

9 Special controls for certain uses

DCP Amendment No 4

Development of amusement arcades, restricted premises and late opening pubs is only permissible in the City Centre and City Edge zone and development of brothels is only permissible in the City Centre zone (see Part 3 of the LEP). The following provisions are required to ensure that these uses are located, designed and operated such that the use does not impact detrimentally on the general amenity and safety of the city.

9.1 Provisions for amusement arcades, brothels, restricted premises, late opening pubs and the like

Strategy

Relevant LEP clauses: 12(a), 12(i), 12(m), 60, 61

Amusement centres, brothels, restricted premises, late opening pubs and the like can be located in areas where there is a mix of uses. The impact of these uses on surrounding businesses, residences, and the public domain needs to be considered in assessing any application for these uses. The concentration of these uses is discouraged.

Objectives

- To discourage the concentration of amusement centres, brothels, restricted premises, late opening pubs and the like.
- To ensure the design, operation, location and cumulative impacts of such uses on the surrounding area are considered.

Provisions

9.1.1 No amusement arcade, brothel, restricted premise, late opening pubs or the like, should be located where a use of the same kind already is accessed (directly or indirectly) from the same street in which the particular development is proposed, unless there are exceptional circumstances. For the purposes of this clause, the street means the frontage of a street between two cross streets, including the opposite side of the street. Where premises are located on the street corner, they are considered to address both streets.

For the purpose of this clause,

- in the City Centre and City Edge zones, a 'late opening pub' is considered to be premises that propose to operate after 12.00 midnight, Monday to Saturday and 11.00pm Sunday.
- in the Miller's Point Residential zone, a 'late opening pub' is considered to be premises that propose to operate after 11.00 midnight, Monday to Saturday and 10.00pm Sunday.

9.1.2 Where a proposed development includes an amusement arcade, brothel, restricted premise, late opening pubs or the like, sufficient information and details will need to be provided to the consent authority on the following matters:

- (i) The nature and operation of the proposed use, in terms of:
 - (a) the internal amenity of the proposed use,
 - (b) the public safety aspects of the proposal,
 - (c) the proposed hours of operation,
 - (d) the size and intensity of the proposed development, having regard to the number of people who will work on the premises,
 - (e) appropriate access for all uses, and provision of waiting areas for brothels,
 - (f) the proposed management of the use, and the appropriateness of a trial period of operation.
- (ii) The proximity, location and impact of the proposed use on schools, places of worship, aged persons' hostels, community facilities, major transport interchanges, residential buildings and places frequented by children, located in the street frontage in which the development is proposed.
- (iii) The proximity, concentration, and cumulative impact of the proposed use and other amusement arcades, brothels, restricted premises or late opening pubs located within the vicinity (within a radius of 250m of the proposed use) and the street frontage in which the development is proposed.
- (iv) The likely impact on the amenity and desired future character of the street, and on any Special Areas.

9.2 Special provisions for brothels and restricted premises

Strategy

These provisions are required to ensure that the design, operation and location of brothels and restricted premises minimise detrimental impacts on the amenity, visual quality and safety of the public domain.

Objectives

- To minimise the impact of developments for brothels and restricted premises on the general amenity and safety of the city.

Provisions

- 9.2.1 No part of the restricted premises or brothel (other than an access corridor to the premises) is to be located:
 - (i) at the ground floor or street level of a building or within 1.5 metres, measured vertically, above or below the ground floor or street level of the building, or
 - (ii) in arcades, or
 - (iii) in other thoroughfares open to the public or used by the public.
- 9.2.2 No internal rooms or spaces of the restricted premises or brothel, other than an access corridor to the restricted premises or brothel, are to be visible from a public place or shopping arcade.

- 9.2.3 No part of the restricted premises or brothel, or of the building in which the restricted premises or brothel is situated, is to be used as a dwelling unless separate access is available to the dwelling.
- 9.2.4 No merchandising display relating to the restricted premises or brothel, or the business carried out there, is to be erected, displayed or exhibited in an access corridor (including any stairwell to the restricted premises or brothel) so as to be open to the public or used by the public.

9.3 Signs for brothels and restricted premises

Strategy

Signs for brothels and restricted premises are necessary to promote the businesses and communicate messages. Well-designed signs will achieve this without causing any offence to pedestrians and users of the public domain.

These provisions are in addition to the provisions in Section 8 - Advertising and Building Identification Signs. Additional provisions are required to ensure that the design and location of signs for brothels and restricted premises take into consideration the specific characteristics of the use.

Objectives

- To encourage appropriately designed and suitably located signs for brothels and restricted premises.
- To consider the amenity of surrounding development and the visual quality of the public domain.

Provisions

- 9.3.1 A sign relating to restricted premises or a brothel should:
- (i) not interfere with the amenity of the locality,
 - (ii) not exceed 600 millimetres in height or width,
 - (iii) not contain neon illumination and not flash,
 - (iv) set out only:
 - (a) the name of the person who conducts the business at the restricted premises or brothel or the registered name of the business carried on at the restricted premises or brothel; and
 - (b) in the case of development for the purpose of restricted premises, the words, 'RESTRICTED PREMISES' in capital letters not more than 50 millimetres in height.
- 9.3.2 No more than one sign should be erected, displayed or exhibited to public view in the window or on a building (including the restricted premises or brothel), or in, outside or directly above an access way to the premises or brothel.