



**Armidale Dumaresq**

**Development Control Plan 2012**

**Section 5 Commercial and Industrial Development Controls**

**Chapter 5.4 Brothels and Restricted Premises**

**Effective 26 June 2013**

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## Part 1 General Provisions

### 1.1 Introduction

The *Environmental Planning and Assessment Act 1979* (EPA Act) and the *Armidale Dumaresq Local Environmental Plan 2012* (LEP 2012) provide a basis for control on the location and operation of brothels and restricted premises.

### 1.2 Objectives

The objectives of this chapter are:

- O.1 To minimise adverse amenity impacts and land use conflicts that may be associated with the operation of brothels and restricted premises.
- O.2 To provide planning guidelines for brothels and restricted premises.

### 1.3 Addressing the guidelines in this chapter

The guidelines for brothels and restricted premises are set out in this chapter. These are expressed in the form of objectives which need to be addressed for each development proposal. For each objective (O), 'acceptable solutions' (S) are provided which, if met, will ensure compliance. Alternative approaches may be proposed, provided these adequately address the relevant objectives and comply with legislation.

### 1.4 Land to which this chapter applies

This chapter applies to land in the following zones in LEP 2012.

#### ***Sex Services Premises***

B3	Commercial Core	IN1	General Industrial
B4	Mixed Use	IN2	Light Industrial

#### ***Home Occupation (Sex Services)***

RU1	Primary Production (without consent)	IN1	General Industrial (without consent)
RU4	Primary Production Small Lots (without consent)	IN2	Light Industrial (without consent)
RU5	Village	B2	Local Centre
R1	General Residential	B3	Commercial Core
R2	Low Density Residential	B4	Mixed Use
R5	Large Lot Residential	B5	Business Development
E3	Environmental Management	B7	Business Park
E4	Environmental Living		

#### ***Restricted Premises***

B2	Local Centre	IN1	General Industrial
B3	Commercial Core	IN2	Light Industrial
B4	Mixed Use		

### 1.5 Types of development to which this chapter applies

This chapter will be used in the assessment of any development application for a sex services premises; a home occupation (sex services); or restricted premises. Brothels include home occupation (sex services) and sex services premises (refer to Definitions in Part 4).

## Part 2 Planning issues

LEP 2012 identifies where the different types of development are permitted or prohibited. Where a development is permitted with consent, a development application must be submitted for the proposal and the guidelines in this chapter will apply.

Planning issues that arise from these kinds of activities include:

- a) the generation of excessive arrivals/departures of staff and clients late at night;
- b) the external appearance, including signage, advertising and lighting, of any brothels or restricted premises.

## Part 3 Planning guidelines

### 3.1 General

S.1 The appearance of any brothels or restricted premises should be discreet in design, and not stand out in the streetscape.

### 3.2 Location

#### 3.2.1 Sex services premises

Matters for consideration relating to the location of sex services premises are found in LEP 2012 Clause 6.7 Location of sex services premises.

#### 3.2.2 Restricted premises/sex shops

S.2 The proposed restricted premises must not be within view of the following:

- a) any other restricted premises;
- b) any residential zone; and
- c) any existing dwelling.

S.3 Access to the premises must be via a public road.

### 3.3 Parking

S.4 Parking for premises subject to this chapter shall be generally designed in accordance with Chapter 2.9 Parking.

### 3.4 Signage

S.5 Signage must comply with the provisions in Chapter 2.10 Signage.

### 3.5 Health and Building Requirements

S.6 Brothels must meet the requirements of the *WorkCover Health and Safety Guidelines for Brothels (2001)* and the Building code of Australia requirements for Class 5 buildings.

S.7 Full details of Council's health requirements are specified in Appendix 1. These requirements will be included as advice with all development consents issued and the operators of the brothel premises will need to demonstrate satisfactory compliance with these requirements.

S.8 Access for people with disabilities will be required for the development.

**Part 4 Definitions**

**Brothel** means a brothel within the meaning of the *Restricted Premises Act 1943*, other than premises used or likely to be used for the purposes of prostitution by no more than one prostitute.

**Home occupations (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- a) the employment of persons other than those residents; or
- b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise; or
- c) the exhibition of any signage; or
- d) the sale of items (whether goods or materials), or the exposure or offer for sale of items by retail;

but does not include a home business or sex services premises.

**Restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**Sex services premises** means a brothel, but does not include home occupations (sex services).