the public consultation, the gateway determination also required Council to undertake consultation with the NSW Police Force. In this regard, the NSW Police Force was provided with a copy of the Planning Proposal and also given 33 days to review the proposal.

During the exhibition period, Council received no comments from the public.

A response was received on 18 June 2012 from the NSW Police Force in support of the Planning Proposal. A copy of this submission is provided as **Attachment E**.

Attachment A – Minister for Planning and Infrastructure Correspondence



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Chris Patterson MP
Member for Camden
66 John Street
CAMDEN NSW 2570

12/02111

RECEIVED
28 FEB 2012

Chris

Dear Mr Patterson

I refer to your letter concerning the approval of a development application for sex services premises at 1 Kibble Place, Narellan.

You will be aware *Camden Local Environmental Plan 2010* (the 'LEP') provides that sex services premises are permitted with consent on the subject site in the IN1 General Industrial zone. This is subject to the provisions of Clause 7.6 of the LEP, which was a model local clause at the time the LEP was made.

I have been advised by the Department of Planning and Infrastructure there are a number of examples of other councils proceeding with mapped areas permitting sex services within Standard Instrument LEPs. In this light, I suggest Camden Council consider the submission of a Planning Proposal to amend the current approach to sex services permissibility to provide mapping of the areas in which such premises are to be permitted.

If your office or Council have any questions on this matter, I have arranged for Mr Peter Goth, the Department's Regional Director, Sydney West Regional Office, who can be contacted on 9873 8589 or peter.goth@planning.nsw.gov.au to provide assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brad Hazzard'.

HON BRAD HAZZARD MP
Minister

26.2.12

Attachment B – Council Report and Resolution

ORDINARY COUNCIL

ORD02

SUBJECT: PLANNING PROPOSAL - SEX SERVICE PREMISES

FROM: Director Governance

BINDER: Amendment No. 12 - Sex Services Premises

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to map eligible lands for the appropriate siting of Sex Service Premises.

BACKGROUND

The adoption of the Camden Local Environmental Plan 2010 (LEP 2010) was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo'. In Camden's superseded LEP's, Sex Service Premises were mapped to indicate eligible sites possible to accommodate this use, however, in the preparation and gazettal of the LEP 2010, Council could not map the eligible sites under the DPI's instruction. Instead, Sex Service Premises were listed as a permissible use within the IN1 – General Industrial zone.

At the Ordinary Council meeting of 28 June 2011, Council refused a Development Application (DA) for the change of use of an office building to a sex services premises at No 1 (Lot 11, DP 834527) Kibble Place, Narellan.

Following the determination of the DA, the applicant lodged an appeal against the decision with the Land and Environment Court on 12 August 2011. The appeal was upheld on the 12 January 2012 subject to conditions of Development Consent.

On 26 February 2012, following representation from the Member for Camden, correspondence from the Minister for Planning and Infrastructure detailed Council's option to investigate possible mapping of eligible sites for the placement of 'Sex Service Premises' within the Camden Local Environmental Plan 2010. A copy of the correspondence is provided as **Attachment 1 to this report**.

MAIN REPORT

In Council's superseded LEPs, Sex Service Premises were mapped to indicate sites possible to accommodate this use. Since the adoption of the new Standard Template LEP format, Camden LEP 2010 no longer maps the areas which could potentially accommodate Sex Service Premises, rather the land use table permits this use within the IN1 – General Industrial zone.

The following figures are extracts from superseded Camden LEP No. 46 (Figure 1) and LEP No. 47 (Figure 2), which showed hatched areas on the maps locating potential brothel sites (Clause 28 referred to in both diagrams relate to the Brothel controls contained in both LEP 46 and LEP 47) :

