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1 Introduction

This section sets out objectives and controls to assist in the assessment of amusement centre proposals with particular regard to maintaining on site amenity and that of the surrounding area.

Amusement centres are a source of entertainment and recreation and are principally used for the playing of mechanical or electronic amusement machines and/or pool tables.

Note:

Amusement centres are defined in the RLEP as:

“a building or place (not being part of a pub or registered club) used principally for playing:

(a) billiards, pool or other like games, or

(b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like”.

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

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

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.

1.1 Objective

- To ensure that the location, design and activities within amusement centres have minimum adverse effect on the site and locality.

2 Location and Design Requirements

Controls

- Locate amusement centres on the ground floor (at street entry level) of the development.
- Building design and layout must be of an open nature without any visually isolated areas.

Note:

A floorplan must be submitted showing amusement machine and pool table layout and configuration, toilet facilities and access, supervisor’s location, any partitioned areas and their proposed use, seating arrangements, ancillary uses and entrances and exits.

- iii) Adequate floor area must be provided to facilitate circulation around gaming machines and pool tables.
- iv) Noise levels generated by the premises must not exceed 5dBA above the background noise measured on the boundary of the premises.
- v) Where the amusement centre is to be used in conjunction with a food and drink premises, the floor area allocated for seating for the purposes of the consumption of food and beverages is to be a minimum of 20% of the entire floor area.

3 Management Plan

Explanation

DAs for amusement centres must be accompanied by a Management Plan that specifies the operations and measures to be undertaken to ensure that the premises will be responsibly managed.

Controls

- i) Submit a Management Plan that addresses the general requirements for Management Plans outlined in Part B Section B9 of this DCP, as well as the following specific requirements:
 - Measures to ensure the suitable conduct of patrons within and outside the premises.
 - Details on the number and type of amusement machines and/or pool tables.
 - Age entry requirements.
 - Access to public transport.

Note:

Approvals for amusement centre proposals including hours of operation may be subject to a trial period of operation. This would allow the flexibility to monitor the ongoing management of a premises and its impact on amenity and public safety.

Note:

Age Entry Requirements - It is the responsibility of the proprietor to ensure that persons under the age of 12 are accompanied by an adult and a sign is clearly displayed stating these age entry requirements.

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1 Introduction

This section applies to DAs for backpackers' accommodation. It provides design, development and management guidelines for backpackers' accommodation premises to enable stringent assessment of their suitability for the locality, surrounding residents and guests.

Definition:

Under RLEP, Backpackers' Accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and**
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and**
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).**

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

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

1.1 Objectives

- To ensure that any proposal for backpackers' accommodation:
 - Maintains or enhances the character and amenity of the area; and
 - Provides a high standard of amenity for the users of that facility.
- To ensure any potentially detrimental impacts, including privacy, overshadowing, noise, anti-social behaviour and personal safety, are suitably addressed.

2 Building Design

Objectives

- To provide functional and safe areas for the sleeping and storage needs of the guests.
- To provide adequate numbers of toilet and shower facilities to cater for the requirements of the occupants.
- To ensure that appropriate kitchen facilities and dining areas are provided to cater for the needs of the occupants.
- To provide adequate space and facilities for clothes washing and drying.
- To provide sufficient recreation areas and facilities.
- To protect surrounding and adjoining residents from noise intrusion.
- To provide a reasonable acoustic environment for guests.

2.1 Sleeping Rooms

Controls

- i) The minimum area of a sleeping room must comply with the Public Health Regulation 2012:

The room has a floor area of 5.5 square metres or more for each person sleeping in it (where the length of stay is more than 28 consecutive days), or 2 square metres or more for each person (in any other case).
- ii) Provide adequate space and secured storage facilities to allow occupants to store clothes and travel gear in each sleeping room, or alternatively, provide adequate facilities elsewhere in the building.
- iii) Provide appropriate floor construction and materials in sleeping rooms to minimise noise generation.
- iv) Bedding and flooring must be able to easily be cleaned and maintained.
- v) Each sleeping room must contain an operable window opening to outdoor areas for natural light and ventilation.

2.2 Toilets and Showers

Controls

- i) Provide toilet and shower facilities meeting the following minimum requirements:

	Wash basin	Toilet	Bath / Shower
For Guest Use	1 per 7 guests	1 per 7 guests	1 per 7 guests

- ii) Toilet facilities must be provided in a separate compartment from the shower / bathroom as far as are practicable.
- iii) Bathroom facilities must be of a workable size and designed to allow easy cleaning and maintenance.
- iv) Sanitary facilities must be gender separated as far as are practicable, except for uni-sex facilities provided in accordance with the Building Code of Australia and/or AS 1428.1.

2.3 Kitchen Facilities and Dining Areas

Controls

- i) Provide at least 1 communal kitchen and 1 communal dining area (may be combined). The minimum combined floor area of these rooms must be 1 square metre per guest.
- ii) Cooking facilities must be sufficient so that 15-20% of the maximum number of guests may prepare meals at any one time.
- iii) Provide adequate cooking stove, refrigerator, bench, sink and waste storage facilities in the communal kitchen.
- iv) Communal kitchen facilities and dining areas must be designed and constructed to be convenient and comfortable for the occupants to use and easy to clean and maintain.
- v) Where the proprietor provides food services to the guests, the kitchen facilities must be designed and constructed in accordance with the Australian Food Safety Standards.

2.4 Laundry and Drying Facilities

Controls

- i) Provide a separate communal laundry area within the building.
- ii) Provide one (1) washing machine and one (1) wash tub for every 30 beds.
- iii) Provide one (1) dryer or 20 metres of external clothes line for every 30 beds.
- iv) Washing machines and mechanical dryers must not be used between the hours of 10pm and 8am, 7 days a week, if their operation is likely to cause noise impacts on the nearby residential uses.
- v) Separate laundry facilities used by guests and staff members where possible.
- vi) Design the building or introduce management measures to prevent laundry or clothes items being hung out at the windows on the street elevation/s.

2.5 Communal Outdoor Recreation Area

Controls

- i) Provide a communal outdoor recreation area in the form of a courtyard, terrace, balcony, deck or the like, with total area of 30 square metres or 1.5 square metres per guest, whichever is the lesser. The outdoor recreation area must have a minimum dimension of 3 metres.
- ii) Setback the outdoor recreation area from neighbouring residential properties by a minimum of 2 metres, or otherwise physically separate from those neighbouring properties to the extent that the potential for overlooking, noise and littering is minimised (e.g. through fencing and/or landscaping).
- iii) Locate and orientate to maximise solar access.
- iv) Incorporate deep soil planting or planter boxes to enhance the amenity for the guests.
- v) Provide shared facilities, such as fixed outdoor seating, benches, barbeques and the like to allow social interaction.
- vi) Provide partial cover for weather protection, such as pergola, canopy or the like, where it does not cause unreasonable overshadowing on adjoining properties.
- vii) Lighting of outdoor recreation areas must be designed to minimise glare or light overspill to surrounding residential properties.

