

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The adoption of the Camden Local Environmental Plan 2010 (LEP 2010) was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo'. In Camden's superseded LEP's, Sex Service Premises were mapped to indicate eligible sites possible to accommodate this use, however, in the preparation and gazettal of the LEP 2010,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In Council's superseded LEPs, Sex Service Premises were mapped to indicate sites possible to accommodate this use.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The following figures are extracts from superseded Camden LEP No. 46 (Figure 1) and LEP No. 47 (Figure 2), which showed hatched areas on the maps locating potential brothel sites (Clause 28 referred to in both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) :

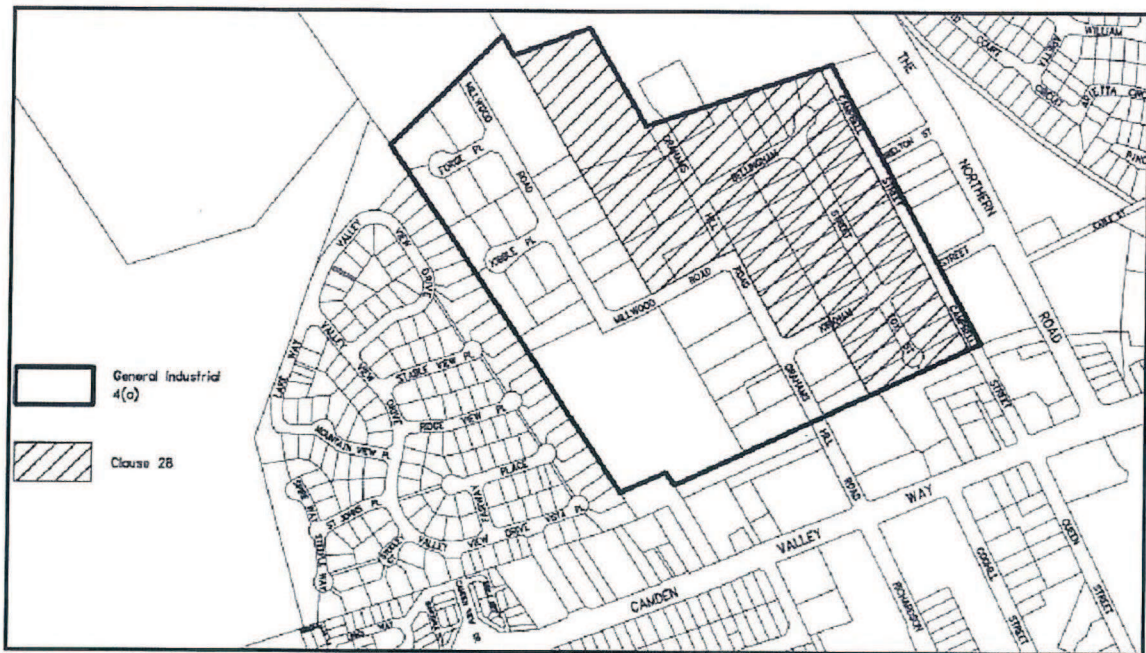


Figure 1 – LEP No. 46 'Narellan Brothel Zone'

