

CHAPTER 2.11 RESTRICTED AND SEX SERVICES PREMISES

2.11.1. INTRODUCTION

The purpose of this Chapter is to provide criteria to identify where the Central Coast Council may consider a development application for the following uses:

- Restricted Premises;
- Home Occupation (Sex Services); or
- Sex Services Premises;

within the Central Coast Local Government Area.

The Chapter does not identify other matters which may be considered by Council in the determination of any development application.

The purpose of this Chapter is to provide planning controls designed to ensure that sex services and restricted premises are operated in appropriate locations so that they do not give offence to the general community or result in an unreasonable loss of amenity for residents.

Under Section 4.15 of the Environmental *Planning and Assessment Act*, 1979 (the Act), Council is required to take into consideration the relevant provisions of this Chapter when determining an application for development. However, compliance with the provisions of this Chapter does not guarantee that development consent will be granted. s.4.15 of the Act also contains other matters that must be considered in determining a development application.

2.11.1.1 Objectives of this Chapter

- To identify criteria for the location of restricted premises, home occupations (sex services), and sex service premises in within the Central Coast Local Government Area.
- To regulate and control home occupations (sex services), sex services premises, restricted premises and business and entertainment premises providing adult products and entertainment in appropriate locations so as to minimise amenity impacts upon adjoining land uses in the zone
- To ensure high levels of both internal and external amenity are provided for sex services premises and restricted premises to ensure the amenity and security of staff, and users or occupiers of the respective premises as well as neighbouring properties
- To specify the health and safety requirements under current health and occupational safety legislation to the workers and clients involved with sex services premises to reduce the public health risks associated with prostitution

2.11.1.2 Land to Which this Applies (Sex Services)

This chapter applies to all land within the Central Coast Council Local Government Area which falls within all applicable zones identified under the *Central Coast Local Environmental Plan (LEP) 2018*.

2.11.2 SUBMITTING A DEVELOPMENT APPLICATION

Development consent is required for the establishment of home occupations (sex services), sex services premises and restricted premises. As a first step in the development consent process, proponents of such premises are strongly advised to consult with Council.

In addition to the generic development application submission requirements, the following additional information should accompany any development application for a home occupation (sex services) or sex services premises in order to enable Council to properly consider the applicant:

- a Specific information as to the operation of the proposed use must be clearly set out in the Statement of Environmental Effects, including:
 - i number and role of all staff
 - ii description of the activities that are proposed to be undertaken at the premises;
 - iii hours of operation;
 - iv number of rooms in premises;
 - v identification of the rooms to be used for the proposed activities.
- b A Plan of Management which sets out necessary considerations to be addressed for the establishment and operation of all types of sex services premises including details of on-site security considering CEPTED guidelines.
- c Plans clearly showing the following information must be provided for all development applications:
 - i location plan drawn to scale showing the proximity of the subject site to churches, hospitals, schools, community facilities, parks, other sex services premises, licensed premises or residential properties, or any other place readily frequented by children for recreational or cultural pursuits. The location plan is to identify specified uses within 200m of the proposed sex services site, measured as a radius from the closest boundary of the allotment of the proposed sex services premises site.
 - ii detailed floor plans/elevations/sections showing:
 - the use of each room including staff areas and reception areas;
 - all sanitary facilities including toilets, showers and hand basins;
 - details of any spas or swimming pools;
 - entrances to and exits from the building
 - details of contaminated waste storage;
 - any on-site laundry facilities;
 - any proposed building alterations or additions (a construction certificate application may also be required);
 - proposed external colour scheme, if intended to change;
 - access for people with a disability, including assessable entries/exits, sanitary facilities and showers, pathway and circulation details;
 - details of any advertising signs or structures;

- details of existing and proposed external lighting.

2.11.3 PLAN OF MANAGEMENT

The Plan of Management will be used both in the development assessment process and as a means to identify the way in which the premises will operate in compliance with conditions of consent. The Plan of Management itself will be incorporated as a condition of development consent. The Plan of Management should supplement the information provided in the Statement of Environmental Effects and the plans submitted with the development application. In addition to providing information to allow the assessment of the potential impact of the premises and compliance with the provisions of this Chapter, the Plan of Management can be used by both operators of premises and employees to outline roles and responsibilities and identify procedures for the successful operation and management of the premises. The Plan of Management should include the following essential information.