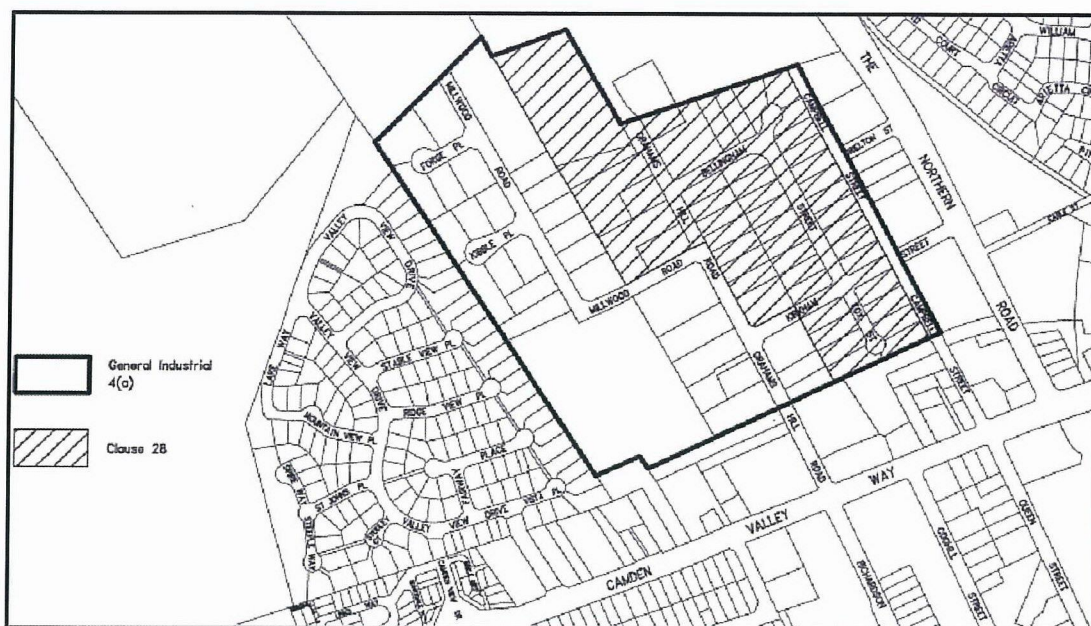


Figure 1 – LEP No. 46 'Narellan Brothel Zone'

