



City of Sydney
Adult Entertainment and
Sex Industry Premises
Development Control Plan
2006

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I Introduction

Adult entertainment and sex industry premises have a long history within the City of Sydney Local Government Area and have become an established and accepted feature of some areas. Many premises operate in a discrete manner and seek to comply with Council's requirements for development consent. Whilst the impact of individual premises can vary in relation to their nature and scale, the accumulation of premises may exacerbate any negative amenity impacts. It is therefore important that land use planning controls seek to reduce any negative impacts whilst allowing the development of adult entertainment and sex industry premises in suitable locations, and of an appropriate scale and operation.

The *City of Sydney Adult Entertainment and Sex Industry Premises Development Control Plan 2006* (the DCP) seeks to recognise and appropriately regulate the location, design and operation of adult entertainment and sex industry premises through the provision of clear and comprehensive planning controls.

The DCP land use definitions differentiate between premises where sexual services and sexual acts take place (sex industry premises) and those where these acts do not take place (adult entertainment premises). The DCP, drawing on State guidelines and industry practice, includes detailed health standards and operational requirements for each type of premises.

The DCP also includes extensive guidance to applicants in relation to the requirements and considerations of development applications for adult entertainment and sex industry premises.

The DCP does not apply to sex industry premises where development consent is not required, in particular for sex service (home occupation) premises (see 2.2).

1.1 Citation

This Development Control Plan (DCP) is called the *City of Sydney Adult Entertainment and Sex Industry Premises Development Control Plan 2006*.

1.2 Area to which the plan applies

This DCP applies to all land within the City of Sydney area as shown in **Figure 1**, where the City of Sydney or Central Sydney Planning Committee is the consent authority.

1.3 Commencement

This DCP was adopted by the Council of the City of Sydney on 20 March 2006. The DCP commenced operation on 18 April 2006.

1.4 Relationship to other environmental planning instruments and development control plans

This DCP generally complements the provisions of the relevant environmental planning instruments as they apply to the City of Sydney. Where there is any inconsistency between this DCP and an applicable Local Environmental Plan (LEP), the LEP will prevail. Regard should also be given to the provisions of the relevant Exempt and Complying Development Control Plans.

The DCP also complements the provisions of the following statutory controls:

- *Environmental Planning & Assessment Act 1979;*
- *Local Government Act 1993;*
- *Crimes Act 1900;*
- *Summary Offences Act 1998;*
- *Public Health Act 1991*
- *Liquor Act 1982;*
- *Occupational Health and Safety Act 2000; and*
- *Restricted Premises Act 1943 (formerly Disorderly Houses Act 1995).*

Appendix “I” includes a summary of legislation relevant to this DCP.

This DCP has been developed with reference to the *NSW Crime Prevention Through Environmental Design Guidelines (2001)*, the *WorkCover NSW Health and Safety Guidelines for Brothels (2001)* and the *NSW Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues (2002)*.

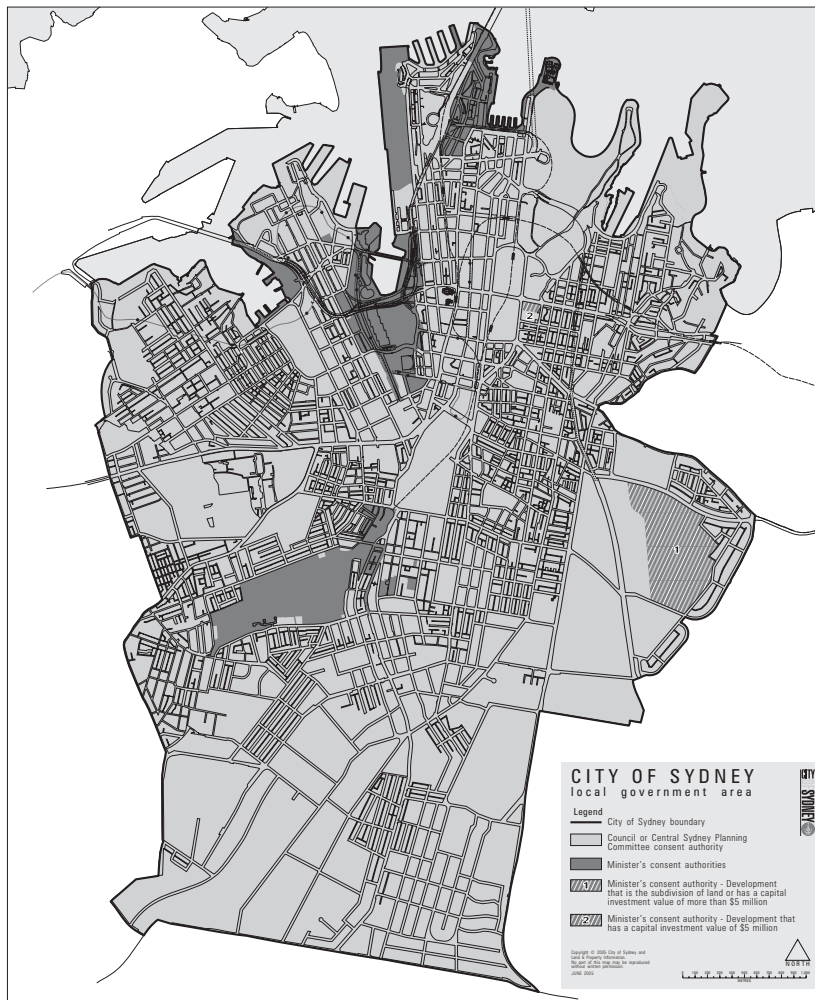


Figure 1 - The City of Sydney Local Government Area

2 Purpose

The main purpose of this DCP is to provide a framework for the development and operation of adult entertainment and sex industry premises within the City of Sydney Local Government Area. In addition to planning controls, the appendices of the DCP provide health standards, and additional information and guidance to provide a comprehensive approach to the development assessment and monitoring of adult entertainment and sex industry premises.

2.1 Objectives

The objectives of this DCP are:

- to provide a comprehensive set of appropriate guidelines and requirements which will assist in the lodgement and assessment of development applications for adult entertainment and sex industry premises;
- to increase the safety of staff and visitors of adult entertainment and sex industry premises through the consideration of safety and security aspects in the design and location of premises, and through the provision of appropriate safety measures;
- to ensure that the design and location of adult entertainment and sex industry premises will minimise any adverse impact on the character or amenity of the area or neighbouring properties;
- to ensure that high levels of both internal and external amenity are provided for adult entertainment and sex industry premises to ensure the safety and comfort of staff, visitors and neighbouring properties;
- to provide an appropriate framework to effectively regulate the operation of adult entertainment and sex industry premises through regular inspections, detailed conditions of development consent and the provision of plans of management, in coordination with other relevant government agencies; and
- to promote the health of staff and visitors of adult entertainment and sex industry premises through the provision of appropriate health and safety guidelines.

2.2 Application of DCP

This DCP does not apply to sex services (home occupation) premises. Controls relating to such premises are contained in the relevant Local Environmental Plans, and Exempt and Complying Development Control Plans.

This DCP generally does not apply to escort agencies except where sex services are provided on site. Such premises may be defined as commercial premises and may be subject to controls contained in the relevant Local Environmental Plans and Exempt and Complying Development Control Plans. Where development consent is required, a Plan of Management, in accordance with **Appendix “C”** should be provided, with particular regard to procedures to enable sex workers to perform their work in a safe manner; with minimum risk to health.