2.6 Noise, Privacy and Amenity

Controls

- i) Sources of noise, such as kitchens, communal rooms, outdoor recreation areas and parking areas, must be sited and designed to minimise noise impact on adjoining properties.
- ii) Rooms and features that generate noise (e.g. laundry, communal room and kitchen) must be located away from, or sound proofed from sleeping rooms.
- iii) Windows and external openings must be located away from internal and external noise generators.
- iv) Mechanical plant and equipment must be located in areas away from living or sleeping rooms within the development and adjacent buildings.
- v) For new development, alterations and additions and proposals with an increase in guest numbers, a noise assessment report prepared by an appropriately qualified acoustics consultant must be submitted with the DA.

The report must:

- Establish the existing background noise levels;
- Identify all potential noise sources from the operation of the premises, including any mechanical plant and equipment;
- Estimate the level of potential noise emission;
- Establish desirable acoustics performance criteria; and
- Recommend any mitigation measures (such as sound proofing construction and/or management practices) required to achieve relevant noise criteria.

Note:

Refer to the Protection of the Environment Operations (POEO) Act 1997, POEO Regulation 2008 and relevant policies and guidelines for noise prevention and control.

3 Management Plan

Explanation

Effective and responsive day-to-day management of backpackers' accommodation is critical to ensure a suitable living environment for guests and minimise adverse impacts on surrounding residences.

This can be achieved by adhering to a Management Plan during the operation of the premises, which clearly documents all management measures and house rules.

Objectives

- To ensure clear and suitable management measures and practices are documented for use by staff and guests for the on-going operation of backpackers' accommodation.

Controls

- i) Submit a Management Plan with all DAs for backpackers' accommodation that addresses the general requirements outlined in the Management Plan section in B9 of the DCP, and the following specific requirements:
 - Arrangement for after-hours access.
 - The maximum guest number for the entire premise, maximum occupancy per room and maximum permissible length of stay for guests.
 - A schedule detailing minimum furnishings for sleeping rooms and communal rooms.
 - House rules, covering issues including but not limited to:
 - Visitor policy
 - Rules for parties and activities
 - Use and operation hours of common areas (e.g. communal open space and living rooms)
 - Policy for regulating smoking and consumption of alcohol and illicit drugs
 - Cleaning and maintenance arrangements.
- ii) The following minimum on-site management requirements must be met:
 - A manager, over the age of 18 years, must be present at the premises at all times and be available to attend to complaints during night hours when the reception desk is closed. Guests must not be appointed as temporary managers.
 - A management office and/or manager's sleeping room must be permanently provided on the premises.

iii) The manager is responsible for matters including, but not limited to:

- Handling check-ins and check-outs of guests.
- Maintaining a register of guests with information on the length of stay, personal details and etc.
- Furnishing a set of House Rules to each guest at the time of registration at the reception desk.
- Establishing and maintaining a formal and documented system for the recording and resolution of complaints made to the premises.
- Attending to any complaints made to the premises and taking appropriate remedial actions to resolve the issues.
- Monitoring the premises and ensuring all guests obey the House Rules.
- Ensuring guest numbers do not exceed those permitted in the development consent.
- Ensuring the premises are operated in a manner that minimises noise and disturbance to the neighbouring properties.
- Maintaining the premises in a clean, safe and orderly condition.
- Maintaining the premises in a fire-safe manner, which includes ensuring that:
 - Fire doors are kept closed to maintain fire separation and compartmentation.
 - Emergency access is kept cleared at all times.
 - All fire services, equipment and alarm systems remain in good working order.

iv) Public Notice and Signs:

- A sign must be prominently installed at the front entry to the premises informing the public of the 24-hour contact number of the on-site management (this is not to be an answering machine) to enable the registration of complaints.
- A permanently fixed identification number and a notice stating the maximum number of guests permitted must be displayed at the doorway to each sleeping room.

All backpackers' accommodation must be registered with Council.

Child care centres

D11

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1 Introduction

This section sets out objectives and controls to guide the location and design of child care centres with a key focus on ensuring the safety and well being of children and achieving a high standard of amenity for the site and surrounding locality, particularly adjoining residential land uses.

Child care centres that are appropriately located and suitably designed provide an important community service, contribute positively to the developmental growth of children and operate with minimal impact on the surrounding locality.

A variety of child care centres currently operate in Randwick City offering full time or part time childcare services. These include centres operating in purpose built buildings in residential neighbourhoods or within business centres. A number of child care centres are also co located with community services, public open space and schools.

Licensing approval for new child care centres or the expansion of existing centres must be obtained from the NSW Department of Education and Communities. To obtain a license, applicants are required to comply with various requirements of the *Education and Care Services National Law* and the *Education and Care Services National Regulations (E&C Regulations)*, which prescribe minimum standards for buildings, facilities and operational practices.

The Building Code of Australia also specifies relevant standards for child care centres relating to a number of matters including structural considerations, fire resistance, access and egress, services.

As a condition of consent, applicants must submit a signed statement or checklist to Council verifying compliance with both the *Education and Care Services National Law* and *E&C Regulations*.

1.1 Objectives

- To provide for the establishment of high quality child care centres that are located and designed to achieve a high level of safety, security, environmental health and amenity for their users.
- To ensure that child care centres respond positively to the context and setting and minimise adverse environmental impact in the locality.
- To deliver certainty to applicants, operators and the local community about the planning requirements for child care centres.

Note:

Applicants should consult with the NSW Department of Education and Communities to determine licensing requirements prior to lodgement of a DA with Council.

Further information is available at (www.dec.nsw.gov.au)

1.2 Application

This section applies to DAs relating to:

- Construction of a new purpose built child care centre.
- Conversion or adaptation of an existing building to a child care centre; or
- Expansion or alteration of an existing child care centre.

This DCP does not apply to home based childcare. Applicants for home based childcare should refer to the *Children (Education and Care Services) Supplementary Provisions Regulation 2004*.

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

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

For heritage items or properties within a heritage conservation area, this section should be read in conjunction with Heritage section B2 of the DCP.

2 Site Selection

Explanation

Careful consideration must be given in choosing a suitable location for a child care centre as not all sites are appropriate for this form of development.

Site selection should take into account the needs of centre users in terms of safety, security and environmental health, and in residential neighbourhoods consideration should be given to ensuring that the commercial nature of a proposal does not unreasonably impact on upon the amenity of residents.

An acceptable location for a child care centre depends on a number of factors including capacity, scale, compatibility with neighbouring land uses, potential for exposure to safety risks and environmental hazards, vehicle movements, sightlines and pedestrian safety.

Objectives

- To ensure that child care centres are appropriately located and sited having regard to the environmental attributes of the locality and the health and well being of centre users.
- To encourage child care centres in accessible locations in proximity to public transport, business centres, community services and open space.