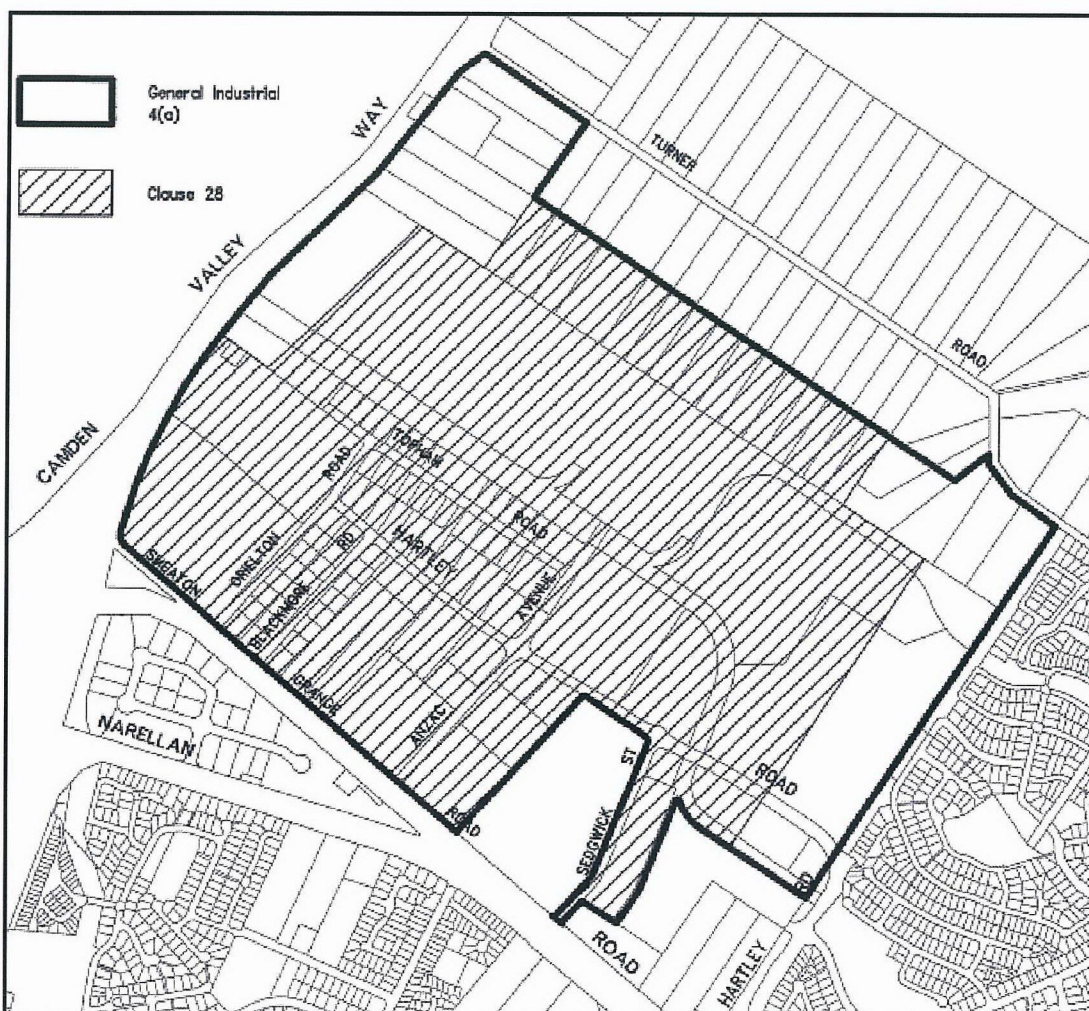


Figure 2 – LEP No. 47 'Smeaton Grange Brothel Zone'

Currently, Sex Service Premises are only permitted within the IN1 – General Industrial zone under the provisions of Camden’s LEP 2010. Following advice contained in correspondence issued by the Minister for Planning and Infrastructure, it is proposed to reinstate the previously mapped areas identifying the potential location of Sex Services Premises. In order to achieve this, the LEP 2010 will be amended to only permit Sex Service Premises in the hatched red areas shown on **Figure 3** and **Figure 4** below.

