

SECTION 6 SEX SERVICES AND RESTRICTED PREMISES

6.1 INTRODUCTION

Sex services premises are premises used for the purposes of a brothel, whereas restricted premises are business or retail premises, that due to their nature, restrict access to patrons or customers over 18 years of age and include adult bookshops, sex shops or businesses that offer sex related services including strip joints, sensual massage parlours and the like.

Whilst such premises can benefit some sections of the community, they also have the potential to offend others. Sex services and restricted premises that are inappropriately located and/or designed can pose negative impacts on neighbourhood amenity and community wellbeing. It is therefore important that planning controls are applied to mitigate any potential negative impacts whilst allowing for the development of sex services and restricted premises in a discrete manner in suitable locations within the North Sydney Local Government Area.

Development consents granted for sex services and restricted premises may be initially limited to a period of twelve months, when Council will re-evaluate the proposal in terms of any complaints received regarding the hours of operation, and compliance with any conditions of development consent. Where development consent is granted, a specified operator will be nominated on the consent. Should the operator change, Council must be notified prior to the new operator commencing. A new development application will be required for changes to the number of sex workers, hours of operation, or signage. Council has a general enforcement power where land uses operate without consent, or outside conditions of consent. Council will consider taking legal action if it has evidence that sex services and/or restricted premises are operating outside of consent conditions.

6.1.1 General Objectives

The general objectives of this Section of the DCP are to:

- O1 ensure that sex services and restricted premises are designed, located and operated in a manner that avoids adverse impacts on the amenity of the surrounding area and its residents and visitors; and
- O2 protect workers and customers of such businesses.

6.1.2 When does this section of the DCP apply?

This Section of the DCP applies to all development applications for new or alterations and additions to "*restricted premises*" and "*sex service premises*" as defined in NSLEP 2013.

6.1.3 Relationships to other sections

Where relevant, this section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 2 – Commercial and Mixed Use Development;
- (c) Part B: Section 9 – Advertising and Signage;
- (d) Part B: Section 10 – Car Parking; and
- (e) Part B: Section 12 – Access.

Where there is an inconsistency between this Section and Section 2 to Part B of the DCP, the requirements under this Section of the DCP prevails.



6.1.4 Relationships to other documents

Where relevant, this section of the DCP should be read in conjunction with the following:

- (a) The [Restricted Premises Act 1943](#) which provides the statutory framework for the control of sex services and restricted premises in NSW,
- (b) The NSW Health Department's *Health and Hygiene Guidelines for Brothels and Adult Services*,
- (c) The Sex Workers Outreach Project's *Getting on Top of Health and Safety in the NSW Sex Industry*.

6.2 LOCATIONAL REQUIREMENTS

Objectives

- O1 To ensure that sex services and restricted premises are located in appropriate areas where they do not have an adverse impact on the character or amenity of the area and neighbouring properties, in particular upon residential and sensitive land uses.
- O2 To prevent any adverse impact on the amenity and character of an area and neighbouring properties as a result of a concentration or accumulation of sex services and restricted premises.

Provisions

- P1 New sex services and restricted premises must not be located:
 - (a) within 500m from any existing sex services or restricted premises; and
 - (b) within 100m from or within a direct line of sight of a place of worship, hospital, school (including a preschool), child care centre or other place frequented by children for recreational, cultural or similar activities, or community facilities; and
 - (c) on land that is directly adjacent to land zoned R2 – Low Density Residential, R3 – Medium Density Residential, R4 – High Density Residential, SP2 – Infrastructure (Educational Establishment), RE1 Public Recreation or RE2 Private Recreation.
- P2 Locate sex services and restricted premises out of clear visibility from bus stops regularly used by school buses or school children.
- P3 Sex services and restricted premises must not be located at the ground floor or street level of the building within which it is located, excluding any access thereto.
- P4 Despite P3 above, Council may grant consent to a sex services or restricted premises on the ground floor or street level of a building, but only where it can be demonstrated that:
 - (a) The premises does not have a direct frontage to a public street, excluding any rear laneway;
 - (b) The premises does not contain any windows facing a public street, excluding any rear laneway; and
 - (c) Is not located adjacent to any shop fronts, arcades or thoroughfares generally used by the public and locations of high pedestrian access.
- P5 Sex services and restricted premises must not be located in an area where there is evidence of crime and drug use. To determine if crime in a locality is an issue, Council may refer the application to the NSW Police for comment.

6.3 EXTERNAL DESIGN OF PREMISES

Objectives

- O1 To ensure that the external design of sex services and restricted premises reduces the impact on the character and appearance of the streetscape and amenity of neighbouring properties, whilst providing for the safety and security of visitors and staff when approaching, entering and leaving the premises.

Provisions

- P1 Provide access to sex services and restricted premises directly from well lit roads or car parking areas, so that access is not obtained through public portions of buildings.
- P2 Any landscaping that is proposed must not obstruct the visibility from the public areas of entrances and exits to ensure the safety of all staff and visitors to the premises.
- P3 Sex services and restricted premises must not display sex-related products, sex workers, performers, or nude or semi-dressed staff from the windows, doors or outside of their premises.
- P4 The interior of sex services and restricted premises must not be visible from any place in the public domain.
- P5 Ensure that the external appearance of sex services and restricted premises respects the character of the streetscape and not be such that the premise becomes a prominent feature in the street.
- P6 Avoid designs and locations that might encourage people to wait outside the sex service or restricted premises.

6.4 INTERNAL DESIGN OF PREMISES

Objectives

- O1 To ensure that the internal layout of sex services and restricted premises maximises the comfort, safety and security of visitors and staff.

Provisions

- P1 Provide internal reception/waiting areas (except for premises that provide retail services only) to prevent clients from loitering outside.
- P2 Design internal areas to minimise alcoves and entrapment spaces.
- P3 Provide adequate safety and surveillance systems.

6.5 SIGNAGE

Objectives

- O1 To ensure that any advertising signage which identifies sex services or restricted premises does not detract from the neighbourhood character nor allude to the type of activities undertaken on the site.

Provisions

- P1 Must comply with the requirements of Part B: Section 9 - *Advertising and Signage* to this DCP.
- P2 Where there is an inconsistency between this Section and Section Part B: Section 9 - *Advertising and Signage*, this Section will prevail.



- P3 Confine advertising signs for sex services and restricted premises to one business identification sign that identifies the street or suite number, telephone number and name of the person who conducts the business or the registered name of the business.
- P4 Locate the sign at ground floor level outside the entrance to the premises, with a maximum size of 0.5m x 0.5m.

6.6 SAFETY AND SECURITY

Objectives

- O1 To ensure personal safety of workers, clients and general public through the design of sex services and restricted premises.

Provisions

- P1 Measures should be incorporated to safeguard workers, clients and the general public, including security doors, lighting of access ways and car parking areas.
- P2 Provide illumination on routes to and in external areas of premises in isolated premises and commercial areas.

6.7 ACOUSTIC PRIVACY

This control does not apply to restricted premises that provide retail services only.

Objectives

- O1 To minimise noise at the boundary of the premises.

Provisions

- P1 Applications must be accompanied by a *noise management plan* and an *acoustic impact report* prepared by a suitably qualified acoustic consultant.
- P2 Windows and doors should incorporate noise reduction measures.
- P3 Premises should incorporate building materials and arrange room layouts to minimise noise transmission.

6.8 VISUAL PRIVACY

Objectives

- O1 To protect visual privacy for activities within the premises are not apparent from outside.

Provisions

- P1 Consider measures including choice of glazing and arrangement of windows and rooms to provide privacy to people in restricted premises and to prevent activities being visible from outside the premises.