Controls

- i) DAs are to address the suitability and context of the proposal including:
- Proposed size, number of children and age breakdown for the centre.
 - The number of staff to be employed.
 - Proposed hours of operation.
 - Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc).
 - Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects).
 - Likely effect of the development on the road network in the surrounding area including traffic and on street parking availability.
 - Availability of on site vehicular access and parking.
 - Proximity to public transport.
 - Proximity to existing community and children's services.
 - Demonstrated demand for the service and identification of any special needs the centre will address.
- ii) Where a child care centre is proposed within 300 metres of a mobile phone tower, base station, transmission line easement or other source of potentially significant electromagnetic radiation, a report by a suitably qualified consultant must be submitted with the DA, assessing the potential exposure impact on the centre and its occupants.

Note:

Child care centres on the following sites are discouraged:

- **Narrow streets, one way roads and cul de sacs**
- **Areas near electromagnetic radiation (e.g. mobile phone towers)**
- **Proximity to LPG tanks**
- **Areas that have poor on street car parking/traffic conditions (e.g. high traffic volumes, poor sightlines etc)**
- **Steep sites**

Note:

As a general guide, preferred sites for child care centres are sites:

- **Situated in proximity to workplaces, businesses, retail services and public transport.**
- **Co-located with existing educational, open space or other community facilities where parking is already available.**
- **Co- located in buildings that provide on site facilities for employers to reduce trip generation.**
- **Situated within purpose built detached buildings on accessible sites rather than semi detached dwellings, dual occupancy or residential flat buildings.**
- **Where there is less exposure to neighbouring residential development (e.g. large corner sites).**
- **Where safe and convenient vehicle access and pedestrian safety can be provided.**

3 Building Design

3.1 Built form, scale and character

Explanation

The design of a new child care centre or extensions to an existing centre can impact on the physical and visual amenity of a streetscape. Child care centres that are sensitively designed in terms of built form, scale and massing can positively contribute to the streetscape and the character of the locality.

Child care centre proposals are required to comply with relevant RLEP height and FSR controls which apply to the site to ensure an appropriate built form outcome.

Objectives

- To facilitate the establishment of small scale child care centres in residential neighbourhoods.
- To ensure that the building's form, scale and massing complements and enhances the established or desired future character of the streetscape or site.

Controls

- i) For new child care centres or extensions proposed in the R2 Low Density Residential zone, the building design is to be similar to a dwelling house in terms of built form, scale, massing, roof design and articulation. Single storey buildings are encouraged for safety and access reasons.
- ii) For all other zones or locations, the building design is to complement the desired built form, scale and character for that particular zone or location.
- iii) Where a child care centre is proposed in a multi storey building (e.g. mixed use building) it must be located on the ground floor of the development unless it can be demonstrated that:
 - There are no viable alternatives for a location at ground level in the building or surrounding area.
 - With respect to a heritage item, the proposed child care centre on the ground floor would detrimentally impact on the heritage significance of the item.
 - Adequate access to play areas, solar access (particularly mid winter) and natural ventilation is available.
 - Adequate emergency access and egress is available.
 - Adequate access for pick ups/drop offs is available.
- iv) Architectural elements which articulate the front and other facades visible from the street frontage must be

incorporated into the overall building design to create visual interest.

- v) Avoid large expanses of blank and unarticulated walls.

3.2 Setbacks

Explanation

Building setbacks define the overall footprint of a building and the outer extremities of that building in relation to front, side and rear boundaries. They have a significant influence on the relationship between buildings and the overall character of the streetscape.

Importantly, setbacks can assist in protecting solar access and mitigate against noise and privacy impacts for properties that adjoin child care centres.

Setbacks for child care centres must generally be consistent with the requirements of the relevant zone.

Objectives

- To maintain a consistent rhythm of development that contributes positively to the character of the streetscape and locality.
- To ensure adequate separation between neighbouring buildings for visual and acoustic privacy, solar access and air circulation purposes.

Controls

- i) New child care centre developments or extensions must address the setback controls for dwelling houses set out in Part C1 of this DCP or demonstrate that alternative setbacks are suitable, having regard to:
 - The zoning for the site and alternative setback controls in this DCP (e.g. for business centres, master plan sites or key sites); or
 - The site location and prevailing setbacks of surrounding properties.
- ii) Increased setbacks may be required in certain circumstances having regard to privacy, solar access, to achieve reasonable view sharing with neighbouring properties and/or to provide the required amount of space for outdoor play areas.
- iii) The front setback area may only be used for access, car parking and landscaping purposes and not for the purposes of outdoor play areas and the like, unless it can be demonstrated that it is suitable due to:
 - site characteristics (e.g. configuration, solar access, relationships to neighbouring properties)
 - rear access availability
 - provision of appropriate screening measures

3.3 Building Materials and Colours

Explanation

The appropriate use of durable materials, finishes and colours can improve the visual presentation of a building and make a positive contribution to the streetscape. Building materials, finishes and colours should be harmonious with surrounding development and based on local colour cues.

Objectives

- To ensure that the building's visual appearance complements and enhances the established streetscape character.

Controls

- i) For child care centres proposed in residential zones, the selection of building materials, finishes and colours must have regard to the relevant controls set out in Part C1 of this DCP.
- ii) For child care centres proposed within a business centre, master plan or key site, the selection of building materials, finishes and colours must have regard to the relevant controls set out in the relevant section of this DCP.
- iii) For childcare centres proposed in special purposes or recreation zones, a range of high quality and durable materials must be used in construction which require minimal maintenance and facilitate articulation of the building form. The use of a single colour or material should be avoided.

4 Amenity

4.1 Acoustic Amenity and Privacy

Explanation

The appropriate design and siting of child care centres can minimise overlooking and noise intrusion to and from adjoining properties and maintain a high level of environmental amenity for children, staff and other centre users.

Objectives

- To minimise any potential adverse impacts on the visual and acoustic privacy of neighbouring properties.
- To protect the visual and acoustic privacy of children, staff and other users of the child care centre.

Controls

- i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:

- Adequate site planning and building design measures are proposed to minimise noise impacts.
 - Noise levels generated from the child care centre, (when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level.
 - Suitable noise attenuation measures have been incorporated into the proposal.
- ii) Orient new buildings and extensions to minimise overlooking, overshadowing and to preserve the acoustic amenity of adjoining properties.
- iii) Locate outdoor and indoor play areas, balconies and terraces and openable windows to minimise the direct line of sight to and from neighbouring properties.
- iv) Locate pedestrian access ways and ramps away from neighbouring residential properties where practical.
- v) Maximise the use of fencing, landscape buffers and window coverings to protect visual privacy and acoustic amenity for the centre and neighbouring properties.

4.2 Safety and Security

Explanation

An accessible, safe and secure environment is integral to the well being of all child care centre users. Measures to facilitate casual surveillance, territorial enforcement and access control are important elements of building design in order to maximise safety and security.