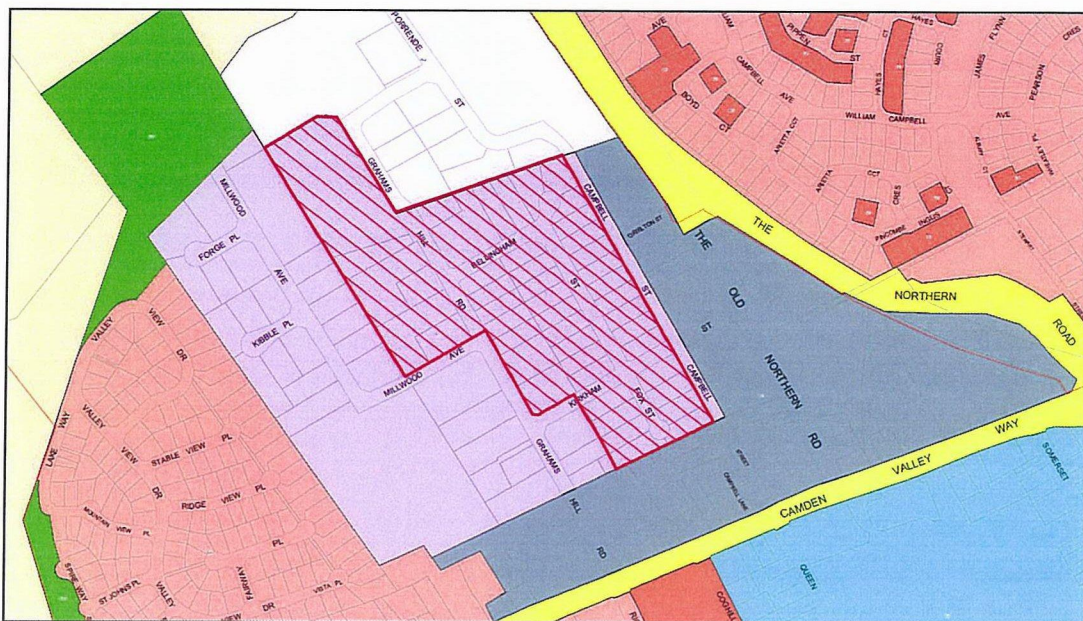


Figure 3 – Narellan Proposed Mapped Areas

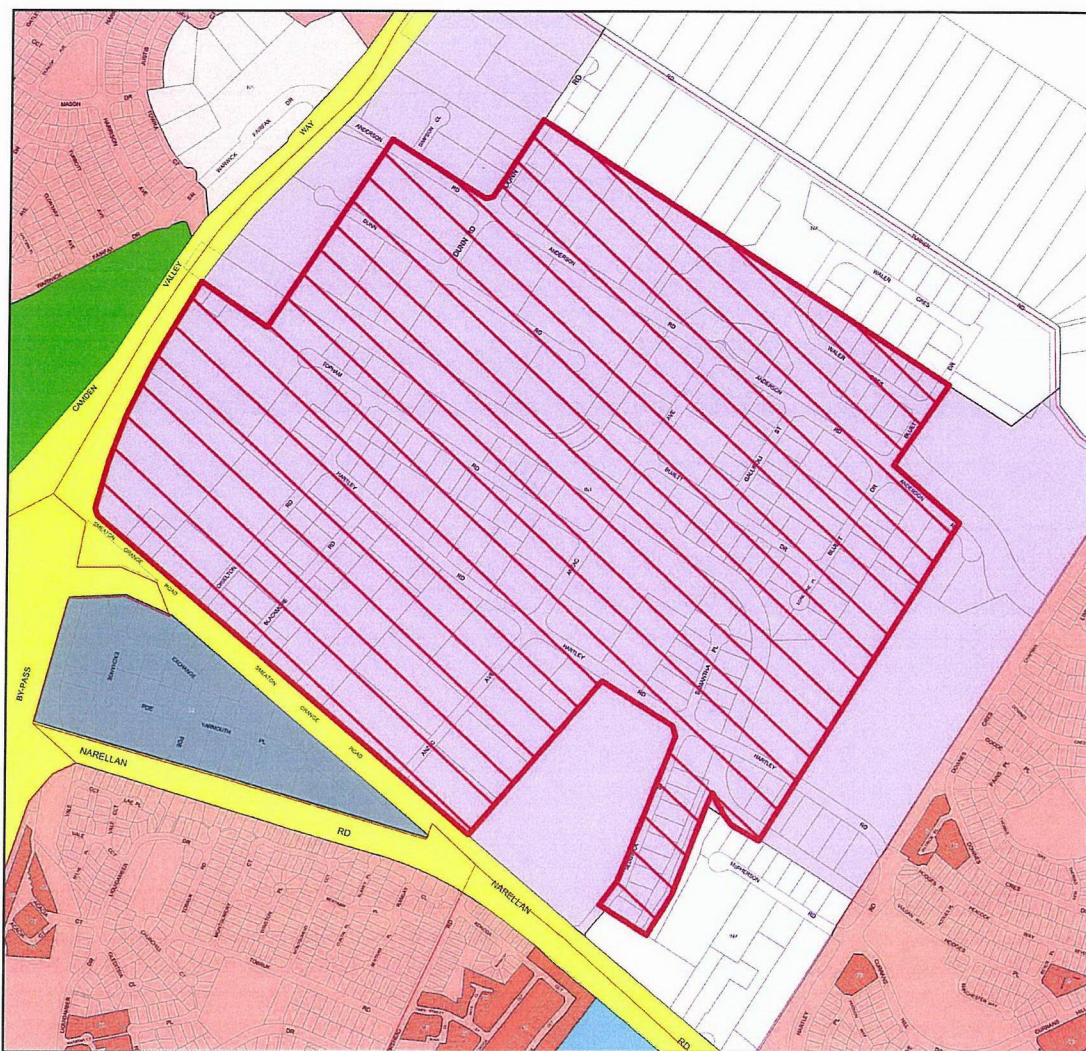


Figure 4 – Smeaton Grange Proposed Mapped Areas

The approved Sex Service Premises at 1 Kibble Place, Narellan will operate under existing use right provisions of the Environmental Planning and Assessment Act 1979.

The Process from Here

In order to map the locations where Sex Service Premises could be permitted, a Planning Proposal must be prepared and submitted to the DPI for consideration through the Gateway Determination process. A copy of the Planning Proposal is provided as **Attachment 2 to this report**.

In accordance with advice received from the Minister of Planning and Infrastructure, the Planning Proposal details the prohibition of Sex Service Premises within the Land Use Table and the amendment of Clause 7.6 to include the integration of mapped areas onto the LEP 2010 to clearly identify potential sites for this use.

Public Exhibition

It is proposed that the Planning Proposal will be publicly exhibited for a period of 28 days following receipt of a favourable Gateway Determination. During the public

exhibition period, relevant public agencies will also be contacted and given the opportunity to comment on the Planning Proposal. In this regard, it is proposed that the Crime Prevention Team of the NSW Police Force – Narellan Local Area Command will be directly consulted.