For more information relating to the requirement for development consent for sex services (home occupation) premises and escort agencies, please contact the Duty Town Planner at Council's One Stop Shop or Neighbourhood Service Centres, the contact details of which are contained in **Appendix “B”** of this DCP.

This DCP applies to the following adult entertainment and sex industry premises:

2.2.1 Adult entertainment premises

Premises which provide entertainment or which sell restricted material include:

- (i) Strip club premises; and
- (ii) Restricted premises.

No sex services are to be provided or arranged at these premises.

2.2.2 Sex industry premises

Sex industry premises comprise premises where sexual acts or sexual services are provided, and sex on premises venues. These include:

- (i) Brothels;
- (ii) Safe house brothels for street-based sex workers;
- (iii) Sex on premises venues;
- (iv) Swingers clubs; and
- (v) Bondage and discipline parlours.

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 massage premises, additional information may be required to demonstrate that measures are proposed to ensure compliance with this Act.

2.3 Applying controls to composite premises

Where more than one type of sex industry or adult entertainment use is proposed for a site, the proposal will be assessed as two or more separate uses and the relevant provisions of this DCP shall apply to each use. The differentiation of the uses must be clearly identified in the development application and Plan of Management.

For the purposes of the location controls (3.1), the development will be considered as a single premises.

2.4 Intensification of use

Where an existing adult entertainment or sex industry premises seeks to intensify its use through the introduction of a new "high impact" use, an increase in the number of working rooms, cubicles or booths, an increase in the number or size of performance areas, or an increase in floor area, the provisions of this DCP including the location controls, will be applied.

2.5 Works to existing premises

Where works are proposed to an existing adult entertainment or sex industry premises, which are considered by the consent authority to be minor in nature, exemption may be given to certain provisions of this DCP.

2.6 Definitions

Adult Entertainment Premises	are: (a) premises which provide entertainment (such as strip club premises); or (b) premises which sell or show restricted material (such as adult bookshops and novelty stores).
Bondage & Discipline Premises	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. Premises may constitute a brothel even though used by only one sex worker, depending on the LEP definition of "home occupation".
Escort Agency	means premises that are used to arrange contacts between sex workers and clients 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.
Performance Area	means an area associated with strip club premises where striptease acts, tabletop, or podium performances, or peepshows are performed. This includes private performance areas and peepshow booths.
Plan of Management	must be submitted in accordance with the requirements of this DCP and in particular Appendix "C" .
Premises Owner	is the registered owner(s) of the premises.
Operator	is the owner of the adult entertainment or sex industry business.
Manager	is the manager of the adult entertainment or sex industry business.
Primary Access	the entrance(s) or exit(s), determined by the consent authority, to be the main access or egress for visitors, and may consist of direct street level entrances and exits, or the primary entrance or exit to a building or site containing adult entertainment or sex industry premises.
Restricted Premises	means a building or place at which: (a) restricted material is shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public; or (b) a business to which section 578E of the Crimes Act 1900 applies is conducted; but does not include a news agency or pharmacy.
Restricted Material	means publications classified Category 1 restricted, Category 2 restricted or RC under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> of the Commonwealth.
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.

Sensitive Land Use	includes day care or child-minding centres, primary or secondary schools, churches, parks, playgrounds, or any other place regularly frequented by children.
Sex Industry Premises	are: (a) premises where sexual acts or sexual services are provided (such as brothels, safe house brothels for street-based sex workers, bondage and discipline parlours); or (b) premises used for sex between clients but where sex services do not take place in exchange for payment (such as sex on premises venues, swingers clubs).
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. Includes: swingers clubs and sauna clubs that accommodate sexual encounters.
Sex Services	means sexual acts or sexual services in exchange for payment.
Sex Service Premises	means premises habitually used for the purposes of sex services, but does not include a home occupation or sex services (home occupation).
Sex Services (Home Occupation)	as defined in the relevant Local Environmental Plan and Exempt and Complying Development Control Plan.
Sexual Intercourse	is defined as: (a) Sexual connection occasioned by the penetration to any extent of the genitalia (including a surgically constructed vagina) of a female person or the anus of any person by: (i) any part of the body of another person; or (ii) any object manipulated by another person, except where the penetration is carried out for proper medical purposes; or (b) Sexual connection occasioned by the introduction of any part of the penis of a person into the mouth of another person; or (c) Cunnilingus; or (d) The continuation of sexual intercourse as defined in paragraph (a), (b) or (c).
Spruikers	persons located on the public way who seek to entice customers to enter the premises.
Striptease 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.
Working Room	is a place where sexual activity occurs within a brothel or sex on premises venue and may include an area enclosed or partially enclosed by non-structural partitions e.g. curtains, moveable partitions.

3 Planning controls for all adult entertainment and sex industry premises requiring development consent

3.1 Location

The locations where adult entertainment and sex industry premises are permitted are generally prescribed by land use zones in the relevant Local Environmental Plans (LEPs). This DCP provides additional provisions associated with the location of adult entertainment and sex industry premises in relation to existing residential and sensitive land uses, and in relation to existing, approved adult entertainment and sex industry premises.

3.1.1 Objectives

- (a) to permit the location of adult entertainment and sex industry premises in areas which optimise the safety and security of the staff and visitors to the adult entertainment and sex industry premises;
- (b) to ensure that adult entertainment and sex industry premises are located in appropriate areas where they do not have an adverse impact on the character or amenity of the area and neighbouring properties, in particular upon residential and sensitive land uses; and
- (c) to prevent any adverse impact on the character or amenity of the area and neighbouring properties which may result from the concentration and/or accumulation of adult entertainment and sex industry premises.

3.1.2 Controls

- (1) Adult entertainment and sex industry premises must not be located in areas zoned residential, within buildings containing a residential use, or immediately adjacent to or directly opposite (to any elevation) land developed for residential purposes. Adult entertainment and sex industry premises must be separated from land developed for residential purposes by at least one other non-residential land use.
- (2) Adult entertainment and sex industry premises must not be located adjacent to or directly opposite (to any elevation) a sensitive land use defined in this DCP unless separated by at least one other non-sensitive land use. A non-sensitive land use does not include a waterway, un-developed site or road less than 30 metres in width.
- (3) Adult entertainment and sex industry premises must not be located within a radius of 75 metres from an existing, approved adult entertainment or sex industry premises. The radius must be measured from the centre of the "primary access(s)" to the proposed and existing adult entertainment or sex industry premises and is to include buildings located within a neighbouring Local Government Area (LGA).

3.2 External design of premises

The design of adult entertainment and sex industry premises is important in reducing any adverse impact on the character and appearance of the streetscape and on the amenity of neighbouring properties. The external design is also important in ensuring the safety and security of visitors and staff when approaching, entering and leaving the premises.

3.2.1 Objectives

- (a) to ensure that the design (including colour, signage and lighting) and layout of adult entertainment and sex industry premises is in keeping with the character and appearance of the streetscape;
- (b) to ensure that the interior of the adult entertainment or sex industry premises, sex workers, performers, or sex related products associated with the premises are not visible from the public domain;
- (c) to ensure that the visibility of all entrances and exits to premises is maximised through the use of lighting and the design of any landscaped areas without compromising the privacy of staff and visitors;
- (d) to ensure that the safety of all staff and visitors is maintained when approaching, entering and leaving the premises; and
- (e) to ensure that the nuisance to neighbouring properties is minimised through the clear numbering of adult entertainment and sex industry premises.