Objectives

- To ensure that building design and facilities are safe and secure for children, staff and other centre users.

Controls

- i) Entry for child care centre visitors is to be limited to one secure point which is to be:
- Appropriately located to allow ease of access
 - Well lit and adequately sign posted
 - Located away from areas used for vehicle access
 - Monitored through natural or camera surveillance
 - Limited to authorised persons only through the provision of an electronic security system such as swipe cards.
- ii) Where a child care centre is located within a building that also accommodates other uses, a separate and clearly marked entrance for the child care centre must be provided.

- iii) Incorporate windows on the front façade where possible to enable casual surveillance.
- iv) Where a proposed child care centre has a direct street frontage or vehicular access onto a classified road, identify additional safety measures (e.g. secure fencing, landscaping or other measures to prevent unaccompanied children from exiting the centre).

4.3 Play Areas

Explanation

Outdoor and indoor play areas are a vital component of child care centres as they facilitate the development of cognitive and physical skills and provide opportunities for social interaction.

Both outdoor and indoor play areas should provide for a variety of activities and experiences, while ensuring the safety and security of children. Importantly, the design of play areas should take into account the potential for visual, acoustic and privacy impacts on adjoining properties.

Objectives

- To provide attractive indoor and outdoor play areas that are safe, functional and support the developmental growth of children.
- To ensure that play areas do not compromise the amenity of adjoining properties.

Controls

- i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.
- ii) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical.
- iii) Locate outdoor play areas away from the main entrance, unless suitable screening or fencing is provided.
- iv) Locate outdoor play areas away from car parking areas or vehicular circulation areas.
- v) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.
- vi) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.
- vii) Indoor play areas must have adequate access to sunlight and natural ventilation.
- viii) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).

- ix) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.
- x) Toilets should be easily accessible from both indoor and outdoor play areas.
- xi) Ensure that outdoor play area gates do not open straight onto footpaths or roads.

Note:

The following site requirements are based on the E&C Regulation and are to be used as a guide only. Applicants are required to illustrate provision of indoor and outdoor play areas on DA plans. The play area calculation should exclude parking and vehicular circulation, waste, storage, landscaping and utility areas.

Indoor Space	0-6 years old	3.25m ² per licensed child space of unencumbered space
Outdoor Space	0-6 years old	7m ² per licensed child space of useable outdoor space

4.4 Landscaping

Explanation

Landscaping can assist in integrating child care centres within the streetscape, contribute to creating a pleasant environment for centre users and enhance privacy and acoustic amenity for adjoining properties.

Objectives

- To ensure that landscaping maximises privacy and acoustic amenity for child care centres users and adjoining properties.

Controls

- i) Submit a landscape plan with the DA clearly identifying the following elements:
 - Location of play equipment
 - Location and extent of landscape buffers
 - Proposed planting including a variety of trees and plants to create visual interest and shade for children
 - Materials and finishes of outdoor surfaces.

- ii) Landscape design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style.
- iii) Landscaping must be designed to minimise the visual impact of the development on the streetscape and neighbouring properties.
- iv) A landscape buffer of no less than 1 metre must be provided in the front setback where on site car parking and drop off areas are proposed in residential zones.
- v) A landscape buffer with suitable screening plants should be provided along the side and rear boundaries where practicable.
- vi) Toxic, spiky or other plant species hazardous to children should not be used.

5 Traffic, Parking and Pedestrian Safety

Explanation

Traffic, parking and pedestrian safety are critical issues to be addressed in the design and ongoing operation of child care centres. Vehicular access, parking and drop off facilities should be integrated into the design at an early stage to address potential conflicts between pedestrians, local traffic patterns, streetscape character and residential amenity.

Objectives

- To ensure a safe environment for pedestrians, particularly children, motorists and cyclists in and around child care centres.
- To minimise adverse environmental impacts in the locality in terms of traffic generation and on street parking availability.
- To ensure that car parking arrangements are designed to enhance streetscape character and have minimal visual impact.

Controls

- i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to:
 - prevailing traffic conditions
 - likely impact of the proposal on existing traffic flows
 - pedestrian and traffic safety
 - appropriate arrangements for safe and convenient pick up and drop off at the site.

- ii) A reduction in car parking controls in Part B7 may be considered where:
 - The site is located in proximity to high frequency public transport.
 - The site is co located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks).
 - There is sufficient on street parking available at appropriate times within proximity of the site.
 - The development is not likely to result in any adverse impact on the safe operation of the surrounding road network.

Note:

Any proposed reduction in car parking requirements must be suitably justified in the Parking and Access Study or the Transport Assessment Report. Consideration will be given to the size and intensity of the proposal.

5.1 Vehicle Circulation and Carparking Design

- i) On site parking and drive through facilities must not visually dominate or detract from the streetscape character.
- ii) Car parking areas and set down and pick up points, must be appropriately marked, signposted and lit to ensure pedestrian safety.
- iii) The entry and exit of set down and pick up points should preferably be separated.
- iv) On site parking and vehicle manoeuvring areas are to be designed so that vehicles can safely enter and exit the site in a forward direction, unless an alternative safe arrangement can be demonstrated in the Parking and Access Report.
- v) Stack parking may be considered for a maximum of 2 car spaces.
- vi) Access driveways must not be located opposite or in the vicinity of road intersections.

5.2 Pedestrian Access Design

- i) Pedestrian access must be separated from vehicular access with clearly defined paths, signage and fencing.
- ii) Appropriate site distances and traffic calming measures may be required to ensure pedestrian safety.
- iii) Pedestrian pathways are to be a minimum width of 1.2 metres to allow for easy circulation throughout the site.

6 Hours of Operation

Explanation

The setting of appropriate hours of operation of child care centres should have regard to the potential for unreasonable disturbance to adjoining residential properties, and amenity impacts to the surrounding locality (e.g. traffic, noise etc).

Objective

- To ensure that child care centres hours of operation are reasonable and have minimal impact on the locality and the environment.

Controls

- DA's should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses.

Note:

As a general guide, the hours of operation for child care centres in residential zones should not extend beyond the core hours of 7:00am and 7:00pm unless suitable justification is provided (e.g. the proposal is located adjacent to a business centre or non residential land use etc)

7 Fences

Explanation

Fences within child care centres sites must be designed to ensure adequate privacy and security for child care centre users and adjoining properties while promoting a high quality streetscape.

Objectives

- To ensure that new fences complement the building and the streetscape in terms of materials, colour, height and rhythm.
- To ensure that fences are designed to maintain privacy for adjoining properties and the safety and security for child care centre users.

Controls

- Fencing is to be of a height and design suitable to contain noise generated by children's activities and compatible with the building and fencing materials used in the vicinity.
- Child proof fencing and self closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.
- Fencing must not obstruct sight lines between pedestrians and vehicles.

Note:

Additional requirements on fencing are contained in the E&C Regulation.