The Planning Proposal will be advertised in the local newspaper, with the public exhibition material available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

The outcomes of the NSW Police consultation and the public exhibition will be reported to Council at the conclusion of the exhibition period.

CONCLUSION

The Planning Proposal is prepared for submission to the DPI which incorporates the mapping of eligible sites for the purposes of Sex Service Premises. This includes the amendment of Clause 7.6 of the LEP 2010 to permit this use only within a mapped area of the Narellan and Smeaton Grange Industrial estates.

Following the advice from the Minister of Planning and Infrastructure, the addition of this mapping provides certainty to the public and indicates areas to minimise a potential land use conflict.

The Planning Proposal will be publicly advertised for a period of 28 days in accordance with a favourable Gateway Determination by the DPI, which will be reported back to Council at the conclusion of this period.

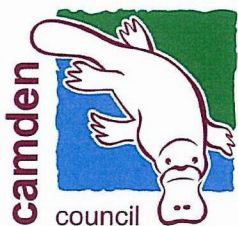
RECOMMENDED

That Council:

- i. support the Planning Proposal for the mapping of land where Sex Service Premises will be permissible (subject to development consent);**
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;**
- iii. upon receipt of a favourable Gateway Determination:**
 - a. consult relevant public authorities in accordance with the terms of the determination; and**
 - b. publicly exhibit the Planning Proposal in accordance with the terms of the determination and the *Environmental Planning and Assessment Regulation 2000*; and**
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period.**

ATTACHMENTS

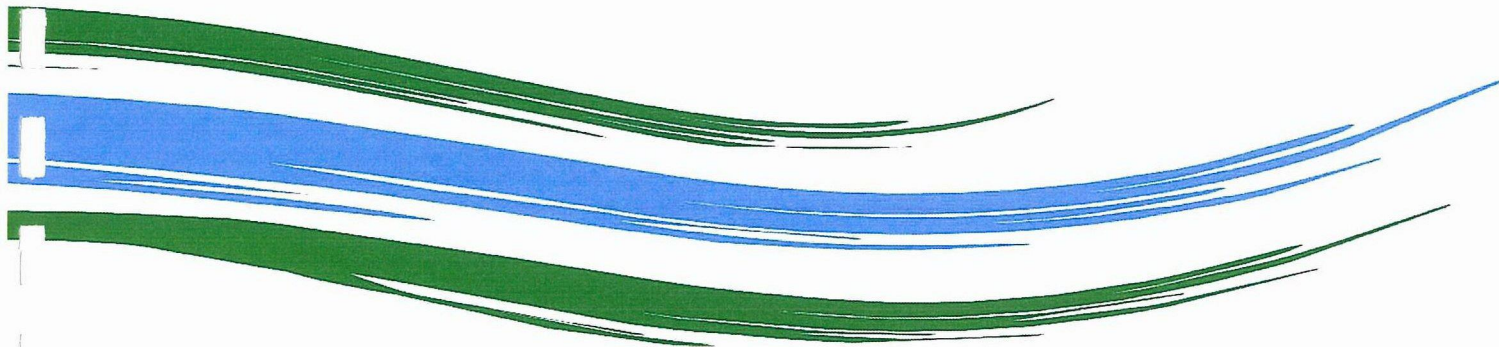
1. Minister for Planning and Infrastructure Letter
2. Planning Proposal



Camden Council Minutes

Ordinary Council Meeting
10 April 2012

**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, Director Development and Health, Director Works and Services, Acting Manager Corporate Services (Senior Management Accountant), Acting Manager Strategic Planning (Acting Team Leader Strategic Planning), Manager Employee & Community Relations, Manager Development, Manager Environment and Health, Manager Community Services, Manager Assets, Governance Officer.

APOLOGIES

There were no leave of absence to be granted.

DECLARATIONS OF INTEREST

Resolution: In relation to Item ORD 02, Councillor Funnell stated he is the owner of land in the designated area, however did not consider it to be a conflict of interest and would take part in voting on the Item.

Moved Councillor Cagney, Seconded Councillor Anderson that the declarations be noted.

ORD76/12 THE MOTION ON BEING PUT WAS **CARRIED**

PUBLIC ADDRESSES

There were no public addresses to be noted.

