



**Parramatta**  
**Development Control Plan**  
**for Sex Services**  
**and Restricted Premises**

**NOTE:** This version of the Plan incorporates amendments which came into effect on 26 May 2010



# 1 Introduction

## 1.1 Name of this Development Control Plan

This plan is known as Parramatta Development Control Plan (DCP) for Sex Services and Restricted Premises.

The DCP was adopted by Council on 23 November 2009 and came into effect on 9 December 2009.

## 1.2 Where this Development Control Plan Applies

This Plan applies to all land within the Parramatta Local Government Area (LGA).

## 1.3 Relationship to other Plans and Policies

This DCP is to be read in conjunction with Parramatta Local Environmental Plan (LEP) 2001, Parramatta City Centre LEP 2007 and [Regional Environmental Plan No. 28, Parramatta](#). If there is any inconsistency between this DCP and these planning instruments, the instruments will prevail.

This DCP:

- ▶ **supplements the Parramatta City Centre Development Control Plan 2007 provisions for sex services premises**
- ▶ **repeals Parramatta City Council Regulation Brothels Development Control Plan and Health Standards.**

## 1.4 Purpose of this Development Control Plan

The purpose of this DCP is to provide detailed provisions to guide the preparation and assessment of development applications for sex services premises, restricted premises and business and entertainment premises providing adult entertainment. The planning controls in this DCP are designed to ensure that sex services and restricted premises are operated in appropriate locations so that they do not give offence to the community or result in a loss of amenity for residents.

Under Section 79C of the Environmental Planning and Assessment Act, 1979, Council is required to take into consideration the relevant provisions of this DCP when determining an application for development. However, compliance with the provisions of this DCP does not guarantee that development consent will be granted. Section 79C of the Environmental Planning and Assessment Act, 1979 contains other matters that must be considered in determining a development application.

## 1.5 Savings provision

Any application not determined at the time that this DCP came into force, will be subject to the provisions of this DCP.



## 1.6 Aims of this Development Control Plan

The aims of this DCP are to:

- ▶ Regulate and control sex services premises, restricted premises and business and entertainment premises providing adult entertainment in appropriate locations so as to minimise amenity impacts upon adjoining land uses in the zone.
- ▶ Discourage a concentration of sex services premises, restricted premises and business and entertainment premises providing adult entertainment in close proximity to each other.
- ▶ 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.
- ▶ Ensure that restricted premises and similar establishments such as massage parlours are designed in such a way as to prevent either the easy conversion or use as sex services premises without obtaining development consent or operating outside their development consents.
- ▶ Provide an appropriate framework to effectively regulate the operation of sex service premises and restricted premises, through detailed provisions of development consent in the provision of plans of management and coordination with other relevant government agencies.
- ▶ Support the health and safety initiatives of NSW Health and WorkCover NSW in regard to sex workers and their clients.
- ▶ In accordance with 'Purpose of this Development Control Plan', prescribe the information to be submitted with a development application for sex services premises and restricted premises.

## 1.7 Structure of this Development Control Plan

This DCP is structured as follows:

Part 1 - Introduction

Part 2 - Development to which this DCP applies

Part 3 - Submitting a development application

Part 4 - Guide to plans of management

Part 5 - Planning Controls for Sex Services and Restricted Premises



## 2 Development to which this DCP applies

This DCP applies to sex services, premises including brothels, restricted premises and business and entertainment premises where adult entertainment is provided as defined in Parramatta LEP 2001 and Parramatta City Centre LEP 2007 and which may include premises as outlined below:

**Brothels and sex services premises** comprise premises, as defined in the above instruments, where sexual acts or sexual services are provided for payment. These may include:

- (i) Safe house brothels for street-based sex workers;
- (ii) Bondage and discipline parlours; and
- (iii) Massage parlours (see note below).