3.2.2 Controls

- (1) 'Active' uses are encouraged to be presented to the street to promote surveillance and safety;
- (2) The external appearance of adult entertainment and sex industry premises must respect the architectural character of the streetscape and not be such that the premises becomes a prominent feature in the street.
- (3) Externally visible signage, lighting and colour schemes must be in accordance with the provisions of the relevant development control plans.
- (4) Premises must be clearly numbered, with the number clearly visible from the street.
- (5) All entrances and exits to adult entertainment and sex industry 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).
- (6) Adequate lighting must be provided to all entrances and exits of adult entertainment and sex industry premises, to ensure the safety of all staff and visitors as they arrive, use and leave the premises.
- (7) Any landscaping that is proposed must not obstruct the visibility from public areas of entrances and exits so as to ensure the safety of all staff and visitors to the premises.
- (8) Adult entertainment and sex industry premises must not display sex-related products, sex workers, performers, or nude or semi-dressed staff from windows, doors or outside of their premises.
- (9) The interior of adult entertainment and sex industry premises must not be visible from any place in the public domain.
- (10) Where the interior of an adult entertainment or sex industry 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.

3.3 Internal design and facilities within premises

The interior of the premises must provide for adequate staff and visitor facilities, and safety and security measures, and comply with the relevant health and building standards. In addition to the provisions of this DCP, the internal design and provision of facilities must meet the requirements of the *Building Code of Australia*. Additional information relating to the provision, maintenance and operation of facilities within adult entertainment and sex industry premises can be found in **Appendix "A"** of this DCP. The location of all staff facilities must be clearly identified on any plans/drawings associated with the premises.

3.3.1 Objectives

- (a) to ensure that adequate facilities are provided within adult entertainment and sex industry premises in accordance with the relevant occupational health and safety provisions, in particular the *Occupational Health and Safety Regulations 2001*;
- (b) to ensure that adequate and suitable facilities are provided within the premises to provide for the comfort, safety and security of visitors and staff; and
- (c) to ensure that the internal layout of adult entertainment and sex industry premises maximises the safety and security of visitors and staff.

3.3.2 Controls

- (1) Adequate design measures that ensure the safety and security of adult entertainment and sex industry premises staff and visitors must be provided and where appropriate should include:
 - (a) reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors;
 - (b) design which minimises alcoves and entrapment spaces; and
 - (c) adequate safety and surveillance systems.

NOTE: Operators must comply with the requirements of the *Workplace Surveillance Act 2005* which prohibits surveillance of staff in staff facilities and, where located elsewhere in the premises, requires notification of staff and the provision of adequate signage. Where camera surveillance is used, it must not be focused on, or record the sex worker or performer. The *NSW Summary Offences Act 1988* makes it an offence to film people for the purposes of sexual arousal when in a state of undress or involved in a private act without their consent.

- (2) Specialist activities involving restraints (such as bondage, suspension) or equipment (ropes, pulleys, slings, poles, etc) or performance props must ensure the safety of participants and compliance with the *Building Code of Australia* and any relevant Australian Standards.
- (3) Storage space(s) must be provided for sharps disposal units.
- (4) Brothels and strip clubs must provide the following minimal staff facilities, which must be located within the premises, adjacent to and accessible from work areas, and in a secure area inaccessible to visitors:
 - (a) sanitary facilities (toilet, hand basin and shower);
 - (b) rest area with seating;
 - (c) dining area with food preparation and storage areas;
 - (d) sink with running water; water boiling facilities and fridge; and
 - (e) lockers to store personal belongings.

Additional controls for brothels

- (5) Adequate safety and surveillance systems including:
 - (a) secure entry and controlled internal and external access, preferably with remote door release mechanisms.

- (6) The design of working rooms must include:
 - (a) the non-provision of working room door locks; and
 - (b) communication methods.
- (7) Brothels with three or more working rooms must provide intercoms and duress alarm systems in all working rooms and staff areas which are linked to a central base and monitored at all times.
- (8) Storage space(s) must be provided for both soiled and clean linen, and safe sex equipment.

Additional controls for strip club premises

- (9) The design of private performance areas/rooms must include:
 - (a) separate visitor and performer access and exits;
 - (b) secure entry and controlled access; and
 - (c) a duress alarm system linked to a central base and monitored at all times.
- (10) The design of dressing rooms must:
 - (a) include adequate preparation facilities (i.e. dressing tables, mirrors) restricted from visitor access and located adjacent to performance areas;
 - (b) be for the use of performers and not for the use of other staff; and
 - (c) include intercom and duress alarm systems linked to a central base and monitored at all times.
- (11) All stages, podiums and other performance areas must be:
 - (a) no smaller than 2.5 square metres in area, a minimum of 0.5 metres from the floor and with a minimum clearance of 2.5 metres from the ceiling;
 - (b) provided with a railing of a height no less than 0.15 metres around all open edges, or balustrade (where required in compliance with the *Building Code of Australia*); and
 - (c) provided with a non-slip surface.
- (12) Storage space(s) must be provided for both soiled and clean linen, if supplied.

3.4 Access

The requirements for access for disabled persons are contained in the *Disability Discrimination Act 1992*, the *Building Code of Australia* and the *City of Sydney Access Development Control Plan 2004* (or applicable DCP). These requirements include the provision of equitable access for all staff and visitors to adult entertainment and sex industry premises.

3.4.1 Objectives

- (a) to ensure that adult entertainment and sex industry premises are accessible to all members of the community.

3.4.2 Controls

- (1) Access to and within adult entertainment and sex industry premises must be provided in accordance with the relevant legislation and with the *City of Sydney Access Development Control Plan 2004*.
- (2) Major entrances to premises to which the public are entitled to enter must be designed and constructed to provide equitable treatment of staff and visitors, and meet minimum standards of grade, doorway width and connectivity in accordance with the *Disability Discrimination Act 1992*.
- (3) Equitable access arrangements must be detailed in the Plan of Management and related plans/drawings for the premises.

3.5 Operation of adult entertainment and sex industry premises

Effective good management and operation of adult entertainment and sex industry premises is fundamental to limiting any detrimental impact on the amenity of the neighbouring premises, in reducing the impact on the character of the area, and for ensuring the safety and security of all staff and visitors. A Plan of Management can assist in identifying the potential impacts and the measures to be taken to reduce these, and in clearly defining responsibilities and procedures. **Appendix "C"** to this DCP contains a guide to the content of the Plan of Management.

3.5.1 Objectives

- (a) to ensure the consideration of all aspects of the development and operation of adult entertainment and sex industry premises, in particular those associated with preserving the amenity of neighbouring premises, and ensuring the safety and security of staff and visitors;
- (b) to ensure that the safety and security of staff and visitors is maintained through the appropriate use of security systems; and
- (c) to ensure compliance with the provisions of the *NSW Liquor Act 1982*, which prohibits solicitation for, or the provision of, commercial sexual services (involving sexual contact) on premises having liquor licenses.

3.5.2 Controls

- (1) A Plan of Management must be included with any application for development consent associated with adult entertainment and sex industry premises, in accordance with **Appendix "C"**.
- (2) The premises operator and manager must ensure compliance with the approved Plan of Management.
- (3) Spruikers are not permitted in association with the operation of any adult entertainment or sex industry premises.
- (4) Any security staff, or other staff or contractor who may, as part of their responsibilities, enter the public domain must be identified in the Plan of Management that forms part of the development application.
- (5) The Plan of Management should identify security and safety provisions including procedures for staff duress events, particularly for premises where intercom and alarm systems are not required. These should cover all staff including those providing services off site from the premises.

NOTE: It is an offence under the *NSW Liquor Act 1982* to allow sex services to take place in liquor licensed premises.