2.11.3.1 Business Details

- a Name and contact details of the operator(s) and manager(s).
- b ABN, registered business name, trading name and insurance.
- c Record keeping procedures for employees.
- d The procedure for recording and dealing with complaints regarding the operation of the premises or the behaviour of visitors arriving or leaving the premises.
- e All of the above information (approvals for the establishment of the premises, the Plan of Management, etc.) are to be made available to the public and be kept on the premises at all times. Confidential information on employee details is not expected to be released to the public.

Note: The consent authority must be advised of any changes in ownership, management, registered business or trading name during the period of consent.

2.11.3.2 Safety and Security

Detail systems ensuring safety for staff and visitors including:

- a risk management procedures appropriate to the service provisions (e.g., accident and injury, violent behaviour);
- b the number and role of security personnel;
- c procedures for the safe handling of money;
- d the method of surveillance of common areas; and
- e monitoring of alarms.

2.11.3.3 Induction and Training

- a Staff training and induction procedures and emergency evacuation procedures are to be provided.

2.11.3.4 Health Access

- a Access arrangements for the attendance of health service providers must be detailed.
- b Health and safety policies for workers together with incident reports and an accident register are to be provided.

2.11.3.5 Cleaning and Cleanliness

- a Details of cleaning systems.
- b Details of the surface materials of equipment and facilities including stages, sling room facilities, etc.
- c Details of cleaning products and equipment.
- d Identified cleaning areas for equipment and other removable items.
- e Details of cleaning procedures including staff allocations.
- f Detail cleaning and management systems for swimming pools and spas and douching.

2.11.3.6 Waste

- a Details for disposing of commercial waste.
- b Details for managing the safe disposal of sharps.

2.11.3.7 Equipment

- a Detail of all specialist equipment, including information on how it is to be used, and how it is to be cleaned and maintained.

2.11.4 PLANNING MATTERS AND PROVISIONS

2.11.4.1 Location

This Section includes provisions relating to the location of sex services premises and restricted premises, in relation to existing residential and sensitive land uses, and to other existing approved premises. Planning controls relating to Home Occupation (sex services) premises are detailed within Section 5.

OBJECTIVES

- To ensure that sex services premises and restricted premises are located in appropriate areas where they do not impact adversely on the amenity of the surrounding environment and in particular do not cause an adverse impact upon neighbouring properties, nearby residential occupancies or other sensitive uses
- To ensure that sex services premises and restricted premises are sensitively located and are essentially not noticeable within an area
- To optimise the safety and security of the users and workers within sex services premises and restricted premises
- To avoid the concentration of sex services premises and restricted premises in any one area, which may change the current character or may not be in keeping with the desired future character of the area

REQUIREMENTS

- a Sex services premises and restricted premises must not be sited within view of or within a 100 metre radius of a church, hospital, school, community facility, residential property, or any place regularly frequented by children for recreation or cultural activities.
- b Proposals must consider whether the operation of the sex services premises is likely to cause disturbance in the locality when taking into account other sex services premises operating in the

locality or other land uses within the locality involving similar hours of operation and creating similar amounts of vehicular and pedestrian traffic.

- c Sex services premises and restricted premises must not be sited within a radius of 200 m of a licensed premises being a hotel, public bar nightclub or the like.
- d Proposals are to restrict the total floor space and/or number of rooms of a sex services premises such that it will be reasonably compatible with the scale and character of and not dominant in relation to the site area and existing and future development in the vicinity.
- e The residential and business or industrial zones will be deemed to be adjoining even if separated by a road, drainage reserve or the like. The width of the road or reserve shall be included in the width of the buffer area.
- f Access to or exit from a sex services premises or a restricted premises shall not be provided within 100 metres of the property boundary of any premises used as a dwelling.
- g Proposals for sex services premises must demonstrate consideration of Central Coast LEP 2018 Clause 7.9- Location of sex services premises.

2.11.4.2 Parking

OBJECTIVE

- To ensure that adequate parking is provided for people working on the premises and clients using the facility so that the establishment of sex services premises does not give rise to car parking congestion on the street
- To ensure that the location of parking does not adversely affect the surrounding locality, particularly residential properties and sensitive land uses
- To ensure the safety and security of car parking areas

REQUIREMENTS

- a On site car parking shall be provided at the same rate as "business premises" being one (1) space per 2 working rooms.
- b Parking areas, access corridors and entrances are to be well lit and signposted at all times, but not interfere with the amenity of the area.