NOTE: Premises described as providing massage related services involving sexual acts or sexual services will be considered as a brothel. However, please note that Section 16 of the *Summary Offences Act 1988* makes it an offence for a person being the owner, occupier, or manager, or person assisting in the management of a premises held out as being available for: '*massage, sauna baths, steam baths, facilities for physical exercise, taking of photographs or services of a like nature*' to knowingly suffer or permit sexual services.

Where development consent is sought for premises for medical or therapeutic massage, additional information, as outlined will be required to demonstrate that measures are proposed to ensure compliance with this Act. This information will include:

- ABN number;
- Details of a current public liability insurance policy;
- Evidence that the operator of the business has completed HLT 50307-Diploma of Remedial Massage or an equivalent qualification;
- Evidence that staff providing massage therapy have completed HLT 40307 - Certificate IV in Massage or an equivalent qualification;
- Evidence that the operator of the business is accredited with at least one recognised health fund as a registered health provider;
- Evidence that the operator of the business is currently certified in HLTF301B - Apply First Aid. (Workplace Level 2 - formerly known as Senior First Aid Certificate)
- insurance details; and
- demonstration that the persons proposed to work on the premises are qualified or recognised in the treatment that they are making application for.

Conditions may be imposed on any development application:

- preventing the conversion or use of massage parlours and similar establishments as sex services premises
- ensuring that the premises must only be used in accordance with the information provided in the development application and
- by physical controls that limit the illegitimate use for sex services.

**Restricted premises** comprise premises which sell restricted materials such as adult bookshops.

**Business and entertainment premises** providing adult entertainment and hereafter termed **adult entertainment premises** in this DCP. These may include:

- (i) Strip club premises;
- (ii) Sex on premises venues; and
- (iii) Swingers clubs.

### Period of consent

Consent for sex services premises, restricted premises and businesses conducting massage related services will be limited to two years at which time a new development application will need to be lodged.



## GLOSSARY OF TERMS

This glossary supports terms used in this DCP. Definitions in Parramatta LEP 2001, Parramatta City Centre LEP 2007 & SREP No. 28 Parramatta prevail in the event of any conflict with terms outlined in this glossary.

**Ancillary services premises** means premises that are used to arrange contacts between sex workers and clients, such as offices of an escort agency, with the intention of sexual activity taking place off site. Sex workers may or may not be based at the premises or visit the premises to obtain work. Premises where sexual activity occurs on site will be defined as a brothel.

**Bondage & Discipline Parlour** means premises where the primary service provided is bondage and discipline, sadism and masochism, or similar role plays and activities. Premises may also provide a sexual service.

**Brothel** means premises habitually used for the purposes of sex services, or that have been used for that purpose and are likely again to be used for that purpose.

**Safe House Brothel** (for Street-Based Sex Workers) means premises where income is gained from the short-term rental of rooms to street-based sex workers (who usually solicit for work in the public domain) or their clients, for the purposes of sex services. The sex workers are not employed “in-house”, nor do they solicit from the premises, or live on the premises.

**Sex on Premises Venue** means premises that gain income from entrance and/or membership fees paid for the use of the premises for sex between the clients but are not premises where sex services take place, or are arranged in exchange for payment. Such premises include: swingers clubs and sauna clubs that accommodate sexual encounters.

**Strip Club Premises** means premises providing striptease acts, erotic dancing, tabletop, or podium performances, private dancing, peepshows, or nude or semi nude bar/waiting staff. Sexual intercourse does not take place on site. Premises may require payment to gain entry/view the performance, and may be liquor licensed.



# 3 Submitting a Development Application

Development consent is needed for sex services premises, restricted premises and adult entertainment premises. As a first step in the development consent process, proponents of such premises are strongly advised to consult with Council officers.

The following additional information should accompany any application for development consent for sex services premises, restricted premises and adult entertainment premises in order to enable Council to properly consider the development application.

