

COMPONENT C5 SEX SERVICES PREMISES REQUIREMENTS

Applies to

Development involving sex services premises within the Coffs Harbour Local Government Area.

Note that Local Environmental Plan 2013 has been deferred in some locations of the Local Government Area. This Development Control Plan does not apply to those deferred locations.

Date adopted by Council

13 December 2012

Effective Date

2 October 2013

Amendments

Nil

Disclaimer

The hyperlinks to various State or Federal Government legislation have been included in this Development Control Plan in good faith and were current at the time that this document was prepared.

Applicants, landowners and any person(s) using the hyperlinks should ensure that the relevant legislation or policy is the most up-to-date version. This information may be obtained from the relevant government authority administering the legislation.

This Component outlines the requirements for development applications involving sex services premises within the Coffs Harbour Local Government Area.

C5.1 TERMS USED IN THIS COMPONENT

The following terms are used in this Component of the DCP:

- “brothel” (according to the [Restricted Premises Act 1943](#)) means premises:
 - habitually used for the purposes of prostitution, or
 - that have been used for the purposes of prostitution and are likely to be used again for that purpose, or
 - that have been expressly or implicitly:
 - ▶ advertised (whether by advertisements in or on the premises, newspapers, directories or the internet or by other means), or
 - ▶ represented, as being used for the purposes of prostitution, and that are likely to be used for the purposes of prostitution;

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- “prostitution” (as defined in Section 20 of the [Summary Offences Act 1988](#)) includes acts between persons of different sexes or the same sex that comprises sexual intercourse for payment and/or masturbation committed by one person on another for payment.

Note: LEP 2013 includes a specific definition for a ‘home occupation (sex services)’. It should be noted that provisions contained in this Component of the DCP do not relate to a home occupation (sex services). LEP 2013 includes a definition for sex services and sex services premises. This Component of the DCP relates to these premises.

C5.2 MATTERS FOR CONSIDERATION

C.5.2.1 Objectives

1. To ensure that sex services premises are operated in a manner that complies with public health requirements.
2. To ensure that the design and location of sex services premises is appropriate to the context of the locality.

C5.2.2 Controls

a) General

- i) All DAs will be referred to the NSW Police Service for comment, and as such applicants should also refer to Safer by Design Requirements in Component C1.4.

- ii) Before granting consent for a sex services premises, the Consent Authority will take into consideration Clause 7.18 of LEP 2013 as well as the following matters, if relevant to the application:

- where sex services premises are proposed in proximity to several others, it should be considered in the context that a concentration is likely to change the character of the street or area;
- whether the operation of the sex services premises would interfere with the amenity of the neighbourhood;

Note: the access to sex services premises should be discreet and discourage clients gathering or waiting on the street.

- whether sufficient off-street parking is available or proposed to be provided, if appropriate in the circumstances;
- the design and external appearance of the building and any associated structures and their impact on the character of the surrounding built environment;
- the content, illumination, size and shape of any advertisement and distinctive external lighting;

Note: Apart from areas where sex services premises, sex shop or strip clubs pre-dominate, signage should be restricted to the address and telephone number.

- sex services premises should be located to minimise noise disturbance and overlooking; and
- it is not appropriate to locate sex services premises next to a bus stop regularly used by school buses.

b) Plan of Management

- i) A Plan of Management is to be submitted with the DA for a sex services premises.
- ii) The Plan of Management should contain, but is not necessarily limited to, the following information:
 - security measures;
 - lighting;
 - waste management;
 - cleaning;
 - dealing with anti-social behaviour;
 - worker and client health education;
 - laundry arrangements;
 - car parking arrangements; and
 - compliance with the requirements of the [Public Health Act 1991](#) or other prevailing legislation.

Additional Advisory Notes

- i) Staff facilities must include a communal lounge or rest area and staff notice board. The notice board must contain details required to be displayed in order to fulfil requirements of the submitted Plan of Management and other legislation.
- ii) A minimum of one bathroom (toilet, shower, hand basin) is to be provided for each three suites or parlours (excluding the one suite and its associated facilities designed to be used by a person with a disability).
- iii) Hand basins should be located within or close to areas of sexual activity.
- iv) Hand basins should be provided with potable running water through a single outlet (such as push button or mixer tap), liquid antibacterial soap and single use paper towels or air dryers.