CONFIRMATION OF MINUTES

MOTION

Moved Councillor Funnell, Seconded Councillor Anderson that the Minutes of the Ordinary Council Meeting held 27 March 2012, and the Local Traffic Committee Meeting held 20 March 2012, copies of which have been circulated, be confirmed and adopted, with the following amendment:

- Councillor Anderson be removed from voting for Item ORD03 of the Ordinary Council Meeting held 27 March 2012 as he was absent from the Chamber and took no part in voting, having previously declared an Interest in the item.

ORD77/12 THE MOTION ON BEING PUT WAS **CARRIED**.

Mayoral Minute - Second Sydney Airport

MOTION

Moved Councillor Warren that:

- i. Council re-affirm its previous policy position of opposing the development of a second major airport in the Sydney Basin and particularly at Wilton;
- ii. endorsement be sought from Council prior to any expenditure on a campaign strategy;
- iii. Council write to the relevant State and Federal Ministers regarding its position.

ORD78/12 THE MOTION ON BEING PUT WAS **CARRIED**

Mayoral Minute - Camden Mayoral Ball

Resolution: Moved Councillor Warren that the information be noted.

ORD79/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORD01 Harrington Grove Planning Proposal - Amendment 8

Councillor Campbell arrived at the Chamber, the time being 6.22pm.

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

- i. adopt the Harrington Grove Planning Proposal (Amendment 8) with the changes outlined in the report and the Planning Proposal;
- ii. send the adopted Planning Proposal and attachments to the DPI so that the plan can be made;
- iii. prepare and exhibit a DCP to reflect changes made by the Planning Proposal; and as detailed in this report
- iv. provide a further report to Council once the DCP is exhibited.

ORD80/12 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD02 Planning Proposal - Sex Service Premises

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

- i. support the Planning Proposal for the mapping of land where Sex Service Premises will be permissible (subject to development consent);
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. upon receipt of a favourable Gateway Determination:
 - a. consult relevant public authorities in accordance with the terms of the determination; and
 - b. publicly exhibit the Planning Proposal in accordance with the terms of the determination and the *Environmental Planning and Assessment Regulation 2000*; and

- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period.

ORD81/12 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD03 Planning Proposal To Amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Oran Park And Turner Road - Post-Exhibition Update

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

- i. adopt the final planning proposal including the post-exhibition amendment to the land zoning map as noted above;
- ii. prepare the final gazettal maps upon receipt of the SEPP map templates and data from the DP&I; and
- iii. forward the final planning proposal and final gazettal maps to the DP&I so that the planning proposal can be gazetted.

ORD82/12 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD04 Planning Proposal To Allow Seniors Housing And Associated Uses At 5 Smalls Road, Grasmere As An Expansion To The Carrington Centennial Care Facility

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

- i. support the proposal to allow 'seniors housing', 'health services facility' and 'retail premises up to 500 sqm of gross floor area' on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620);
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. require the applicant to prepare or update planning studies following receipt of a favourable Gateway Determination at their own cost;
- iv. publicly exhibit the Planning Proposal in accordance with the provisions of the Gateway Determination and the *Environmental Planning and Assessment Act*, upon receipt of a favourable Gateway Determination and completion of planning studies; and
- v. receive a further report addressing any submissions received as a result of a public exhibition of the Planning Proposal.

ORD83/12 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD05 Elyard Gardens Planning Proposal

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

- i. supports the Planning Proposal for 1 Elyard Street, Narellan which seeks to rezone part of the site to R3 – Medium Density Residential;
- ii. forwards the Planning Proposal to the Department of Planning and Infrastructure and requests that the plan be made; and
- iii. be informed when the plan comes into operation.

ORD84/12 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Anderson, Cagney, Campbell, Dewbery, Funnell, Symkowiak, Warren, Cottrell and Patterson voted in favour of the Motion. No Councillors against for the Motion.)

ORD06 Council Seal - Release Of Easements - Belmont Avenue And Hampshire Boulevard, Spring Farm

Resolution: Moved Councillor Anderson, Seconded Councillor Cagney that the Council seal be affixed to the Plan of Subdivision and Section 88B Instrument of Lot 94 DP 1142381 and Lot 2301 DP 1137378 for the removal of two (2) drainage easements associated with Stages 3A and 3B Spring Farm, upon the release of the Subdivision Certificates.

