

STRATEGIC PLANNING

DRAFT **Randwick** **Development** **Control Plan** **C9 Sex services** **premises**

D04579853

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1. Introduction

This section contains objectives and controls describing Council's policy and criteria for the assessment of restricted and sex services premises. These development controls will ensure that premises are well located, designed and managed to avoid adverse impacts on the surrounding area and to maintain a high level of amenity (both inside and outside the premises).

This Part of the DCP should be read in conjunction with:

- Part A – Introduction
- Part B - General Controls
- Other parts of the DCP for specific development types, locations or sites, if relevant to the application.

The following documents should also be considered:

- The Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017 which sets requirements for health and safety at work and covers every place of work in NSW, including Sexual Services Premises (SSP)
- The NSW Health Department's Health and Hygiene Guidelines for Brothels and Adult Services.

2. Matters for consideration

Explanation

Clause 6.15 – *Location of sex services premises* in the Randwick Local Environmental Plan (RLEP) provides for a reasonable separation between sex services premises and other sensitive land uses (residential and public recreation) and places regularly frequented by children. The purpose is to minimise land use conflicts and adverse amenity impacts, arising from the location and operation of these premises. These planning issues are to be addressed when submitting a Development Application (DA).

Notes

In addition to the RLEP, the Restricted Premises Act 1943 provides the statutory framework for the control of sex services premises and restricted premises in NSW.

The NSW Land and Environment Court has developed a planning principle relating to brothels based on the case of *Martyn v Hornsby Shire Council* [2004] NSWLEC 614.

Objectives

The objectives are to:

1. Suitably locate restricted premises or sex services premises, to minimise impacts and to ensure appropriate hours of operation
2. Ensure the design and operation of the premises are discreet, fit within the character of the streetscape and do not adversely impact on the amenity of the neighbourhood.

Controls

- a) In employment zones, restricted premises and sex services premises are to be designed with separate entries to any other use and to minimise views from public areas into the premises
- b) Owners/operators are to consider the impact of the business on existing businesses in the area, the hours of operation, size and use of premises, access, car parking/traffic etc. associated with those premises
- c) Restricted premises and sex service premises are to be located above the ground floor level or street level of a building, away from shopfronts and arcades or thoroughfares of high pedestrian use. The entrance however should preferably be located at ground level on the primary frontage
- d) The external design and colour of the premises must be in keeping with the character and appearance of the streetscape, and not be a prominent feature in the street.

3. Privacy and noise

Objectives

The objectives for privacy and noise are to:

1. Ensure that the activities within the premises arising from its operation are not visible from the street or an adjoining property
2. To minimise noise and vibration at the boundary of the premises.

Controls

- a) A sex services premises must not give rise to:
 - i) A sound level at any point on the boundary of the site greater than the background levels specified in AS 1055 Acoustics - Description and measurement of environmental noise
 - ii) An “offensive noise” as defined in the Protection of the Environment Operations Act 1997
 - iii) The transmission of vibration to any place of different occupancy
- b) Premises should be designed, incorporate building materials and arrange room layouts to minimise noise transmission, and to provide privacy (internal and external) and to prevent activities being visible from outside the premises
- c) There is to be no display of restricted material, sex-related products, sex workers, performers or semi-dressed staff from windows or external doors, or public areas outside the premises
- d) Business spruikers for any restricted premises or sex services premises are not permitted.

4. Health and safety

Objective

The objective for health and safety is to:

1. Ensure that the design and operation of restricted premises and sex services premises maximise the comfort, safety and security of visitors/clients, staff, workers and the general public.

Controls

- a) All DAs for sex services premises must comply with the requirements of the Public Health Act 2010 and the requirements of the New South Wales Health Department
- b) Provide internal reception/waiting areas (except for premises providing retail services) for visitors
- c) Design internal areas to minimise alcoves and entrapment spaces
- d) Provide suitable safety and surveillance systems (both internal and external) including adequate lighting of accessways and car parking areas
- e) Design entrances and exits to facilitate the privacy of staff and visitors without compromising personal safety
- f) Landscaping is not to obstruct visibility from public areas to exits and entrances for the safety of staff and visitors
- g) Premises are to be clearly numbered, so the number is visible from the street to prevent inadvertent visitors to private homes or businesses in the area
- h) For sex services premises of three or more rooms, all working rooms and staff areas are to be provided with intercoms and duress alarm systems linked to a central base and always monitored
- i) Storage spaces are to be provided for both soiled and clean linen, and safe sex equipment.

5. Management plan

Explanation

The safe and efficient operation of a sex services or a restricted premises should effectively minimise any adverse impacts on the amenity of a locality. The preparation of a Management Plan is required to set out clear procedures and responsibilities of owners and operators of premises. The plan is to be an active document (reviewed annually) and will assist business owners and operators, the community and Council in ensuring the suitable ongoing operation and oversight of the premises.

Objectives

The objectives for the management plan are to:

1. Minimise the potential for the operation of sex services or restricted premises to cause disturbance in the surrounding area
2. Ensure the safe and adequate storage, handling and disposal of waste, appropriate cleaning procedures and the safety and health of staff and visitors.

Controls

- a) A Management Plan is to be submitted for all DAs for new or expanded restricted or sex services premises that addresses the general requirements for Management Plans outlined in Part B9 of this DCP, and is also to address the following specific requirements:
 - i) Procedures appropriate to the nature of the proposed activities; and procedures for where staff are placed under duress
 - ii) How access can be provided when required by a client with a disability
 - iii) Access arrangements for the attendance of health service providers
 - iv) Procedures that support the health and health education needs of staff
 - v) Demonstrate compliance with the SafeWork, Health and Safety Guidelines for Sex Services Premises in NSW.



