

Camden Local Environmental Plan 2010 (Amendment No 17) – Sex Services Premises

Proposal Title : **Camden Local Environmental Plan 2010 (Amendment No 17) – Sex Services Premises**

Proposal Summary : **The Planning Proposal seeks to amend Camden Local Environmental Plan 2010 to introduce mapped areas identifying land where Sex Services Premises are permissible with Council's consent.**

PP Number : **PP_2012_CAMDE_007_00** Dop File No : **12/07551**

Proposal Details

Date Planning Proposal Received : **04-May-2012** LGA covered : **Camden**

Region : **Sydney Region West** RPA : **Camden Council**

State Electorate : **CAMDEN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : **Smeaton Grange and Narellan** City : **Camden** Postcode :

Land Parcel : **Certain land shown edged and side hatched red on maps for the Smeaton Grange and Narellan localities within the Camden LGA.**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

Contact Number : **0298601130**

Contact Email : **amar.saini@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Matt Loader**

Contact Number : **0246547798**

Contact Email : **Matt.Loader@Camden.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

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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 : **In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

BACKGROUND TO THIS PLANNING PROPOSAL
 Before Camden Local Environmental Plan 2010 made, Sex Services Premises were permissible with consent within mapped locations under Camden LEPs 46 and 47. However, in the preparation and publication of the Camden Local Environmental Plan 2010, Council was required to use a zone rather than a mapping approach. Accordingly, the IN1 – General Industrial Zone was used, which subsequently increased the area where Sex Service Premises were permissible. With the making of LEP 2012, LEPs 46 and 47 were repealed.

In June 2011, Council refused a development application 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 refusal of the development application, the applicant lodged an appeal against the decision with the Land and Environment Court. The appeal was upheld on 12 February 2012, subject to conditions.

On 26 February 2012, following representations from the Member for Camden, Mr Chris Patterson, MP, the Minister for Planning and Infrastructure suggested to Council that it may care to investigate the mapping of eligible sites where 'Sex Service Premises' may be permissible via an amendment to Camden Local Environmental Plan 2010. A copy of this correspondence is provided in 'Documents'.

The planning proposal seeks to prohibit Sex Services within the IN1 - General Industrial zone, with an amended Clause 7.6 of the Camden LEP 2010 allowing Sex Service Premises within two identified locations as shown on supporting maps. These areas are within a IN1 Zone.

The proposal seeks to reinstate this land use, as was the case with repealed LEPs 46 and 47, to provide certainty to the public, while at the same time, minimising potential land use conflicts.

Note: While the proposal was received on 23 April, 2012, further information was requested from Council, which was received on 4 May 2012.

External 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.

Adequacy Assessment

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

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

Comment : **The planning proposal clearly identifies Council's intent to amend Clause 7.6 of Camden Local Environmental Plan 2010, to include mapped areas within the Camden Local Environmental Plan 2010, which identify potential sites for sex service premises use. Council also wishes to retain part of the clause (see discussion in the 'Assessment' part of this report).**

It is considered that the intended outcome of the Planning Proposal is consistent with the criteria outlined in the 'Guide to Preparing Local Environmental Plans'.

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

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

Comment : **It is considered that the explanation of provisions is clear and satisfactory.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones
6.3 Site Specific Provisions
* 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 involves industrially zoned land. Council has advised that the proposal is not a result of any strategic study. However, it is considered that the inconsistency is of a minor nature as the proposal:

- 1. will retain the areas and locations of existing business and industrial zones; and**
- 2. does not reduce potential floor space for employment uses.**

The approval of the Director General's delegate is recommended in this report, to satisfy the Direction.

6.3 Site Specific Provisions

The direction requires that a planning proposal that amends another environmental planning instrument in order to allow a particular development to be carried out shall either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

It is considered that the planning proposal is inconsistent with the Direction. However, given the circumstances and the minor nature of the proposal, it is considered that any inconsistency is of a minor nature and approval of the Director-General's delegate is sought in this regard.

7.1 Implementation of the Metropolitan Strategy:

The Planning Proposal is considered not to be generally inconsistent with the Metropolitan Strategy and the draft South West Subregional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Appropriate maps identifying the proposed areas for sex service premises have been provided.**

It is considered that the maps are adequate for consultation purposes.

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 28 days. This is supported by the regional team.**

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 :

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal -Amendment No. 17 - Sex Service Premises.pdf	Proposal	Yes
Council's Resolution.pdf	Determination Document	Yes
Letter from the Minister for Planning and Infrastructure.pdf	Determination Document	No
Council's Planning Report.pdf	Determination Document	Yes
Covering Letter.pdf	Proposal Covering Letter	Yes
Relevant Extract from Camden LEP 2010 (instrument).pdf	Determination Document	Yes
Relevant maps from Camden LEP 2010.pdf	Map	Yes
Relevant map and extract from Camden LEP 46.pdf	Determination Document	Yes
Relevant map and extract from Camden LEP No 47.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
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

1. Exhibited for 28 days.
2. Consultation with the Crime Prevention Team of the NSW Police - Narellan Local Area Command.
3. The Director General's delegate pursuant to the item (5) (d) of section 117(2) Direction - 1.1 Business Zones agrees that the inconsistency in this instance is of minor nature.
4. The Director General's delegate pursuant to the item (6) of section 117(2) Direction - 6.3 Site Specific Provisions agrees that the inconsistency in this instance is of minor nature.

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3. The Planning Proposal is to be completed within 6 months from the week following the Gateway determination.

Supporting Reasons : The planning proposal would provide certainty to the public as it would indicate suitable localities for sex service premises.

Signature:



Printed Name:

T DORAN

Date:

4/5/12