- (1) Specific information as to the operation of the proposed use must be clearly set out in the Statement of environmental effects, including:
  - Number and role of all staff
  - Description of the activities that are proposed to be undertaken at the premises
  - Hours of operation
  - Number of rooms in premises
  - Identification of the rooms to be used for the proposed activities.
- (2) Plan of management (refer to 5.6.3 of this section): which sets out necessary considerations to be addressed for the establishment and operation of all types of sex services premises.
- (3) Plan information: plans or drawings clearly showing the following information must be provided for all development applications.
  - **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 in residential properties, or any other place readily frequented by children for recreational or cultural pursuits. A location plan is to identify specified uses within 200m of the proposed sex services site, measured as a radius from the closest boundary or of the allotment of the proposed sex services site.
  - Detailed **floor plans/elevation/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 food preparation areas
    - 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.

#### NOTE:

- For sex services premises, an annual registration fee for each approved room will be made payable to Council.
- Applications for sex services and restricted premises will be referred to NSW Police for comment prior to their determination.
- Council will continue to pursue an inter-agency approach of control to enforce compliance.



# 4 Guide to Plans 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 to conditions of consent. The Plan of Management 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 DCP, the Plan of Management can be used by both managers 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.

## 4.1 All Premises

### **Business Details**

- (i) Name and contact details of the operator(s) and manager(s).
- (ii) ABN, registered business name, trading name and insurance.
- (iii) Record keeping procedures for employees.
- (iv) The procedure for recording and dealing with complaints regarding the operation of the premises or the behaviour of visitors arriving or leaving the premises.
- (v) All of the above information, approvals for the establishment of the premises, the Plan of Management 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.

### **Safety and Security**

- (i) Detail systems ensuring safety for staff and visitors including:
  - Risk management procedures appropriate to the service provisions (eg accident and injury, violent behaviour);
  - The number and role of security personnel;
  - Procedures for the safe handling of money;
  - The method of surveillance of common areas; and
  - Monitoring of alarms.



### **Induction and Training**

- (i) Staff training and induction procedures and emergency evaluation procedures.

### **Health Access**

- (i) Access arrangement for the attendance of health service providers must be detailed.
- (ii) Health and safety policies for workers together with incident reports and an accident register.

### **Cleaning and Cleanliness**

- (i) Details of cleaning systems.
- (ii) Details of the surface materials of equipment and facilities including stages, sling room facilities, etc.
- (iii) Details of cleaning products and equipment.
- (iv) Identified cleaning areas for equipment and other removable items.
- (v) Details of cleaning procedures including staff allocations.
- (vi) Detail cleaning and management systems for swimming pools and spas and douching.

### **Waste**

- (i) Details for disposing of commercial waste.
- (ii) Details for managing the safe disposal of sharps.

### **Equipment**

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



# 5 Planning Controls

## 5.1 Location

The locations where sex services premises, restricted premises and adult entertainment premises are permitted are generally prescribed by land use zones in Parramatta LEP 2001, Parramatta City Centre LEP 2007. This DCP provides additional provisions associated with the location of sex services, restricted premises and adult entertainment premises in relation to existing residential and sensitive land uses, and to existing approved sex services premises, restricted premises and adult entertainment premises.

### Objectives

- O.1 To ensure that sex services premises, restricted premises and adult entertainment premises are located in appropriate areas where they do not impact adversely on the amenity of the environment and in particular do not cause an adverse impact upon neighbouring properties, nearby residential occupancies or other sensitive uses.
- O.2 To ensure that sex services, restricted premises and adult entertainment premises are sensitively located and are not noticeable within an area.
- O.3 To optimise the safety and security of sex services, restricted premises and adult entertainment premises and their users and workers.
- O.4 To avoid the concentration of sex services, restricted premises and adult entertainment premises in any one area which changes the current character or is not in keeping with the desired future character of the area.