ORD85/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORD07 Council Seal - Easement For Padmount Substation - Charles Moore Reserve, Mount Annan

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

- i. approve the grant of easement for the purpose of providing a padmount substation and underground electricity cables through Lot 2082 DP 1000787 (Charles Moore Reserve) Mount Annan Drive, Mount Annan.
- ii. authorise the affixing of the Council Seal to the Transfer Granting Easement and any other relevant documentation to create the proposed easement.

ORD86/12 THE MOTION ON BEING PUT WAS **CARRIED**

ORD08 Independent Conduct Review Panel

MOTION

Moved Councillor Patterson, Seconded Councillor Funnell that this item be deferred for consideration at the next Council meeting.

ORD87/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillor Campbell voted against the Motion.)

THE MEETING CLOSED AT 6.40PM

Attachment C – Local Environmental Plan Maps

Camden Local Environmental Plan 2010 (Amendment No. 17)

Camden Council
37 John Street
Camden, NSW 2570

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map	
LZN_012	1450_COM_LZN_012_010_20120202
LZN_017	1450_COM_LZN_017_020_20120202

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map	
LZN_012	1450_COM_LZN_012_010_20120709
LZN_017	1450_COM_LZN_017_020_20120709

Certified



Chris Lalor
(Acting) Manager Strategic Planning

09/07/2012

Minister for Planning



Camden Local Environmental Plan 2010

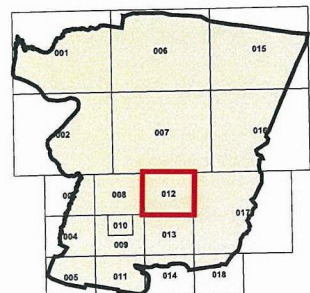
Land Zoning Map - Sheet LZN_012

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- SP1 Special Activities
- SP2 Infrastructure
- SRGC SEPP Sydney Region Growth Centres
- Clause 7.6

Cadastre

Cadastre 09/07/2012 © Camden Council



Projection GDA 1994
MGA Zone 56

0 50 150 300
Metres
Scale: 1:10000 @ A3

Map identification number: 1450_COM_LZN_012_010_20120709





Camden Local Environmental Plan 2010

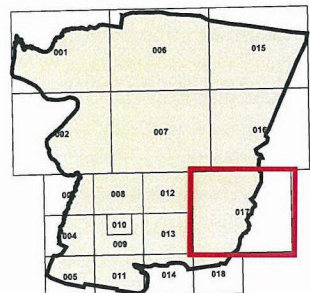
Land Zoning Map - Sheet LZN_017

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- SP1 Special Activities
- SP2 Infrastructure
- SRGC SEPP Sydney Region Growth Centres
- Clause 7.6