2.11.4.3 Signage

OBJECTIVES

- To ensure advertising is discreet
- To encourage appropriately designed and suitably located signs for sex services premises
- To consider the amenity of the surrounding area
- To ensure advertising does not result in visual clutter or other visual impacts upon a locality
- To minimise the potential for advertising to cause offence to the public
- To ensure that there is no confusion over the location of the sex services premises, which may result in disturbance to surrounding properties

REQUIREMENTS

- a Only one sign per premises is permitted.
- b No surrounding business's names are to be used in any advertisement for a sex services premises.

Note: Advertising premises specifically for the purposes of prostitution is an offence under the *Summary Offences Act 1988*.
- c Council must be satisfied that the content, illumination, size and shape of the sign is not likely to interfere with the amenity of the locality.
- d The sign shall not display words or images, which are in the opinion of the consent authority sexually explicit, lewd or otherwise offensive.
- e A clearly visible street number is to be displayed on the premises to avoid disturbance to surrounding premises arising out of confusion as to the location of the premises.

2.11.4.4 Design of Premises

OBJECTIVES

- To ensure that sex services premises are designed to minimise their potential impacts in the locality
- To ensure the privacy and comfort of patrons
- To ensure that the design and external appearance of the premises and any associated structures do not have an adverse impact on and are in keeping with the character of the area
- To ensure that adequate and appropriate access to the premises and its facilities is provided to a person with a disability
- To ensure that the access to sex services premises is discreet and discourages clients from gathering or waiting on the street

REQUIREMENTS

- a The external appearance of sex services premises must respect the architectural character of the streetscape and not be a prominent feature in the street.
- b All entrances and exits to sex services premises should be designed to facilitate the privacy of staff and visitors without compromising personal safety (through avoiding the use of isolated back lanes and poorly lit areas). Shared access to the premises is not permitted.
- c The interior of sex services premises must not be visible from any place in the public domain. Where the interior of sex services premises may be visible from neighbouring buildings, adequate measures should be taken to screen the interior of the building, for example using blinds, screens etc.
- d Sex services premises must not display sex related products, sex workers, or performers, or nude or semi-dressed staff from windows, doors or outside of the premises.
- e Adequate design measures must be provided that ensure the safety and security of sex services premises staff and visitors and where appropriate shall include:
 - i. reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors;
 - ii. design which minimises alcoves and entrapment spaces;
 - iii. adequate safety and surveillance systems;

- iv. adequate amenities (i.e. showers, basins and toilets) are to be provided for staff and visitors.
- f Premises must not be designed or operated to have the appearance and function of a 'fortress' and in particular there is to be no physical obstructions to internal and external access.
- g Doors to working rooms must not be fitted with locking mechanisms.
- h Any new building or refurbishment of an existing building to function as a restricted premises is to be designed so as to be compatible with the built form of adjoining premises and integrated into the streetscape.
- i Street facades of restricted premises are to be articulated via changes of material, building form or setbacks that create a scale and proportion appropriate to the character of the local area.
- j Plain blank walls devoid of architectural features are not permitted along the street.
- k Front building facades must be designed in such a way that attention is not drawn to the premises, or the premises is not prominent in the streetscape.
- l Window openings should be retained as an architectural feature, but be screened appropriately. Examples of appropriate screening include frosted glazing, reflective or frosted window laminates, blinds or curtains. Butchers paper, newspaper, sheets, blankets, or other poor quality treatments in window openings are not permitted.

2.11.4.5 Safety and Security

OBJECTIVE

- To maximise the safety and security of sex workers, other staff, clients and the general public at all times by ensuring the development upholds the principles of Crime Prevention Through Environmental Design (CPTED).