Attachment “A”:

Health and management controls for all adult entertainment and sex industry premises

A1 Introduction

The health standards and management controls in this DCP are informed by:

- (i) The WorkCover NSW *Health and Safety Guidelines for Brothels in NSW 2001*;
- (ii) The NSW *Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues* issued by NSW Department of Health in 2002;
- (iii) The *Public Swimming Pools and Spa Pool Guidelines* issued by NSW Department of Health in June 1996.

Provisions A2 to A11 apply to all adult entertainment and sex industry premises. Provisions A12 to A17 apply to the specifically identified premises.

A2 Health service access and inspections

The operators of the adult entertainment or sex industry premises must provide reasonable access to and facilities for authorised staff from health service providers and other agencies to provide information and educational activities to support the health and safety of staff and visitors to the premises. Evidence of access arrangements for the attendance of health service providers should be identified in the Plan of Management. A list of health service providers is in **Appendix “E”**.

The NSW *Occupational Health and Safety Act 2000* allows authorised representatives of employees organisations to enter and inspect premises for compliance with occupational health and safety issues.

City Officers will conduct regular inspections of all premises to assess their compliance with health standards and with conditions of development consent.

A3 Sanitary facilities

Operators must provide adequate sanitary facilities for staff and visitors in accordance with the following:

- (i) All adult entertainment and sex industry premises must provide access to a toilet and hand basin located within, adjacent to or accessible from the premises;
- (ii) All hand wash basins must be provided with an adequate supply of portable water at a temperature of 40.5 to 43.5 °C and delivered through an appropriate mixing device that may be adjusted to enable hand washing under warm running water; and
- (iii) Warm water systems must comply with the requirements of the *Public Health Act 1991* and *Public Health (Microbial Control) Regulations 2000*.

A4 Cleaning and general cleanliness

The premises must be kept in an adequate state of cleanliness and repair at all times. Cleaning procedures should be detailed in the plan of management. The regular use of a contract cleaning service is recommended, with any required spot cleaning carried out by staff. Spot cleaning is a continuous cleaning regime where staff inspect the premises including the surfaces within all working rooms, performance areas and areas where sexual activity takes place in response to the level of use.

Particular attention should be paid to the cleaning and disinfecting of showers and toilets. These fixtures are subject to mould growth and have the potential to accumulate and spread fungi. The manager must ensure that sanitary facilities (baths, showers and toilets) are cleaned and disinfected on a regular basis, preferably with a hospital grade disinfectant.

A4.1 Provision of cleaning and drying facilities, equipment and products

Adequate cleaning and drying facilities and equipment must be provided in all adult entertainment and sex industry premises, including:

- (i) A cleaning sink, in addition to the staff room and client facilities;
- (ii) Pump action soap for all hand wash basins and showers;
- (iii) Either single use towels, linen hand towels (provided they are replaced after use) or air hand dryers to all required hand wash basins; and
- (iv) Hospital-grade disinfectants (containing sodium hypochlorite-based disinfectant) and detergents; and
- (v) Cleaning equipment, for example sponges, mops, and buckets.

A5 Storage and handling of waste

A5.1 General waste

There must be adequate provision for the disposal of general waste. Facilities for waste disposal must be provided in accordance with Council's *Policy for Waste Minimisation in New Developments* and the following requirements:

- (i) All waste containers must be capable of being kept clean and be waterproof; and
- (ii) Disposable plastic liners are to be used in these waste containers.

General waste containers are to be stored and collected from within the site, and, in accordance with the City's relevant provisions for commercial waste, placed in a public place for collection.

A5.2 Sharps

To minimise the risk of needlestick injury, all premises must provide adequate sharps disposal units and systems for safe disposal.

Disposal units must be non-reusable sharps containers that comply with *Australian Standard 4031:1992*. These units must be located adjacent to all areas where the sharps are generated, preferably in, or around the toilet area, or where there is access to running water:

Where the units are located in communal or publicly accessible areas of the premises, such as staff room or toilet, the unit should be secured, preferably by being fixed to the wall.

Where reusable sharps are used, the premises must operate in compliance with the *Public Health (Skin Penetration) Regulation 2000*, copies of which can be obtained from NSW Department of Health.

Final disposal must be at or through a licensed waste contractor. Evidence of safe disposal and staff training must be identified in the Plan of Management. Information concerning safe disposal can be obtained from organisations identified in **Appendix "E"** Health Service Providers and Other Agencies.

A6 Skin penetration

Skin penetration procedures include performing piercings, cuttings, tattooing and waxing. If skin penetration procedures are conducted then there must be full compliance with Part 3 of the *Public Health (Skin Penetration) Regulation 2000* and the NSW Department of Health's *Guidelines on Skin Penetration* (Sept 2001).

Operators must:

- (i) provide a hand wash basin within the skin penetration procedures room/ area;
- (ii) provide an adequate cleaning sink for the purpose of cleaning equipment in addition to the hand wash basin; and
- (iii) register the premises on the City's Skin Penetration Register.

A7 Noise

The use of the premises must not give rise to:

- (i) The emission of an "Offensive Noise"; or
- (ii) Transmission of vibration to any place of different occupancy; or
- (iii) An indoor sound pressure level in any place of different occupancy greater than 3dB(A) above the L₉₀ background level of any affected property between the hours of 7am to midnight daily and 0dB(A) above the L₉₀ background between midnight and 7am.

An "Offensive Noise" is defined in the *Protection of the Environment Operations Act 1997*.

A8 Ventilation and lighting

The premises must be ventilated in accordance with the requirements of the *Building Code of Australia* and *Australian Standard 1668 Parts 1 and 2*. The requirement is for air handling systems that ventilate enclosures by mechanical means in the absence of natural ventilation.

The premises must be provided with adequate lighting in accordance with *Australian Standard 1680.1* and *1680.2*. The requirement includes the creation of visual conditions conducive to the efficient and comfortable undertaking of the work task, or appropriate to work tasks and activities specific to certain applications.

Specific lighting levels may be required for certain types of premises, including brothels and sex on premises venues.

A9 Bars and food preparation areas

A food business is defined as any enterprise or activity that involves the handling and sales of any sort of food. Any adult entertainment and sex industry premises that includes the handling and sales of food must comply with the following provisions:

- (i) All bars and food preparation areas, which are used for preparing and providing food for visitors must be constructed, fitted out and finished in compliance with the *Food Regulation 2001*, *Food Safety Standard 3.2.3* and *Australian Standard 4674–2004: Design Construction and Fit-out of Food Premises*; and
- (ii) In accordance with food safety standards, all food businesses in the state must provide the NSW Food Authority with details of their business, which may be done manually or on-line at www.foodnotify.nsw.gov.au.

A10 Water cooling and water systems

Premises with water cooling or warm water systems must, under the *Public Health (Microbial Control) Regulation* be registered with the City's Health Unit. Evaporative cooling systems are not required to be registered.

A11 Disinfection of swimming pools, spa pools and spa baths

A11.1 Swimming pools and spa pools

For the purpose of this DCP a "Spa Pool" is a pool fitted with a water recirculatory system and/or an air injection system and a water filter; and is not emptied after each use.

