

# City of Ryde Development Control Plan 2014

## Part: 3.1 Brothels (Sex Service Premises)

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إننا نعتذر عليك فهم محتويات هذه الوثيقة، نرجو للحضور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي تطلب من أحد المترجمين الاتصال بمجلس مدينة رايد، على الرقم 9952 8222، نيابة عنك.

ARMENIAN

Եթէ այս գրութիւնը չէք հասկնար, խնդրեմ եկէ՛ք՝ Րայդ Բիւրոյ Սիւվիլ Ենթըր, 1 Տելվին փողոց, Րայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիէն Ուրբաթ կ.ա. ժամը 8.30 – կ.ե. ժամը 4.30, կամ հեռաձայնեցէ՛ք Հեռաձայնի եւ Թարգմանութեան Սպասարկութեան՝ 131 450, եւ խնդրեցէ՛ք որ թարգմանիչ մը Րայդ Քաղաքապետարանին հետ կապ հաստատուէ ձեզի համար, հեռաձայնելով՝ 9952 8222 թիւին:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接通後你可以要求一位傳譯員為你打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی، شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여러분 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁드립니다.

Amend. No.	Date approved	Effective date	Subject of amendment

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## 1.0 OVERVIEW

### 1.1 Background

This Part provides planning controls for brothels (sex services premises) in the City of Ryde.

In the *Ryde Local Environmental Plan 2014*, sex service premises is defined as a brothel, but does not include home occupation (sex services).

Under the *Environmental Planning and Assessment Act 1979*, brothel is defined as 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.

### 1.2 Objectives of this Part

#### Objectives

The objectives of this Part are to:

1. Provide appropriate planning controls for the establishment of brothels within the City of Ryde; and
2. Ensure that brothels will not have a detrimental impact on the amenity of the surrounding neighbourhood.

### 1.3 Land to which this Part applies

This Part applies to all land within the City of Ryde where brothels are a permissible use with the consent of Council.

A development application for a brothel may be considered by Council only within the IN2 Light Industrial Zone and subject to the more detailed planning controls which are specified in this DCP.

Brothels are not permitted in any Residential or Business zones within the City of Ryde.

2.0 PLANNING REQUIREMENTS FOR BROTHELS

Planning matters taken into consideration by Council when assessing a development application for a brothel include the following:

2.1 Location

Controls

- a. The location of the brothel and its proximity to any child care centre, community facility, educational establishment, hospital, place of public worship, recreation area, residential development or any place regularly frequented by children.
- b. The location of the brothel and its proximity to any access point to public transport including bus stops, railway stations, ferry wharves and the like.
- c. The number of brothels operating in the near vicinity of the premises the subject of the application. Council will not permit the “congregation” of brothels so as to form, or potentially form, “red light districts”.

2.2 Amenity of the neighbourhood

Controls

- a. Whether the operation of the brothel would cause a disturbance in the neighbourhood because of its size or operating hours, or the number of people working in it.
- b. Whether a suitable waiting area is provided in the brothel so as to prevent clients loitering outside the premises.
- c. Whether suitable access is available, or is proposed to be provided, to the brothel.
- d. Whether the operation of the brothel would interfere with the amenity of the neighbourhood.
- e. Whether the operation of the brothel would cause a disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood.

## 2.3 Parking and Access

### Controls

- a. Whether sufficient off-street parking is available or proposed to be provided.

In this regard, carparking must be provided at the rate of 1 space for each 2 employees working at any time in the premises. Council may vary this requirement provided it is satisfied that there is adequate on-street carparking or public transport services close to the premises.

- b. Parking areas must also be well lit and sign posted.

A development application for a brothel may be considered by Council only within the IN2 Light Industrial Zone and subject to the more detailed planning controls which are specified in this DCP.

Brothels are not permitted in any Residential or Business zones within the City of Ryde.

## 2.4 Signage and Presentation of the Building

### Controls

- The content, illumination, size and shape of any advertisement and distinctive external lighting shall be included in any application submitted to Council.
- Only one discreetly located external sign shall be permitted on the premises having a maximum area of 0.5 m<sup>2</sup>. Wording is to be limited to the name of the business operated from the premises and the sign is not to incorporate any provocative images or wording.
- The sign may be externally lit by spotlights only. An internally illuminated sign or "flashing sign" is not permitted.
- The design and external appearance of the building and any associated structure and their impact on the character of the surrounding built environment.

## 3.0 APPLICATION DETAILS

### 3.1 Information to be submitted with a Development Application for a Brothel

#### a. Plans to be submitted:

- i. Location plan (showing proximity of the subject site to churches, residential properties, schools, child care centres, community facilities, hospitals and public transport access points).
- ii. Site plan and floor plan including the use of each room in the subject property.
- iii. Entrances to and exits from the subject site. Location, number and layout of carparking spaces.
- iv. Business sign including details of size and colour, illumination and content.
- v. Details of existing and proposed external lighting.
- vi. Details of all external finishes, including colours, textures and window treatments.

#### b. Information to be provided with the Development Application is to include:

- i. Number of employees.
- ii. Hours of operation of the premises.
- iii. Number of rooms in the premises to be used for the service.



## 4.0 INFORMATION RELATING TO DEVELOPMENT CONTROLS ISSUED

### 4.1 Development Consent for Brothels

A consent may include conditions which limit the approval to a period of 12 months so that Council may assess the impact of the development on the local community and monitor compliance with conditions of consent.

At the conclusion of the 12 months, Council will reassess the proposal in terms of any complaints received regarding the approved operations and compliance with any conditions of development consent.

If consent is granted, a specified operator will be nominated on that consent. Should the operator change, Council must be notified in writing.

If changes to the number of sex workers, hours of operation, signage or any other alterations to the building are proposed, contact should be made to Council's Customer Service Centre to ascertain whether an amendment to the consent or a new application is required.

### 4.2 Closure of Brothels

Council may apply to the Land and Environment Court of NSW under Section 17 of the *Restricted Premises Act 1943* as amended, for the premises not to be used as a brothel. Council can also initiate proceedings under the *Environmental Planning and Assessment Act 1979*, to ensure that brothels comply with its planning requirements.

### 4.3 Health Requirements

Details of Council's Health Requirements for brothels are specified in Schedule 1 to this Part. These requirements must be fully complied with and will be included as conditions of development consent.

## Schedule 1 - Health Requirements

### Controls

#### Compliance with guidelines

- a. The activity and any building or work associated with or carried out in connection with the activity must comply with the *Health and Safety Guidelines for Brothels* published by the WorkCover Authority of NSW and NSW Health.

#### Sanitary facilities

- b. Each room used for the provision of sexual services must be provided with separate sanitary facilities, comprising a toilet, shower and hand basin, directly accessible from that room for use of both sex workers and their clients.
- c. Sanitary facilities must be provided in accordance with the *Building Code of Australia*.

#### Lighting and ventilation

- d. Lighting and ventilation must be provided in accordance with the *Building Code of Australia*.

#### Waste disposal

- e. Adequate arrangements must be made for the storage and disposal of waste generated on the premises.
- f. Contaminated waste must be disposed of by a licensed waste transporter at a licensed waste facility.

#### Noise

- g. The use of the premises must not give rise to an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- h. The operating noise level of any plant or equipment must not exceed the background noise level by more than 5 dB(A) when measured at the boundaries of the premises.

#### Bars and food preparation areas

- i. It is an additional requirement is that the construction and fitout of all bars and food preparation areas must comply with AS 4674-2004 *Design Construction and Fitout of Food Premises* published by Standards Australia .

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**[www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)**