

Attachment 4

Advice from Department of Planning and Infrastructure – model clause on sex service premises



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

Mr Jim Montague
General Manager
Canterbury City Council
PO Box 77
CAMPSIE NSW 2194

Office:	City of Canterbury
File:	T-29-64 P+2
Date Recd:	9 APR 2013
Task:	AM's office
Doc #	
Copy:	GMH DCSB DOWD DCPD

13/02152

Dear Mr Montague

Thank you for your letter to the Hon Barry O'Farrell MP, Premier of NSW and Minister for Western Sydney, concerning the weight to be given to development control plans in appeals to the Land and Environment Court. The Premier has asked me to respond to you directly on this matter.

I appreciate your concerns that brothels should not be located close to sensitive land uses such as places of public worship or schools. I am advised that under Canterbury Local Environmental Plan 2012, sex services premises are permissible in the B2 Local Centre zone. Council's local environmental plan and development control plan both play a role in ensuring that appropriate controls apply to the location of brothels or sex services premises.

There have been recent changes to the Environmental Planning and Assessment Act confirming local environmental plans as the main planning instrument for each council area. Nevertheless, development control plans retain an important guiding role and must still be considered by councils in assessing development applications and by the Land and Environment Court when considering appeals.

I am advised that to address potential land use conflicts or adverse amenity impacts, the Department of Planning and Infrastructure has developed a model local clause for inclusion in local environmental plans. The model clause allows a Council to take into consideration a number of matters when determining a development application for sex services premises, including the impact of the proposed development and its hours of operation on any place likely to be frequented by children.

I encourage Council to consider a planning proposal to insert the model local clause on sex services premises into the Canterbury Local Environmental Plan 2012. I have attached a copy of the model clause for your reference.

Should you have any further enquiries about this matter, I have arranged for Ms Juliet Grant, Regional Director, Sydney East, Department of Planning and Infrastructure to assist you. Ms Grant can be contacted on telephone number (02) 9228 6113.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B. Hazzard', written in a cursive style.

HON BRAD HAZZARD MP
Minister

04 APR 2013

Model local clauses for Standard Instrument LEPs

General Information

LEPs should provide for sex services premises somewhere in the LGA and the zone/s selected need to reflect how the Council will adequately provide for this use.

6.6 Restriction on consent for particular sex services premises [local]

(1) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from, land:

(a) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, or

(b) used as a place of public worship or for community or school uses, or

(c) in Zone RE1 Public Recreation.

(2) In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land.