APPENDIX A: Child care centre Facility and Equipment Requirements

The following list of requirements is based on the E&C Regulation and is intended as a guide only. Applicants should refer to the Regulation for a complete and detailed list of equipment standards and service requirements.

- Space requirements
- Laundry
- Craft preparation facilities
- Food preparation facilities
- Nappy Change Facilities
- Toilet and Washing Facilities
- Sleeping facilities
- Storage facilities
- Pools
- Telephone
- Play equipment
- First aid
- Fire safety
- Ventilation, lighting and heating
- Hot water
- Fencing
- Glass
- Cleanliness, maintenance and repairs

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1 Introduction

This section provides objectives and controls for outdoor dining and trading activities on and over public footpaths, malls and associated public spaces. Footpath dining and trading, in the right locations, contributes to an active street frontage and adds vitality to the public place.

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

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

The following documents should also be considered:

- NSW Food Act and food safety standards incorporated therein, and
- Other relevant statutory plans, Council and Technical Reports, guidelines and, other policies.

1.1 Objectives

- To provide controls for footpath dining and trading used in conjunction with associated, approved, indoor premises only;
- To ensure access, safety and amenity of public footpaths is maintained, while facilitating active and lively street frontages;
- To ensure footpath dining is compatible with other community use of the footpath and does not adversely impact upon the amenity of adjacent residences.

1.2 Consent Authority, Owner's Consents and Statutory Processes

Proposals for outdoor dining on public footpaths require the following processes:

- Development consent and approval under the Roads Act and the Local Government Act, and current public indemnity insurance; and
- If adjacent to a classified road, the concurrence of the Roads and Maritime Services (RMS)

Proposals for the use of footpath airspace for outdoor dining require the above as well as the following processes:

- Lease agreement with Council for use of the airspace; and
- The approval of the Director-General of Department of Planning and Infrastructure (if Council is also the roads authority).

Note:

Council retains management and ownership of its footpaths at all times. Council has the right to access and remove all trading items at any time for any purpose deemed suitable by it.

No compensation is payable in the event of Council or any statutory authority carrying out works which require the removal, cessation and/or alteration to any approved footpath trading activity.

Proposals for goods displays on footpaths require the following processes:

- Local Approval under the Local Government Act 1993 or development consent and Local Approval if not exempt development; and
- Current public indemnity insurance.

Applicants are required to maintain current public liability insurance, indemnifying Council against damage to third parties and against the issue of licences. Applicants should consult with Council's Property Officer for information regarding insurance.

2 Development and design controls

2.1 Location and layout of footpath trading activities

Explanation

Proposed footpath trading activities will be considered only in conjunction with an approved or proposed associated indoor business in contiguous premises (food premises in the case of outdoor dining and any other type of business in the case of goods displays).

Objectives

- To maintain the primary function of footpaths as public pedestrian corridors and domains, while encouraging opportunities for outdoor dining and other footpath trading activities.
- To allow for the use of airspace over public roads and public land for dining, only where appropriate.
- To ensure access for people with disabilities is provided within dining areas and associated facilities.
- To maintain public safety including unobstructed access to footpaths and adjacent buildings.
- To require high quality furniture and fittings that enhances the streetscape.
- To have regard to the heritage significance of an item or area, where applicable.

Controls

- i) Provide a clear zone on the footpath with a minimum width 2.0m or 2.5m for locations adjacent to classified roads, busy footpaths, footpaths in excess of 4m width and land within Randwick Junction Centre.

- ii) Provide a minimum kerb setback 0.6m. Note the following kerb setbacks apply regardless of footpath width:
 - (a) 0.9m adjacent to loading zones
 - (b) 1.0m adjacent to “No Standing” zones
 - (c) 1.5m adjacent to pedestrian crossings (applies both from kerb and the crossing)
 - (d) 1.2m adjacent to angle parking
 - (e) is not appropriate adjacent to a disabled parking space or a bus stop.
- iii) If the minimum criteria in (i) – (ii) cannot be achieved, applicants must demonstrate the following:
 - (a) Existing levels of public access and safety will be maintained for the footpath and the adjacent road, and
 - (b) No unreasonable impacts on amenity or streetscape.
- iv) Where no footpath trading occurs in a locality, a proposed footpath trading activity is to be provided adjacent to the kerb.
- v) Locating footpath trading adjacent to the building line must demonstrate consistency with existing footpath trading activities, exceptional circumstances and/or a public benefit.
- vi) For trading areas longer than 10m, provide a 1.5m break in the centre of the trading area (excluding doorways and other essential openings).
- vii) Provide a minimum break of 1.0m from public utilities including fire hydrants, rubbish bins, seats, telephones, bicycle stands, bus shelters, taxi ranks and parking meters.
- viii) Provide a minimum break of 0.5m from all other street furniture including bollards, tree pits, street lights and traffic and electricity poles.
- ix) Only that part of the footpath or public place directly in front of a restaurant/cafe may be used for footpath trading. The area may not extend to the area in front of neighbouring properties.
- x) Seating may not be located next to the building line and the kerb side at the same time.
- xi) Provide a minimum depth of 1.1m within the footpath trading area for the comfort of patrons.
- xii) Comply with a footpath gradient (crossfall) range of 1:100 to 1:40 (maximum) or demonstrate to Council that suitable access can be provided if a proposal is located on grades outside this range.

Note:

References to footpaths in this Plan relate to existing grades. Structures or works to change footpath levels (for example, platforms) will generally not be supported, unless it can be demonstrated that pedestrian access on the footpath and to premises will not be impaired.

- xiii) Locate the footpath trading area consistent with adjacent footpath trading activities, existing public utilities, landscaped areas and open spaces to provide consistent pedestrian access subject to the minimum setbacks above.
- xiv) Provide clear sight lines from the indoor premises to the outdoor trading area.

Diagram 1:
Suitable locations for outdoor dining areas adjacent to the kerb, generally where no outdoor dining exists in the locality