Swimming pools and spa pools provided within a sex industry premises must comply with the following provisions for cleaning and management:

- (i) Swimming pools and spa pools must comply with the NSW Department of Health's *Public Swimming Pool and Spa Pool Guidelines*;

NOTE: Copies of *Public Swimming Pool and Spa Pool Guidelines* may be obtained from NSW Department of Health;

- (ii) Swimming pools or spa pools must be disinfected by a method recommended by NSW Department of Health. These methods as include the use of chlorine; bromine and salt water chlorination (refer also to the NSW Department of Health's *Protocol for Minimising Risk of Cryptosporidium Contamination in Public Swimming Pools and Spa Pools 1999*);
- (iii) Spa pools must be equipped with a continuous disinfectant dosing control system that maintains the level of disinfectant;
- (iv) An accurate kit must be kept on the premises for the testing of pool water. The kit must be able to determine the concentration of free chlorine, total chlorine, total bromine, PH, reserve alkalinity and temperature;
- (v) Tests must be conducted on every swimming pool or spa pool before the pool or spa is opened each day, and every four (4) hours when the pool or spa is in use and a register or log book must be used to record the results of every test of the pool or spa;
- (vi) Spa pools must be drained regularly so they can be satisfactorily cleaned and refilled with fresh water;
- (vii) The temperature of the water in a swimming pool or spa pool should not exceed 38°C; and
- (viii) Officers of the City and the NSW Department of Health may carry out periodic tests of the chemical and bacteriological quality of the water and check log books of pool testing results to ensure the pool water is suitable for bathing purposes.

A11.2 Spa baths

A spa bath is a domestic type bath fitted with a water recirculation system and/or an air injection system. A water heater may be incorporated in the system, but a water filter is not required. Spa baths must be drained, filled and dosed with a non-toxic solvent and surfactant, circulated, drained and then rinsed, on a weekly basis. Spa baths must be drained after each use so they can be cleaned and refilled with fresh water.

A12 Additional health standards for premises providing douching facilities

The potential for spreading micro-organisms from a douching facility is extremely high. If douching facilities are provided, the following provisions will apply:

- (i) Douching facilities are to be installed in accordance with Sydney Water's requirements for cross connection control and backflow prevention systems. Such facilities must comply with *Australian Standard 3500* and be registered with Sydney Water;
- (ii) Douching facilities are to be installed and certified to Australian Standard 3500 by specifically accredited plumbers and yearly maintenance inspections are to be conducted and certified to *Australian Standard 3500* by a specially accredited plumber. All documentation, including yearly maintenance inspection documentation, must be kept on the premises and be available on demand to authorised officers;
- (iii) A thermostatic mixing valve should be installed to control the temperature of water. Such thermostatic mixing devices must be registered on the City's Regulated Systems (Legionella) Register and comply with the *Public Health (Microbial Control) Regulation 2000*;
- (iv) The installation, operation and maintenance of the thermostatic mixing valve must be in accordance with the *Public Health (Microbial Control) Regulation 2000*;
- (v) A separate toilet must be provided at the douching facility that is available for use by clients undertaking douching only;
- (vi) Clients using the douching room must be provided with single use colonic tubing;
- (vii) A separate waste bin with a lid must be provided in the douching room/facility for the disposal of the used single colonic tubing and this waste bin must be emptied regularly. The waste bin should be designed so as used tubes cannot be accessed by visitors after disposal;
- (viii) The douching rooms should be cleaned between each use and must be incorporated in spot cleaning procedures;
- (ix) The douching facility must contain a separate hand basin and be provided with liquid soap and hand drying facilities, being air-drying, or disposable single use towels; and
- (x) The douching facility must be distinctively separated from any other facility or activity area within the premises.

A13 Additional health standards for all types of brothels

The premises must operate in compliance with their responsibilities as identified in the WorkCover NSW's *Health and Safety Guidelines for Brothels in NSW 2001*. The following standards apply in addition to the prior general health standards.

A13.1 Sanitary facilities

Operators must provide adequate sanitary facilities for staff and visitors. In addition, brothels must address the following provisions:

- (i) All sanitary facilities are to be self contained and located within the premises;
- (ii) Each working room should contain its own sanitary facilities for use by sex workers and their clients;
- (iii) If design or building constraints prevent the provision of adequate sanitary facilities in, or adjacent to, the working rooms, then these facilities must be provided elsewhere in the premises and should aim to maximise access to these facilities from working rooms;

- (iv) As a guide, one toilet, hand wash basin and shower would be sufficient to serve three working rooms, or an operation of three sex workers, and must be separate from and accessible to all working rooms. Ensuite facilities attached to a single working room would not be considered suitable;
- (v) In brothels with two or less working rooms, the sanitary facilities for clients can be shared with staff sanitary facilities where they are located outside of the staff areas;
- (vi) If spa pools, saunas or steam rooms are proposed then additional shower facilities will be required; and
- (vii) Brothel working rooms containing a spa pool must also provide a shower within the same room.

A13.2 Linen and mattresses

The provision and management of linen in brothels must comply with the following:

- (i) The premises operator must provide clean linen (or a clean bed cover) and clean towels for the use of each client;
- (ii) All linen, including toweling and other bed coverings which come into contact with clients or staff must be changed immediately after each use;
- (iii) If towels or similar bed coverings are used, they must be of sufficient size to prevent body contact with bed linen that is not intended to be changed after each client;
- (iv) Should any contact and/or contamination from body fluids occur, affected bed linen must be changed;
- (v) Visual inspections of unchanged bed linen must be conducted after each use;
- (vi) All mattresses contaminated by body fluids must be changed. Alternatively mattresses can be fitted with washable non-permeable mattress covers;
- (vii) If soiled, the mattress cover and the linen must be removed and washed prior to re-use; and
- (viii) Used and clean linen must be stored separately so as to avoid cross-contamination.

A13.3 Cleaning of linen and laundry facilities

It is recommended that private contractors be used to launder towels, sheets, and linen. Whether laundering is carried out on the premises or off-site, adequate equipment must be used. The following steps are to be addressed for the cleaning of linen:

- (i) An adequate number of approved receptacles must be provided for the separate storage of clean linen and used linen;
- (ii) Linen should be washed in a hot water wash that is at water temperature of 70°C using laundry detergent; and
- (iii) All items of linen should be thoroughly dried before re-use.

A13.4 Provision, storage and use of condoms, safe sex products and other equipment

The practice of safe sex must be the basis of operation for all sex service premises. Sex service premises must only use safe sex products that comply with the relevant Australian Standards. The following provisions address the issues of providing, storing and cleaning sex service equipment:

- (i) Condoms, dental dams and gloves (or any other approved safe sex products) must be stored away from light and heat, which may contribute to premature deterioration;

- (ii) The premises operator must ensure that workers are well-informed of the need to use condoms, dental dams, gloves (or any other approved safe sex products) and water based lubricant, as well as being instructed as to their use;
- (iii) Prior to usage, condoms and safe sex products should be checked to ensure they have not passed their expiry (use by) date, and out-of-date products should be disposed of;
- (iv) The premises operator must provide an adequate supply of condoms of a variety of sizes, dental dams, gloves (and any other approved safe sex products) and water based lubricants, free of charge to the sex worker and their clients. Those products must either be distributed directly to the sex worker at the time of meeting a client, or be freely available in every room;
- (v) Water based lubricant should be provided in individual sachets or pump pack. If using a tube, sex workers and clients should wear single use disposable gloves to prevent contamination;
- (vi) Condom vending machines selling safe sex products are not permitted as the sole means of supply;
- (vii) In safe house brothels, the premises operator must distribute required safe sex products to the sex worker at the time of entering the premises;
- (viii) Any sex toys or related equipment must be covered by a new condom for each partner. After use, the condom must be removed and safely disposed of, with the equipment cleaned using detergent and water, followed by disinfectant;
- (ix) Sex workers must wash their hands thoroughly after disposing of used condoms;
- (x) It is recommended that equipment such as sex toys are not shared between workers, and that each sex worker retains their own personal set of equipment;
- (xi) To clean after use, equipment must be scrubbed with a neutral detergent and warm water, and dried prior to re-use;
- (xii) To disinfect after cleaning, equipment must be disinfected by wiping with a solution of 70% alcohol, followed by rinsing and drying prior to re-use;
- (xiii) Cleaning and disinfection should be compatible with the manufacturer's instructions;
- (xiv) A separate container should be provided for contaminated equipment such as sex toys, within the working room. This container must be cleaned after use;
- (xv) Cleaning removable contaminated equipment should be done in the cleaning sink and not in the working room or staff facilities; and
- (xvi) Due to difficulties in cleaning, using chains in association with sling room facilities is not recommended, and chains should be replaced with materials that enable easy and effective cleaning.