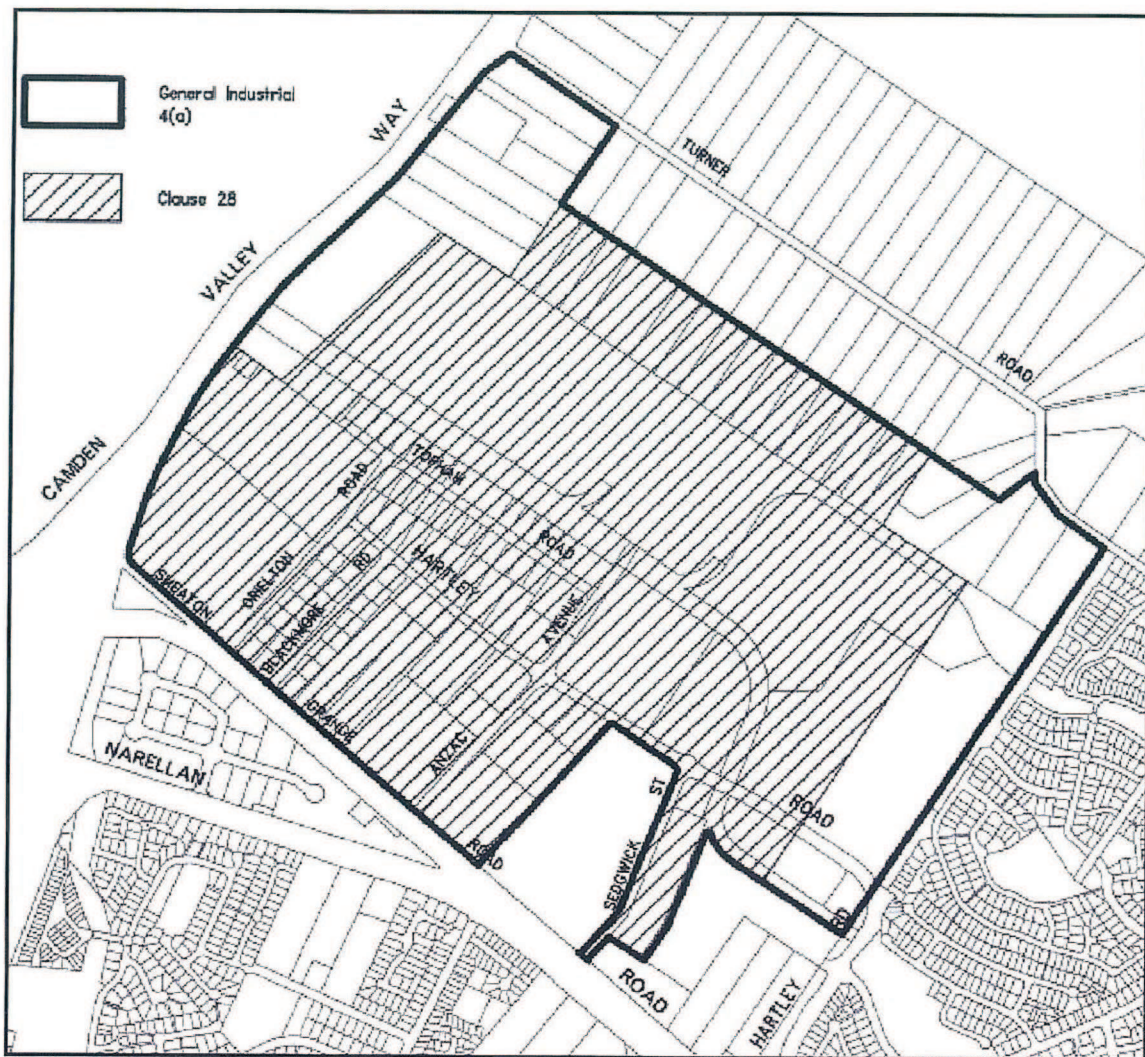


Figure 2 – LEP No. 47 'Smeaton Grange Brothel Zone'

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.