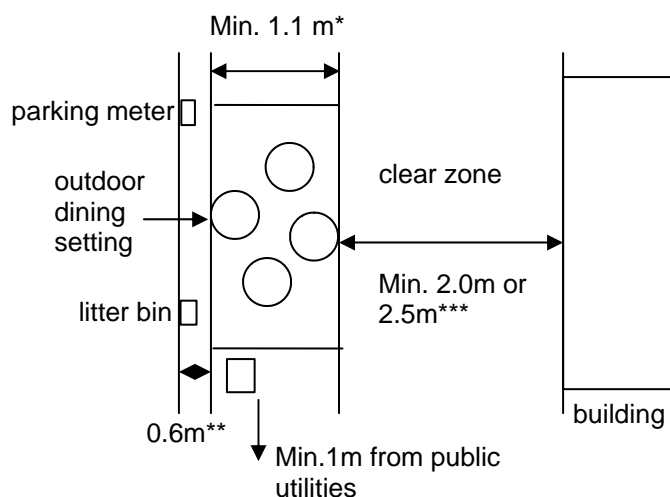
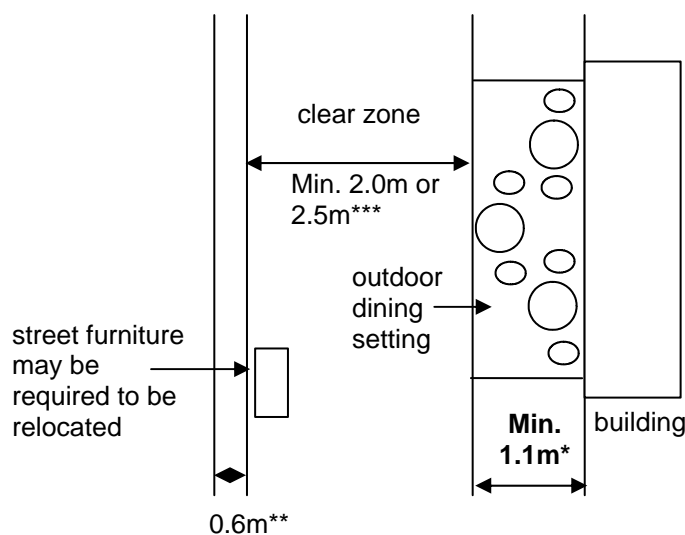


Diagram 2:
Suitable locations for outdoor dining areas adjacent to the building line



* A minimum depth of 1.1m is recommended for the comfort of patrons

** Kerb setbacks may be required to be increased when adjacent to no standing zones, loading zones, pedestrian crossings, angled parking

*** A clear zone minimum width of 2.5m for locations adjacent to classified roads, busy footpaths, footpaths in excess of 4m and land within Randwick Junction centre

2.2 Use of footpath airspace for outdoor dining

Explanation

The use of airspace above footpaths (roads) and public spaces by the conversion of awnings to balconies (trafficable awnings) to provide first floor dining is generally not favoured by Council. It can result in additional noise, amenity and safety issues.

General matters for consideration

- i) The Council may consider proposals for the conversion of an existing awning only on sites with the following features:
 - (a) current approval for first floor dining in the contiguous indoor premises,
 - (b) a Business zoning,
 - (c) Not located adjacent to residential premises or residential zones, and
 - (d) located in a continuous retail strip where awnings are an integral feature of the architectural elements of the streetscape.

- ii) The Council may consider proposals for the construction of new first floor balcony awnings and their use for outdoor dining in Business zones only, where an applicant can demonstrate compliance with the following criteria:
 - (a) approval for first floor indoor dining in the contiguous premises;
 - (b) location in a continuous retail/commercial strip;
 - (c) awnings on adjacent buildings;
 - (d) design complements existing awnings;
 - (e) alignment consistent with existing awnings (minimum kerb setback 600mm);
 - (f) height related to building height and height of adjacent awnings;
 - (g) cantilevered over footpath; and
 - (h) additional awnings may not be attached to existing fixed awnings.

Note:

A lease from the roads authority is required for use of the airspace above a road owned by it. Where the roads authority is other than the RMS, the approval of the Director-General of DP&I is required.

Council is the roads authority for local and public roads except for classified roads where the authority is the RMS.

Controls

- i) Design of any balcony for outdoor dining must be compatible with the streetscape and with the architectural integrity of the building.

Demonstrate that the proposal:

- ii) Will not adversely affect the heritage significance of a heritage item or a heritage conservation area.
- iii) Will not adversely affect the amenity and safety of the footpath below or the adjacent road.
- iv) Will not obstruct the visibility of traffic signs and signals or pedestrian crossings.
- v) Will not hinder the use by pedestrians and vehicles of the footpath and adjacent road.
- vi) Will not adversely affect the amenity and safety of adjoining properties in terms of noise, overlooking or security.
- vii) Will not adversely affect views.
- viii) Is not located on a corner site unless visibility, traffic, safety and aesthetic issues are not adversely affected.
- ix) Is consistent with the use of other adjacent awning balconies.
- x) Is not enclosed.

2.3 Operating hours

Controls

The following standard hours of operation apply for all applications:

- i) Comply with the approved hours of operation of the related indoor premises subject to the criteria below.
- ii) Outdoor dining areas in Business zones:
 - (a) Local Centre Business zone B2: up to 11:00 p.m. Mondays to Saturdays and to 10:00 p.m. Sundays;
 - (b) Neighbourhood Centre Business zone B1: up to 10:00 p.m. Mondays to Saturdays and up to 9:30 p.m. Sundays.
- iii) Outdoor dining areas in potentially sensitive areas (for example, in proximity to residential zones or premises):
 - (a) Generally up to 9:30 p.m.;
 - (b) Further limitations may also be appropriate in areas within proximity to any residential premises.
- iv) Premises may be permitted a 30 minute period after the above-mentioned hours in which to vacate the outdoor dining area, provided this is within the approved hours of operation of the indoor premises.

- v) Variations to the above hours may be permissible only based on:
 - (a) The merits of the proposal;
 - (b) Existing hours of operation of the indoor premises, and/or
 - (c) Proximity of residences.

2.4 Furniture and fittings

Controls

General requirements

Demonstrate that furniture and fittings:

- i) Dimensions fit into the footpath trading area including consideration for the comfort of patrons.
- ii) Are safe, sturdy, (but not bulky), waterproof and weather resistant, can be easily removed at the close of business each day, will not damage the footpath or other public infrastructure or pose a trip/fall hazard or inconvenience to the public.
- iii) Are weighted down or otherwise secured so as to prevent accidental dislodgement (e.g. umbrellas, A-frames).
- iv) Visually complement and be physically aligned with other street furniture (including adjacent footpath trading areas) and adjacent public utilities.
- v) Define a footpath trading activity by landscape planter boxes and flowerpots, bollards or screens (all to a maximum 1.2m height and maximum 1.8m length) provided they are located within the boundaries of footpath trading area and are removable at the close of business or otherwise designed as an integral part of a public open space area. Fittings are supplied and maintained at the expense of the applicant.
- vi) Do not define the footpath trading area by full height solid or plastic screens or any other type of enclosure.
- vii) Comply with Outdoor Advertising and Signage provisions in Part F2.

Umbrellas

Provide:

- i) Heights consistent with adjacent umbrellas or shade structures (if applicable) with a minimum height clearance from the footpath of 2.6 metres when open.
- ii) Unimpeded views (if existing) of traffic signals, signs, pedestrian crossings
- iii) Unimpeded views (if existing) of historic facades or vistas of valued or historic streetscapes.

Note:

Design details of the proposed furniture shall be submitted to the Council for approval as part of the development application.

Fully enclosed café structures are not encouraged. This can privatise the public place which results in reduced accessibility, visibility, amenity and safety to the public.

Council reserves the right to require the replacement of inappropriate tables and chairs as a condition of the licence.