### Location Controls

Sex services, restricted premises and adult entertainment premises must not be sited:

- S.1 within a radius of 200 m of existing sex services, restricted premises and adult entertainment premises. Council will limit the congregation of sex services, restricted premises and adult entertainment premises.
- S.2 within shopping malls/arcades.
- S.3 within a radius of 200 m of a licensed premises being a hotel, public bar nightclub or the like.

NOTE: Distances referred to in this DCP and in Parramatta LEP 2001 in respect of sex services premises and restricted premises are to be measured as a radius from the boundary of the allotment upon which the premises are proposed.

## 5.2 Design of Premises

### Objectives

- O.1 To ensure that sex services, restricted premises and adult entertainment premises are designed to minimise their potential impacts in the locality.
- O.2 To ensure the privacy and comfort of patrons.
- O.3 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.
- O.4 To ensure that adequate and appropriate access to the premises and its facilities is provided to a person with a disability.
- O.5 To ensure that the access to sex services and restricted premises is discreet and discourages clients from gathering or waiting on the street.



### Design Controls

- P.1 The external appearance of sex services premises, restricted premises and adult entertainment premises must respect the architectural character of the streetscape and not be a prominent feature in the street.
- P.2 All entrances and exits to sex services premises, restricted premises and adult entertainment 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.
- P.3 The interior of sex services premises, restricted premises and adult entertainment premises must not be visible from any place in the public domain. Where the interior of sex services premises, restricted premises and adult entertainment 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.
- P.4 Sex services premises, restricted premises and adult entertainment 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.
- P.5 Adequate design measures must be provided that ensure the safety and security of sex services premises, restricted premises and adult entertainment premises staff and visitors and where appropriate shall include:
- reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors
  - design which minimises alcoves and entrapment spaces
  - adequate safety and surveillance systems.
  - adequate amenities (i.e. showers, basins and toilets) are to be provided for staff and visitors.
- P.6 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.
- P.7 Doors to working rooms must not be fitted with locking mechanisms.

## 5.3 Parking

### Objectives

- O.1 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, restricted premises and adult entertainment premises does not give rise to car parking congestion on the street.
- O.2 To ensure that the location of parking does not adversely affect the surrounding locality, particularly residential properties and sensitive land uses.
- O.3 To ensure the safety and security of car parking areas.

### Design Controls

- P.1 On-site car parking shall be provided for sex services premises, restricted premises and adult entertainment premises at the rate of one space per two working rooms and shall be designed in accordance with the provisions of the DCP relating to parking.
- P.2 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.
- P.3 Reduced parking requirements may be considered if it can be demonstrated by the applicant that adequate on street car parking and/or public transport services exist close to the premises and public transport services operate at the time at which the premises is proposed to be open. It will also be necessary to demonstrate that a variation to the requirements in the provision of less on-site parking, will not adversely affect the amenity of any adjoining properties.



## 5.4 Hours of Operation

### Objectives

- O.1 Ensure that sex services premises, restricted premises and adult entertainment premises operate at times where they will have least impact on the community, the environment and nearby land uses.
- O.2 Ensure that sex services premises, restricted premises and adult entertainment premises are not operated over a full 24 hour period.

### Design Controls

- P.1 Council will exercise its discretion in relation to permitted hours of operation of sex services premises, restricted premises and adult entertainment premises by taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.
- P.2 Sex services premises, restricted premises and adult entertainment premises must not operate between the hours of 2 a.m. and 7 a.m., unless such operation can be justified by the hours of operation and nature of adjoining uses.

## 5.5 Scale of Operation

### Objective

- O.1 To limit the potential for adverse social and environmental impact of sex services, restricted premises and adult entertainment premises in any locality by controlling the intensity of operation.

### Design Controls

- S.1 No more than 10 employees (includes all staff, e.g. administration staff, sex workers, security guards, etc.) and no more than 8 sex workers are to be on the premises at any one time, but Council may exercise its discretion in relation to the number of employees taking into consideration the nature of adjoining land uses and possible conflicts with such uses.