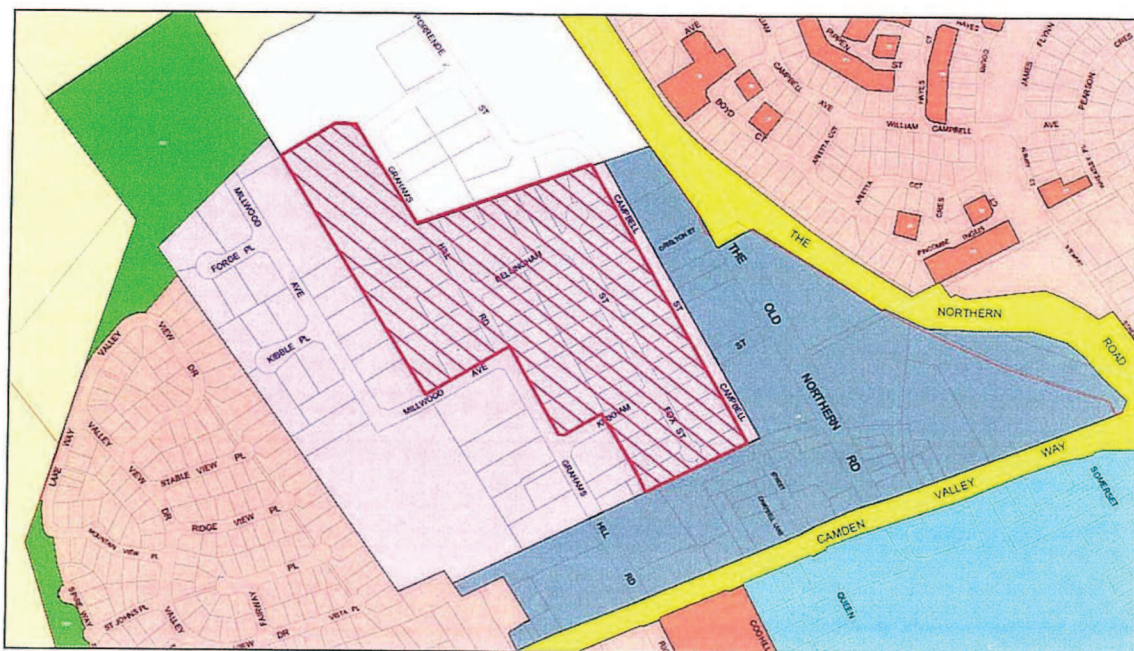


Figure 3 – Narellan Proposed Mapped Areas

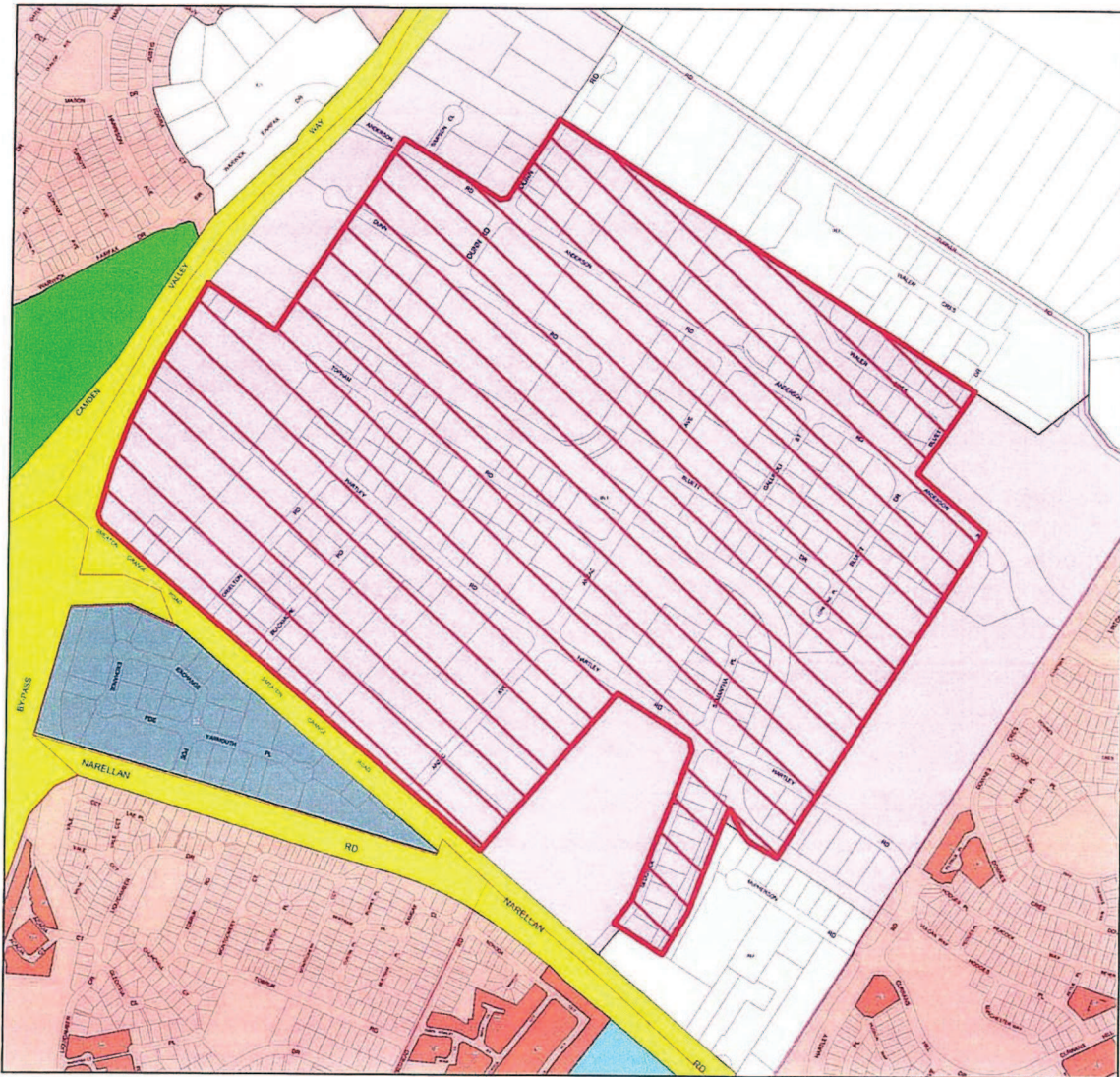


Figure 4 – Smeaton Grange Proposed Mapped Areas

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