- iv) A safe and secure anchor point, (permanently fixed and which does not pose a trip hazard when the umbrella is in storage).
- v) No overhang of any roadway.
- vi) Fire-retardant materials if located near a heating device.
- vii) Market style, not beach umbrellas.

Do not:

- viii) Provide umbrellas where building awnings exist unless it can be demonstrated that both can be appropriately accommodated within the space.

2.5 Amenity

Controls

- i) Demonstrate that the proposal will not have unreasonable impacts on the amenity of adjacent residences.
- ii) Provide adequate toilet and sanitary facilities to cater for patrons.
- iii) Provide lighting and/or heating adequate for safety and amenity for all patrons.
- iv) Demonstrate that lighting and/or heating will not cause a potential nuisance.
- v) Demonstrate suitable management measures to control noise, litter and cleanliness of the outdoor trading area.

2.6 Goods displays

Controls

- i) Goods display structures (racks, shelves or similar) must be portable, and must be removed out of trading hours.
- ii) Goods displays may be provided on footpaths with a minimum footpath width of 3.0m.
- iii) Goods display may abut the shopfront only and, only where other footpath trading activities exist adjacent to other adjoining shopfronts.
- iv) Do not affix advertising or signage.
- v) Use for the orderly display of goods which are sold in the contiguous business premises.
- vi) Maximum of one stand per commercial business or multiple occupancy commercial tenancy.
- vii) Maximum display width of 1.0m measured at right angles from the front of the premises.

- viii) Maximum length of 50% of the total length of the shopfront.
- ix) Do not affix, or restrict access to, any public utility.
- x) Do not pose a hazard or inconvenience to pedestrian movement or access to premises.
- xi) Do not display food.

2.7 A-frame advertising structures

Controls

- i) Minimum footpath widths of 3.0m.
- ii) Maintain a minimum clear zone of 2m.
- iii) Locate adjacent to the kerb line with a minimum setback of 0.6m.
- iv) Minimum 2m setback from a building corner at intersections or at arcade entries.
- v) Maximum height 1200mm and width 600mm.
- vi) Maximum of one sign per commercial business or multiple occupancy commercial tenancy.
- vii) Do not affix, or restrict access to, any public utility.
- viii) Locate away from official traffic signs, so as not to distract drivers' attention or be confused with instructions given by traffic signals.
- ix) Be safely anchored, secured and positioned so as not to pose a hazard or inconvenience to pedestrians especially those with a disability or, to traffic safety.
- x) Use durable, fade proof materials of a high aesthetic and professional quality.
- xi) Have a design theme compatible with adjacent elements within the footpath.
- xii) Content must relate directly to an activity carried out on or, associated with the related business premises.
- xiii) Content must not substantially duplicate advertising or signage elsewhere within the footpath trading area or on the frontage of the associated indoor premises.

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1 Introduction

This section contains objectives and controls to assist in the assessment of late night trading premises with particular regard to protecting residential amenity and maintaining public safety.

Late night trading premises are business, retail and entertainment uses which operate at night. These can include (but are not limited to) licensed and/or unlicensed establishments such as pubs, restaurants and cafes, take away food and drink premises and other such premises which provide late night services such as convenience stores, pharmacies and the like.

Proposals for late night trading premises must demonstrate commitment to good management and ensure that any adverse impacts are minimal and/or capable of being adequately managed.

A social impact assessment is required for new or significant expansion of licensed premises. Council may also require a social impact assessment for other types of late night trading proposals as part of a merit assessment. More information can be found in the Council's Social Impact Assessment Guidelines for Assessing DAs.

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

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

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.

1.1 Objectives

- To protect neighbourhood amenity and property, particularly residential land uses.
- To minimise opportunities for anti social behaviour and crime, through the responsible management of late night trading premises and their surrounding environment.
- To enable local economies that provide for the community's diverse cultural, social and retail needs.
- To deliver certainty to applicants, operators and the local community about the planning requirements with regard to late night trading premises.
- To ensure a consistent approach in the assessment of DAs for late night trading premises.

Note:

This section has been prepared with due regard to the directions and objectives contained within the Randwick City Plan, the Safer Randwick City Plan and the Last Drinks Paper 2010

1.2 Relationship to other documents

DAs for late night trading premises may also be subject to other Council plans, codes and policies. In particular, the following documents may be relevant:

- Social Impact Assessment Guidelines for Assessing DAs
- A Safer Randwick City (Crime Prevention Plan)

Applicants should check with Council to determine what other documents need to be considered when preparing a DA for a late night trading premises.

1.3 Application

This section applies to all DAs for new or existing late night trading premises that seek approval wholly or in part for:

- A change of use.
- New, modified or extended trading hours.
- Refurbishment, additions or extensions that are likely to result in an intensification of the current use; and/or
- An extension or renewal of trading hours or renewable conditions of consent.

Note:

For the purposes of (c) above, an intensification of use includes:

- **An increase in patron capacity**
- **An increase in the amount of floor area**

1.4 Late Night Trading Categories

For the purposes of this DCP late night trading premises are defined as any retail, business or entertainment use that operates at night. The DCP categorises these as high or low impact as follows:

High Impact

- i) A pub.
- ii) A registered club.
- iii) Any premises with a capacity of more than 100 patrons where alcohol is sold and/or consumed on the premises (e.g. restaurant or café).

Note:

A 'pub' may include a wine bar and the like, where the primary purpose is the retail sale of liquor for consumption on the premises

Note:

Outdoor seating is included in calculation of patron capacity

- iv) Any premises used as a function centre or entertainment facility where alcohol is sold and/or consumed on the premises.

Low Impact

- i) Any premises with a capacity of 100 patrons or less where alcohol is sold and/or consumed on the premises (e.g. restaurant or café).
- ii) Any other retail or business premises which operates after 11pm.

Note:

High and Low Impact categories do not include sex services premises and restricted premises. See D14 for separate controls.

2 Matters for Consideration

Explanation

All DAs for low and high impact late night trading premises must address a number of matters of consideration. This provides the basis for a consistent approach to determining suitability of proposals, appropriate hours of operation and maximum patron capacity.

Objective

- To ensure that late night trading proposals are appropriate to the location in terms of nature and scale of operations.

Controls

- i) All DAs for late night trading premises must address the following matters:
 - Specific nature of the proposal (e.g. pub, nightclub, restaurant etc).
 - Proposed layout of the premises
 - Current and proposed hours of operation.
 - Existing trading hours and nature of other late night trading premises operating within a 100 metre radius.
 - Current and proposed size of the premises and maximum patron capacity (including the maximum number of patrons that will be standing and/or sitting at the one time).
 - Details on whether alcohol is to be sold and/or consumed on the premises and measures for responsible service.
 - Measures to minimise likely noise or other amenity impacts on adjoining properties.
 - The likely impact of the premises on the concentration of late night uses in the locality.
 - Details on any proposed entertainment and likely amenity impacts.
 - Suitability of the location and context of the proposal, including proximity to residential land uses and other sensitive land uses (e.g. schools, places of worship etc).