NOTE: if the use of chains is proposed, the chains must be inserted into plastic tubing so that the chains are completely sealed and impervious to moisture and bodily fluids. Chains may also be modified in additional ways if they comply with the above performance criteria for cleaning;

A13.5 Education of sex workers and clients

It is necessary to enable sex workers to perform their work in a manner that is safe, with minimum risk to health. The premises operator must provide current information to staff in brothels about sexually transmitted infections. Specifically:

- (i) The premises operator must provide written, current information about the transmission of sexually transmissible infections (STIs). Current health information must also be available in client areas;

- (ii) If the brothel is staffed by sex workers of a predominantly non-English speaking background, then the premises operator must provide current written information about the transmission of sexually transmissible infections (STIs) in the relevant language(s);
- (iii) The premises operator must take reasonable steps to ensure the medical accuracy of any information about sexually transmissible infections provided for the benefit of clients and/or sex workers; and
- (iv) The operator, manager and premises owner must take reasonable steps to ensure that they exercise their responsibilities in compliance with Section 13 of the *Public Health Act 1991*.

NOTE: Health service providers and other agencies may provide more assistance in this regard. Refer to **Appendix “E”** for further information and contact details of health service providers.

A13.6 Health of sex workers

The following provisions are recommended to ensure the continuing good health of sex workers in brothels:

- (i) It is recommended that sex workers be immunised against hepatitis A and B;
- (ii) Risk management protocols are to be prepared and implemented as part of a Plan of Management to assist sex workers and staff to manage risk exposures such as blood and body fluid splashes, needle stick injuries and the like;
- (iii) It is desirable that sex workers attend a sexual health centre or private doctor for sexual health assessment, counselling and education appropriate to individual needs. Frequency of assessment is a matter for determination by the individual sex worker in consultation with his/her clinician;
- (iv) Evidence of attendance for sexual health tests must not be used as an alternative to safer sex practices;
- (v) Sexual health certificates of attendance should not imply freedom from sexually transmissible infections (STIs) nor should sexual health certificates of attendance be shown to clients; and
- (vi) There should be no impediment to sex workers taking time off for health reasons.

A13.7 Examination of clients

The examination of clients must not be seen as an alternative to, or lessening of the need for, observing safe sex practices. Before any sexual encounter each client should be examined by the sex worker to detect any visible evidence of sexually transmissible infections. The following provisions outline the basic requirements and procedures for such examinations:

- (i) Adequate lighting must be provided for such examinations (See A8 Ventilation and Lighting);
- (ii) A minimum luminance of 320 lx must be provided for examinations, in accordance with *Australian Standard 1680*;
- (iii) The premises operator must ensure sex workers are adequately trained to carry out examinations;
- (iv) Health service providers and other agencies may provide training in this regard (refer to **Appendix “E”** for a list of health service providers); and
- (v) Any client with evidence of a sexually transmissible infection should be offered a reduced service, or refused any sexual contact and referred for medical consultation.

NOTE: Sex workers should receive written information about immunisation and sex health services, and should be made aware that certain sexually transmissible conditions have no symptoms (e.g. chlamydia) and can be carried and transmitted. The best action is medical testing, and to always follow safe sex practices.

A14 Additional health standards for sex on premises venues and swingers clubs

The premises must operate to the minimum standards contained in the *NSW Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues* issued by NSW Department of Health in 2002. The following standards apply in addition to the prior general health standards of this DCP:

A14.1 Sanitary facilities

Operators must provide adequate sanitary facilities for staff and visitors. In addition, sex on premises venues must address the following provisions:

- (i) Adequate sanitary facilities (toilet, hand wash basin, shower) must be provided on the premises together with liquid bactericidal soap and single use towels or air hand dryers;
- (ii) These sanitary facilities should be located adjacent to areas where sexual activity takes place, such that visitors do not have to move from a sexual activity area to a non-activity area to use these facilities;
- (iii) Sanitary facilities are to be designed to discourage their use for sexual activities;
- (iv) Hand washing facilities must be provided for use by visitors within the sexual activity areas;
- (v) Backrooms which are ancillary to restricted premises are exempt from providing shower facilities;
- (vi) In backrooms, hand washing facilities must be provided within the pay-for-entry club area; and
- (vii) Dispensers providing bactericidal hand wipes are recommended for all rooms, booths, cubicles and sexual activity areas.

A14.2 Cleaning and general cleanliness

The interior of the premises must be constructed of durable, impervious materials that are easy to be kept clean.

Applicants should refer to the *NSW Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues*, which provide detailed cleaning techniques and recommendations. The following provisions outline the requirements for cleaning in sex on premises venues:

- (i) Cleaning should be carried out regularly with particular attention to all vinyl or rubber mattresses, and other places or surfaces where sexual activity does or is likely to occur;
- (ii) Consideration should also be given to providing appropriate cleaning and disinfection agents (including anti-bacterial wipes) for use by clients in cubicles (this procedure may be advantageous during busy times when staff are unable to access cubicles or rooms);
- (iii) At least one full daily cleaning of the premises must be conducted;
- (iv) Spot cleaning must be conducted on a regular basis as needed and may be required more frequently during peak periods;
- (v) To enable adequate cleaning, the premises operator must maintain staff that are allocated to cleaning at all times whilst the premises are open;

- (vi) This requirement for cleaning means that at least two staff must be on the premises at all times when spot cleaning is required unless the counter area can be secured and monitored, as the front counter/reception employee cannot also be responsible for spot cleaning duties;
- (vii) Due to difficulties in cleaning, using chains in association with sling room facilities is not recommended, and chains should be replaced with materials that enable easy and effective cleaning.

NOTE: if the use of chains is proposed, the chains must be inserted into plastic tubing so that the chains are completely sealed and impervious to moisture and bodily fluids. Also, chains may be modified in additional ways if they comply with the above performance criteria for cleaning;

- (viii) A cleaning register must be established and kept on the premises at all times and must be available on demand to authorised officers; and
- (ix) This register must include but not be restricted to: date/time of all cleaning activities; printed name and signature of the employee(s) conducting the cleaning; and notation of specific areas requiring spot cleaning attention.

A14.3 Provision and use of condoms, dental dams, lubricant

The following provisions advise as to the provision and use of condoms, dental dams and lubricant in sex on premises venues:

- (i) The premises operator must ensure that staff promote the use of condoms and water based lubricant and must make them freely available to all visitors in all rooms, booths, cubicles and sexual activity areas;
- (ii) Condoms (of varying sizes), dental dams and gloves should be made available upon request and signage to this effect should be displayed at the front counter;
- (iii) Condoms and water-based lubricants must be easily visible and accessible from all cubicles. Bright colouring of condom dispensers may aid in visibility;
- (iv) Supplies of condoms and water-based lubricants should be checked at regular intervals and it is recommended that this occur hourly to ensure adequate supplies are available; and
- (v) To maintain the integrity of supplies of condoms and lubricants it is recommended that they are stored in lockable and tamperproof dispensers.