Cadastre

Cadastre 09/07/2012 © Camden Council

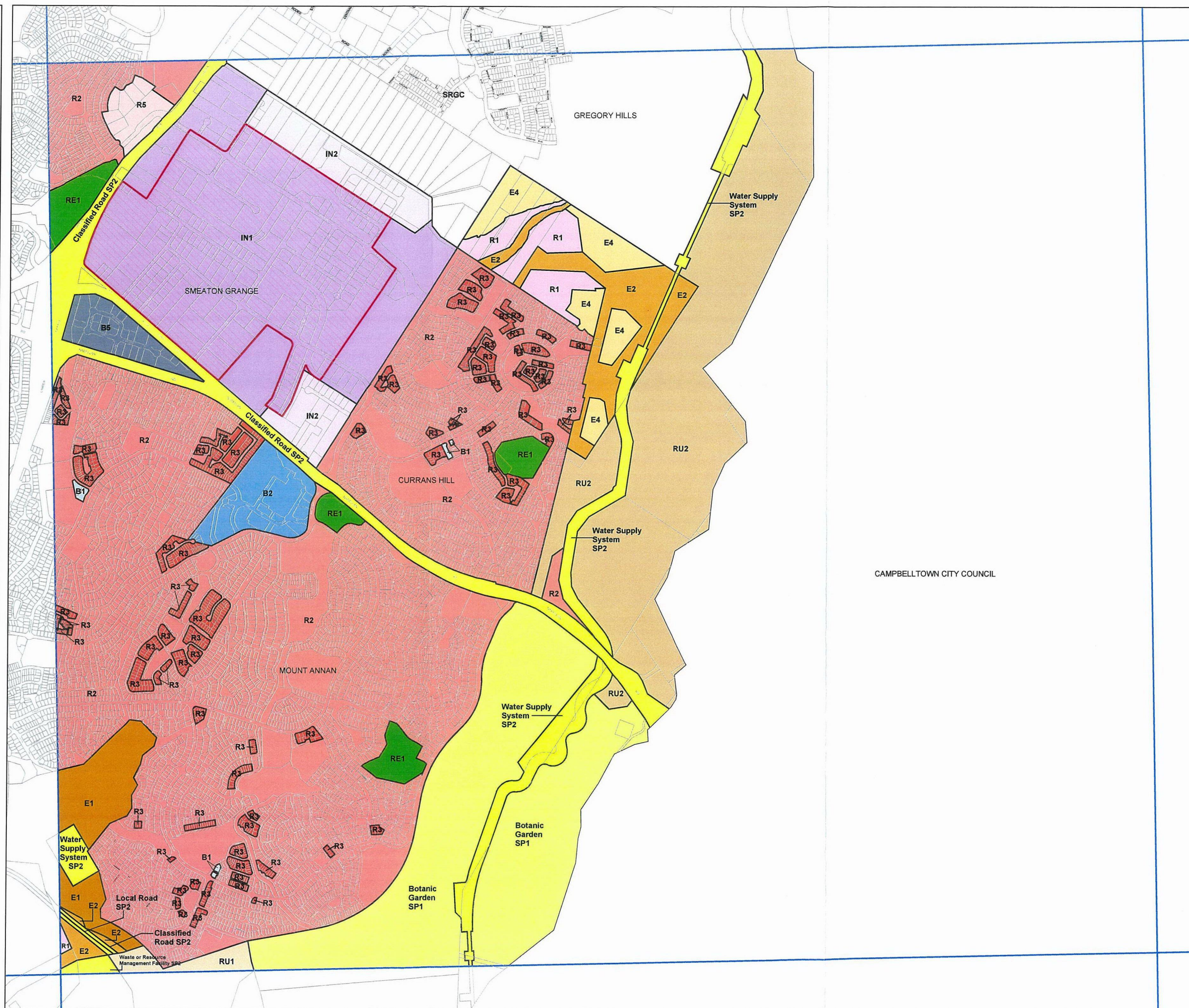


Projection GDA 1994
MGA Zone 56

0 100 300 600
Metres

Scale: 1:20000 @ A3

Map identification number: 1450_COM_LZN_017_020_20120709



Attachment D – Applicable section 117 directions

Direction	Objective	Response
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable location, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The proposal is of minor significance and is consistent with all regional and local strategies. The amended mapping retains all existing industrial uses and maintains the potential development floor space for industrial uses within this existing industrial zone. The proposed mapping of areas capable of accommodating 'sex service premises' provides certainty to the public indicating an appropriate buffer is maintained from sensitive land uses in accordance with the proposed requirements of the LEP 2010.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This Planning Proposal seeks to prohibit the use of Sex Service Premises within the IN1 – General Industrial zone, however, the amendment of Clause 7.6 will refer to mapped areas to be inserted into the Land Zoning Maps. The maps will define areas capable of accommodating this use. This does not pose any additional development standards on top of those currently in force.

Direction	Objective	Response
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 NSW Government's Metropolitan Strategy 2036 published in December 2010.

Attachment E – NSW Police Correspondence

Planning Proposal – Amendment No 17.

1

N S W POLICE SERVICE **CAMDEN LOCAL AREA COMMAND** **Crime Management Unit – Crime Prevention**



Mr Matt Loader
Camden Council
Project Officer
37 John Street,
CAMDEN NSW 2570

Narellan Police Station
278 Camden Valley Way
NARELLAN NSW 2567
Telephone: 02 4632 4459
Eagle: 84459
Facsimile: 0246324455
EagleFax: 84455



13 June 2012

Section 56 Consultation – Planning Proposal for Sex Services Premises.

On Wednesday 13 June 2012, an assessment for the Proposed Amendments to the Local Environment Plan 2010 to introduce mapped areas identifying land where Sex Service Premises are permissible with Council's consent.

The planning proposal seeks to 'minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separations between sex service premises, specified land uses and places regularly frequented by children.'

Police have no issues with these amendments in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

Yours sincerely,

Christine Millman
Senior Constable
Crime Prevention Officer
Camden Local Area Command
Email: millchr@police.nsw.gov.au