## 5.6 Advertising Signs and Structures

### Objectives

- O.1 To ensure advertising is discreet.
- O.2 To encourage appropriately designed and suitably located signs for sex service premises and restricted premises.
- O.3 To consider the amenity of the surrounding area.
- O.4 To ensure advertising does not result in visual clutter or other visual impacts upon a locality.
- O.5 To minimise the potential for advertising to cause offence to the public.
- O.6 To ensure that there is no confusion over the location of the sex services premises, which may result in disturbance to surrounding properties.

### Design Controls

- S.1 A maximum of one (1) external sign per premises is permitted and shall indicate only the name of the business operated and/or the address\*. However, additional signage for parking and traffic management may be provided.

Where primary pedestrian access is from the rear of the site e.g. from a car park (and subject to Council's assessment of the safety aspects of allowing rear access), a second sign may be provided on the site indicating only the name of the business operated and the street number or address.

\*NOTE: Advertising premises specifically for the purposes of prostitution is an offence under the Summary Offences Act 1988.



- S.2 The advertising sign is to be limited in size to 0.3 x 0.6 metres (or other dimensions, but of equivalent surface area of 0.18m<sup>2</sup>).
- S.3 Signs may be illuminated, but flashing signs are not permitted, provided this would not result in adverse impacts upon the environment or amenity of the area. Illuminated signs are to be extinguished between 2 a.m. and 7 a.m.
- S.4 The sign shall not display words or images, which are in the opinion of the consent authority sexually explicit, lewd or otherwise offensive.
- S.5 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.

## 5.7 Health and Building Matters

### Objectives

- O.1 To ensure sex services premises, restricted premises and adult entertainment premises comply with relevant health and building regulations.
- O.2 To promote the operation of sex services premises, restricted premises and adult entertainment premises in a manner which will ensure the meeting of best practice health standards.
- O.3 To promote safe sex education to sex workers and their clients so as to minimise the risk of contracting sexually transmitted diseases.
- O.4 To ensure that reasonable working conditions are provided for sex workers.

### Design Controls

- P.1 All applications to which this DCP relates shall comply with the requirements of the Public Health Act 1991 and the requirements of the New South Wales Health Department.

NOTE: The NSW Health and WorkCover "Health and Safety Guidelines for Brothels in NSW" (2001) provide detailed advice on how occupational health and safety requirements can be met. It is the responsibility of the services premises owner/operator to ensure that the NSW Health and WorkCover Guidelines are satisfied in the design and ongoing operation of the premises.

- P.2 All sex services and restricted Premises must be fitted with the necessary services and facilities required for Class 5 Buildings (an office building used for professional or commercial purposes) under the Building Code of Australia (BCA). This includes, but is not limited to the following:
  - fire safety requirements;
  - adequate lighting in accordance with Australian Standard AS 1680- Interior lighting; and
  - ventilation requirements.

## 5.8 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).

### Design Controls

#### Siting of Buildings and Structures

- P.1 The pedestrian entrance to a building must be easily recognisable and provided at the front of the building.
- P.2 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.



- P.3 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.
- P.4 In new developments, parking spaces should be arranged in a grid pattern rather than a herringbone configuration, which reduces surveillance.

#### **Blind Corners**

- P.5 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.
- P.6 All barriers beside pathways must be low in height or visually permeable (i.e. 'see-through') including landscaping, fencing and the like.

#### **Lighting**

- P.7 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.
- P.8 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).

#### **Landscaping**

- P.9 Landscaping must not conceal the building entrance from the street or obstruct site lines between the building and the street.
- P.10 Any proposed plantings must not create opportunities for entrapment spots or the concealment of intruders.

#### **Security Measures**

- P.11 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.
- P.12 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.
- P.13 Any security grilles used on windows must be able to be opened from the inside in case of emergency.
- P.14 All intruder alarm systems, security screens, door and window locks and intruder resistant materials used in the development should comply with relevant Australian Standards.