A14.4 Education of staff and visitors

The premises operator must ensure that that safe sex and sexually transmitted infections information, and staff training are provided, and must address the following provisions:

- (i) Safe sex and sexually transmitted infection information must be easily accessible and visible to all visitors, preferably located close to exit doors; and
- (ii) Staff are made aware of information on, and health practices regarding sexually transmissible infections, to enable them to refer visitors to appropriate organisations/resources.

NOTE: HIV/AIDS information is accessible from health service providers and other organisations, who regularly stock updated information for distribution (see **Appendix "E"** for details of health service providers).

A14.5 Waste receptacles

Adequate waste facilities refers to water-proof bins fitted with removable plastic liners or mesh bins. The applicant should also refer to the prior provisions for the storage and handling of waste. The following criteria relate to requirements for waste receptacles in sex on premises venues:

- (i) Adequate waste receptacles must be provided in all rooms, booths, cubicles or any place where sex is likely to take place; and
- (ii) In smaller areas where lack of space, or fouling by visitors are possibilities, then a waste receptacle must be attached in a convenient position on the wall of the room, booth or cubicle.

A14.6 Lighting

It is acknowledged that sex on premises clients prefer an atmosphere created by low level lighting and darkness, however; it is imperative that adequate lighting levels are provided so that the clients are able to conduct examinations, locate and use safe sex resources effectively. Through the fitting of user adjustable dimmer switches it is expected that clients will utilise the lighting for minimum periods only and overall the low level lighting atmosphere will be maintained.

Following are further criteria for lighting to be addressed in the development of sex on premises venues:

- (i) Adequate lighting must be provided in accordance with *Australian Standard 1680*;
- (ii) Levels of lighting must be adequate to highlight safe sex messages and to easily locate condom and lubricant dispensers;
- (iii) Level of lighting must be adequate for visitors to conduct examinations of each other for evidence of sexually transmissible infections (STIs);
- (iv) An adequate luminance level must be achieved at a height and position that enables easy examination, for example: at glory holes, on mattresses, or approximately 1 metre above floor level in rooms, booths or cubicles with a standing room only requirement;
- (v) Adjustable lighting, preferably dimmer switches, must be provided in every room, booth or cubicle; and
- (vi) Adequate lighting with a minimum luminance level of 80lx must be achieved on all potentially soiled surfaces, including the junction of floors and walls, to allow easy and effective spot and general cleaning. Zoned lighting or the incorporation of adjustable lighting is ideal for the purposed of spot cleaning. High powered torches may be utilised as an additional method of lighting for spot cleaning.

A15 Additional health standards for bondage and discipline premises

The following standards apply to any premises providing bondage and discipline services in addition to the prior general health standards of the DCP.

A15.1 Facilities

In addition to the sanitary facility requirements for brothels, the operator must ensure that in all rooms/areas where bondage and discipline activities are administered that:

- (i) A hand wash basin is provided;
- (ii) First Aid kits are provided and stored in an area that is not accessible to the public; and
- (iii) Flooring, walls, shelves and any equipment used should be smooth, impervious and easy to clean.

A16 Additional health standards for strip club premises

The following standards apply to premises providing striptease acts, erotic dancing, tabletop or podium performances, private dancing, peepshows, or nude or semi-nude bar/waiting staff, in addition to the general health standards of the DCP.

A16.1 General

Striptease acts or other types of performance may pose potential health risks from the transfer of body fluids between performers and audience.

NOTE: Premises providing sex services will require additional development consent as a brothel. The *NSW Liquor Act 1982* prohibits solicitation for, or the provision of, commercial sexual services (involving sexual contact) on premises that have liquor licenses.

A16.2 Cleanliness

The performance areas of the premises must be constructed of durable, impervious materials that are easy to be kept clean. Stages and the like must be built with non-slip materials to ensure the safety of staff. Oil-based products should not be used by performers. Performers must use a mat or floor rug, to prevent their skin coming into contact with the stage or props.

A16.3 Cleaning

Cleaning should be carried out regularly with particular attention to all stage, platform, pole, table, podium and private performance areas used by performers. These performance areas must be cleaned on a daily basis and should be assessed for cleaning after every performance, with spot cleaning occurring as necessary and as frequently as possible. In premises with peep shows and booths the additional *Health Standards for Restricted Premises (A17)* shall apply.

A16.4 Equipment and sex toys

In premises where performances use equipment/toys which pose health risks, the premises must comply with the previous provisions in this DCP relating to *Provision, storage and use of condoms, safe sex products and other equipment (A13.4)*.

A17 Additional health standards for restricted premises

The following standards apply in addition to the prior general health standards.

A17.1 General

The use of private viewing booths or cinema rooms, which are used or intended to be used for masturbation, may pose potential health risks from the transfers of body fluids between visitors through the contamination of surfaces by body fluids. Consideration must be given to this in the Plan of Management.

A17.2 Sanitary facilities

Operators must provide a hand wash basin adjacent to, or in close proximity of booth and cinema areas, and for the use of cleaning staff. Alternatively, dispensers that provide hand wipes should be provided in the booths.

A17.3 Cleaning

All booths and cinema areas must be constructed of durable, impervious materials that are easy to be kept clean.

All booths and cinema areas must be cleaned on a daily basis with spot cleaning to occur as necessary. It is recommended that booths be checked for cleanliness after each use. Cleaning should include floor/walls, doorknobs/handles and vinyl cushions.

A17.4 Waste receptacles

Adequate waste receptacles must be provided in all booths and cinema areas. In smaller booths where lack of space or fouling by visitors is a concern then they must be attached in a convenient position on the wall of the booth.

Attachment “B”:

Development application lodgement guidelines

Submitting Development Applications for Adult Entertainment and Sex Industry Premises

Development consent is needed for all types of adult entertainment and sex industry premises (except sex services (home occupation) premises covered by exempt development provisions (see 2.2)) before they can legally operate. The following provisions explain how to utilise the planning system for the purpose of seeking consent for any type of adult entertainment and/or sex industry premises. In addition, refer to parts 1 and 2 of this DCP, which explains the general provisions and objectives of the DCP and how it should be applied.

The following requirements detail the information that must be provided to the consent authority as part of any development application for adult entertainment or sex industry premises. The information must be provided to the consent authority as a complete package at the point of lodgement. A fee will also be payable upon lodgement of your development application. Contact the City's One Stop Shop on 9265 9255 if you would like to determine your likely fee prior to lodging your development application.

Requirements for Development Applications

In submitting a development application, you must include the following written information and plans. Digital copies of all plans and supporting documentation must be provided:

- (1) Completed **Development Application** form, which must include:
 - (i) **Owners Consent:** as with all development applications, the written consent of the premises owner(s) to operate as an adult entertainment or sex industry premises is required (including the Owners Corporation, as relevant).
- (2) **Statement of Environmental Effects**, which includes the following:
 - (i) Proof of permissibility of the proposed use within the zone - the applicant will need to contact the City, to determine which environmental planning instrument addresses their site, and that the proposed use is permissible within the zones set out in the relevant environmental planning instrument. You are advised to contact the Duty Town Planner at the One Stop Shop or Neighbourhood Service Centre for more information;
 - (ii) Assessment of the proposed use against any other relevant development control plans or policies of Council. Again, the City's Duty Town Planners may assist, or the applicant may need to speak to the relevant Area Planning Manager; and
 - (iii) Specific information as to the operation of the proposed use, including:
 - (a) Number and role of all staff;
 - (b) Description of the activities that are proposed to be undertaken at the premises;
 - (c) Hours of operation;
 - (d) Number of rooms in the premises; and
 - (e) Identification of the rooms to be used for the proposed activities.