The following table is a guide to the range of hours of operation that may apply to DAs for late night trading premises in Randwick City.

B2 Local Centre Zone		B1 Neighbourhood Centre Zone and other Zones	
Indoor	Up to midnight Monday to Saturday and 11pm Sundays.	Indoor	Up to 11pm Mondays to Saturdays and 10.00pm Sundays.
Outdoor	Up to 11pm Monday to Saturday and 10pm Sundays.	Outdoor	Up to 10pm Mondays to Saturdays and 9.30pm Sundays.

Table 1: Guide to hours of operation

Note:

These hours of operation may only be granted following the Council's consideration of the matters outlined above and in those circumstances where good management can be demonstrated and where adverse impacts on residential amenity and public safety are capable of being minimised

3 Management Plan

Explanation

In addition to the matters for consideration, all DAs for high impact late night trading premises must be accompanied by a Management Plan that specifies the operations and measures to be undertaken to ensure that the premises will be responsibly managed.

The purpose of a Management Plan is to ensure that applicants demonstrate an understanding of the local context and address any potential adverse impacts that may arise from the operation of the late night trading premises. It also enables the Council to effectively assess any impacts of a proposal and forms a base for enforcement action if not suitably implemented. A Management Plan may not be required where it can be demonstrated that a proposal will not result in an intensification of a use.

Objectives

- To ensure that potential adverse impacts from the operation of high impact premises can be suitably addressed through appropriate management practices.

Controls

- Submit a Management Plan with a DA (for the purposes noted in 1.3 of this section) for high impact late night trading premises that addresses the general requirements for Management Plans outlined in Part B9 of this DCP, as well as the following specific requirements:
 - Onsite security arrangements including number of licensed security staff, details of any electronic surveillance systems and frequency and areas of security patrols inside and outside the premises.

- Measures to manage large groups of patrons during peak trading periods (e.g. during weekends, special events etc).
- Measures to assist patrons to wind down before closing (e.g. reducing music volume, increasing lighting levels inside the venue etc).
- Provide a copy of the House Policy describing measures to minimise harm, anti-social behaviour and crime through the responsible service of alcohol (e.g. lock out times etc).
- Measures to monitor and manage patron behaviour within and outside the premises including when entering and leaving the premises late at night.
- If queuing outside the premises is to occur, a description of measures that will be taken to ensure that queuing is controlled to minimise adverse amenity impacts (e.g. maximum queue numbers, use of temporary ropes/bollards, actions to be undertaken to minimise loitering etc).
- Designated smoking areas and measures to increase patron awareness of the responsible disposal of cigarette butts.
- Actions to be undertaken to discourage drug use and manage drug related incidents.
- Overview of the accessibility and frequency of public transport and taxis during late night trading hours.
- Measures to increase patron awareness and use of public transport and taxis.
- Measures to address other likely social impact as a result of the proposal.
- Outcomes of preliminary consultation between applicants and the NSW police.

Note:

Information regarding the issuing of liquor licences should be directed towards the NSW Office of Liquor Gaming and Racing. Further information is available at www.olgr.nsw.gov.au

Note:

NSW Bureau of Crime Statistics and Research (BOCSAR) is the official source of NSW crime information. More information on statistics per Local Government Area can be found on www.bocsar.nsw.gov.au

Note:

Approvals for late night trading premises including hours of operation and/or patron capacity may be subject to a trial period of operation. This would allow the flexibility to monitor the ongoing management of a premises and its impact on residential amenity and public safety

Note:

Section 80A (imposition of conditions) of the Environmental Planning and Assessment Act 1979 permits the use of reviewable conditions by a Consent Authority to approve hours of operation and/or maximum persons permitted when it is uncertain about the impacts of the proposed development on adjoining land uses.

Sex Services Premises and Restricted Premises

D14

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1 Introduction

This section contains objectives and controls to assist in the assessment of restricted premises and sex services premises, and to ensure that these premises are well located, designed and managed to avoid adverse impacts on the surrounding area and maintain high levels of amenity (both internal and external).

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

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

The following documents should also be considered:

- Council's social impact assessment guidelines for assessing DAs
- A safer Randwick City (Crime prevention plan)
- The NSW Health Department's *Health and Hygiene Guidelines for Brothels and Adult Services*

2 General matters of consideration

Explanation

The RLEP *Location of sex services premises* clause 6.15 provides for a reasonable separation between sex services premises; other 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 and must be addressed when submitting a DA.

Objectives

- To provide additional criteria to assess the suitability of the location of a restricted premises or sex services premises, its impact and hours of operation.
- To 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

- i) In Business 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.
- ii) Consider the impact of the premises in terms of existing businesses in the area, the hours of operation, size and use of premises, access, car parking/traffic etc. associated with those premises.

Note:

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.

- iii) Restricted premises and sex service premises are to be located above 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.
- iv) 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

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

Controls

- i) A sex services premises must not give rise to:
 - a. A sound level at any point on the boundary of the site greater than a background levels specified in AS 1055-Acoustics- Description and measurement of environmental noise, or
 - b. An “offensive noise” as defined in the Protection of the Environment Operations Act 1997, or
 - c. The transmission of vibration to any place of different occupancy.
- ii) 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.
- iii) 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.
- iv) Spruikers business for any restricted premises or sex services premises will not be supported.

4 Health and Safety

Objective

- To ensure that the design and operation of the restricted premises and sex services premises maximises the comfort, safety and security of visitors/clients, staff, workers and the general public.

Controls

- i) 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.
- ii) Provide internal reception/waiting areas (except for premises providing retail services) for visitors.
- iii) Design internal areas to minimise alcoves and entrapment spaces.
- iv) Provide suitable safety and surveillance systems (both internal and external) including adequate lighting of access ways and car parking areas.
- v) Design entrances and exits to facilitate the privacy of staff and visitors without compromising personal safety.
- vi) Landscaping is not to obstruct visibility from public areas to exits and entrances for the safety of staff and visitors.
- vii) 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.
- viii) For sex services premises of 3 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 monitored at all times.
- ix) 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 premises or a restricted premise should effectively minimise any adverse impacts on the amenity of a locality. The preparation of a management plan setting out clear procedures and responsibilities remains an active document (reviewed annually) and assists business owners and operators, the community and council in ensuring the suitable ongoing operation and oversight of the premises.

Objectives

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

Controls

- i) Submit a Management Plan for all DAs for new or expanded restricted premises or sex services premises that addresses the general requirements for Management Plans outlined in Part B9 of this DCP, and the following specific requirements:
 - a. Procedures appropriate to the nature of the proposed activities; and procedures for where staff are placed under duress,
 - b. How access can be provided when required by a client with a disability,
 - c. Access arrangements for the attendance of health service providers,
 - d. Procedures that support the health and health education needs of staff.
 - e. Demonstrate compliance with the Workcover NSW Health and Safety Guide 2001.