REQUIREMENTS

- a The pedestrian entrance to a building must be easily recognisable and provided at the front of the building.
- b New buildings or alterations and additions to existing buildings should avoid the creation of recesses in the building form, as these can become potential entrapment spots where intruders may hide. In existing developments to which no new works are proposed, appropriate lighting should illuminate existing entrapment spots, without interfering with the amenity of the area.
- c Opportunities to provide surveillance of vehicle routes, outdoor car parks and access to car parks must be maximised. This should be achieved by a building layout with windows overlooking these areas, provided there is no reduction in privacy or potential for offence or electronic surveillance where casual surveillance cannot be provided.
- d In new developments, parking spaces should be arranged in a grid pattern rather than a herringbone configuration, which reduces surveillance.
- e Pathways must be direct (i.e. straight) and blind corners avoided (including on stairs, in corridors or in other situations where movement can be predicted). If blind corners cannot be avoided then they must be treated with mirrors to improve sightlines.
- f All barriers beside pathways must be low in height or visually permeable (i.e. 'see-through') including landscaping, fencing and the like.

2.11.4.5.1 Lighting

- a The pedestrian entrance to the building must be well lit but not to the extent where it becomes a prominent feature in the streetscape (e.g. by high intensity lighting or the use of excessively bright colours). Details must be provided with the development application.
- b External lighting should be vandal resistant by being high mounted and/or protected and must be directed towards access/egress routes rather than towards buildings (including the subject or neighbouring buildings).

2.11.4.5.2 Landscaping

- a Landscaping must not conceal the building entrance from the street or obstruct sight lines between the building and the street.
- b Any proposed plantings must not create opportunities for entrapment spots or the concealment of intruders.

2.11.4.5.3 Security Measures

- a All premises are to have either an intercom or a duress alarm in each room that is used for sexual activity. Alarms are to connect back to a central base (such as reception) that is to be monitored at all times.
- b External storage areas, including waste storage, must be secured to avoid creating hiding places or potential entrapment spots for victims and unauthorised access to the premises by potential offenders.

2.11.4.6 Referrals

- a Development applications to establish a sex services premise shall be referred to the NSW Police Department.
- b Development applications to establish a sex services premise shall be referred to the NSW Department of Health (Northern Sydney Area Health Service)
- c Referral to other Government agencies for comment and advice will occur where considered appropriate in the circumstances of that application.

2.11.5 PLANNING CONTROLS FOR HOME OCCUPATIONS (SEX SERVICES)

OBJECTIVES

- To ensure Home Occupation (sex services) premises are designed and located in appropriate areas where they do not impact adversely on the amenity of the surrounding environment and in particular, do not cause an adverse impact upon neighbouring properties, nearby residential occupancies or other sensitive uses.
- To avoid a concentration of Home Occupation (sex services) premises in any one area, which may change the current character or may not be in keeping with the desired character of the area.

REQUIREMENTS

- a Home Occupation (sex services) premises must not be sited:
 - i within a radius of 200 metres of existing sex services premises, restricted premises or home occupation (sex services) premises; and

- ii within or above shopping malls / arcades; and
- iii within a radius of 200 metres of licensed premises being a hotel, public bar, or the like.

Note: Distances referred to in this Clause in respect of sex services premises, restricted premises and home occupation (sex services) premises are to be measured as a radius from the boundary of the allotment upon which the premises are proposed. For the purposes of this Chapter, this distance is measured (from door to the nearest point on the affected property boundary) along the most direct established pedestrian route between the premises.

- b The external appearance of Home Occupation (sex services) premises shall be in keeping with the character of the surrounding locality.
- c Home Occupation (sex services) premises shall not exhibit any signage.
- d All entrances and exits to the Home Occupation (sex services) premises should be designed to facilitate the privacy of visitors and respect the privacy of the surrounding premises (particularly residential premises) without compromising personal safety.
- e The interior of the Home Occupation (sex services) premises must not be visible from any place in the public domain or residential premises in the locality.
- f No more than one client per sex worker is to be present on the site at any time.
- g On-site carparking shall be provided at the rate of 1 additional space per 2 working rooms and shall be designed in accordance with the provisions of Chapter 2.13 Transport and Parking. Parking areas shall be designed to ensure that there is no interference with the amenity of the neighbourhood by way of noise or light spill onto adjoining properties.
- h Home Occupation (sex services) premises shall be designed to maximise the safety and security of sex workers (occupants), clients and surrounding residents/occupants of adjoining premises at all times by ensuring the development upholds the principles of Crime Prevention Through Environmental Design (CPTED), published by the NSW Police Service.