A separate document, being the **Plan of Management** for the proposed premises, must also be provided in addition to the statement of environmental effects.

- (3) **Plan of Management: Appendix "C"** sets out necessary considerations to be addressed in plans of management for all types of adult entertainment and sex industry premises.
- (4) **Plan Information:** plans or drawings clearly showing the following information must be provided for all development applications. The information may be included in statements of environmental effects or plans of management where appropriate:
- (i) Location plan showing distance in metres from the boundaries of residences, churches, primary or secondary schools, day care or child minding centres, parks and playgrounds or any other place frequented by children within 75 m of the site;
 - (ii) Site plans and floor plan including the use of each room and a unique number allocated to each working room or performance area where applicable. The room number should correspond to the proposed activities information provided in the statement of environmental effects;
 - (iii) Entrances to and exits from the site, including a nominated "primary access";
 - (iv) Reception, assessment and visitor viewing areas (where relevant);
 - (v) Areas to which access is restricted;
 - (vi) Location, number and layout of parking spaces;
 - (vii) Advertising signs (size, number, colour, illumination and content);
 - (viii) Details of the existing and proposed external lighting;
 - (ix) The number and location of staff and visitor sanitary facilities including toilets, showers and hand wash basins;
 - (x) Details of any spa pools, spa baths or swimming pools;
 - (xi) Details of security systems including video cameras and monitors, intercoms and duress alarms;
 - (xii) Details of food preparation and storage areas; and
 - (xiii) Details of garbage and recycling facilities, linen and other storage areas, and safe needle disposal facilities.

If the proposed adult entertainment or sex industry premises are located in a new building or involves alterations and additions to an existing building architectural plans are required clearly showing the new work. An application for a construction certificate may also be required. Applicants are encouraged to contact a building consultant/certifier where works are proposed, or for a change of building use, so as to ascertain if increased fire safety measures (such as stairs, sprinklers or emergency facilities) are necessary.

Certain uses may also require a Place of Public Entertainment Licence and advice on these requirements should be sought from Council.

It is recommended that advice from the Sex Industry Liaison Officer contacted through Council's One Stop Shop or Neighbourhood Service Centres, is obtained before submitting a formal application.

Town Hall, One-Stop-Shop	City East Neighbourhood Service Centre	Glebe Neighbourhood Service Centre	Redfern Neighbourhood Service Centre	Erskineville Neighbourhood Service Centre
City of Sydney Town Hall House Level 2, 456 Kent St, Sydney. (02) 9265 9255 Monday to Friday 8.00 am to 6.00 pm	60a Darlinghurst Road, Kings Cross (02) 9246 4680 Monday to Friday 8.30am - 5.30pm, Saturday 9.00am - 12.00 noon	Glebe Town Hall, 160 St. Johns Road, Glebe (02) 9298 3190 Monday to Friday 8.30am - 5.30pm	Tower 2, Lawson Square, Redfern (02) 9288 5000 Monday to Friday 8.00am - 5.30pm Saturday 9.00am - 12 noon	04 Erskineville Road, Erskineville (02) 85 12 8756 Monday to Friday 9.00am to 5.00pm

Development Application Checklist:

Development applications for all types of adult entertainment and sex industry premises should include the following submissions (with the appropriate fees):

(i) Completed development application forms, signed by the premises owner/s of the land;	<input type="checkbox"/>
(ii) A Statement of Environmental Effects;	<input type="checkbox"/>
(iii) A Plan of Management;	<input type="checkbox"/>
(iv) Plans showing a site analysis drawing; a site plan, floor plans, elevations, and sections (where required);	<input type="checkbox"/>
(v) A waste management plan including information on the arrangements for the disposal of (any) clinical waste; and	<input type="checkbox"/>
(vi) If building works are included - an application for a construction certificate (usually lodged after development application approval).	<input type="checkbox"/>

Attachment “C”:

Guides to Plans of Management for submission with development applications

The Plan of Management will be used both in the development assessment process and as a means to identify the way in the which the premises will operate in compliance to conditions of consent. The Plan of Management should supplement the information provided in the Statement of Environmental Effects and the plan information 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. Related provisions within the DCP are identified in brackets.

All Premises

Business Details

- (i) Name and contact details of the operator(s) and manager(s).
- (ii) Registered business name and trading name.

Safety and Security

- (i) Detail systems ensuring safety for staff and visitors [3.3.2 (5) to (10)] including:
 - (a) Risk management procedures appropriate to the service provisions (eg accident and injury, violent behaviour);
 - (b) The number and role of security personnel [3.5.2 (4)];
 - (c) Procedures for the safe handling of money.

Induction and Training

- (i) Staff training and induction procedures [A5.2, A13.7, A14.4].

Health Access

- (i) Access arrangement for the attendance of health service providers must be detailed [A2]

Cleaning and Cleanliness

- (i) Details of cleaning systems [A4].
- (ii) Details of the surface materials of equipment and facilities including stages, sling room facilities, etc.[A13.2, A14.2, A15.1, A16.2, A17.3].
- (iii) Details of cleaning products and equipment [A4.1].
- (iv) Identified cleaning areas for equipment and other removable items [A4.1]
- (v) Details of cleaning procedures including staff allocations [A4, A11, A13.3, A14.2, A16, A17].
- (vi) Detail cleaning and management systems for swimming pools and spas [A11] and douching [A12].

Waste

- (i) Details for disposing of commercial waste.[A5.1].
- (ii) Details for managing the safe disposal of sharps. [A 5.2]

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 [A13.4,A16.4].

Additional Details for Sex Industry Premises

Linen and Mattresses

- (i) Details of the provision, storage and cleaning of linen and mattresses [3.3.2 (8), 3.3.2 (12), A13.2, A13.3].

Safe Sex Equipment

- (ii) Details of the provision and storage of condoms, safe sex products and other equipment [3.3.2 (8), A13.4, A14.3].

Health of Staff and Visitors

- (i) Procedures that support the health and health education needs of staff [A2, A13.5, A13.6, A14.4]

Additional Details for Bondage and Discipline Premises

In addition to the information outlined above, the Plan of Management for bondage and discipline premises must include the following information:

- (i) All activities likely to be conducted on the premises with regard to high risk conduct such as skin penetration and discharging of body fluids and waste matter. Documentation as to how these activities will be undertaken in a safe manner should also be included;
- (ii) Infection control procedures with details for each separate activity, including cleaning methods and agents, disinfection methods and agents, and sterilisation procedures;
- (iii) Induction and training procedures that enable workers to perform skilled or higher risk activities only after they have been trained in the procedures and observed by experienced staff performing these safely. Staff only need to be trained in procedures that they wish to undertake;
- (iv) Monitoring and safety strategies, both within the working rooms for when a client or worker is restrained or engaged in sensory deprivation (e.g. when using hoods or gags), and external monitoring of the working room by other staff or management; and
- (v) Bondage and discipline premises must provide additional information to staff and clients regarding the prevention of blood borne viruses (especially Hepatitis C).

Attachment “D”:

Council’s planning and regulatory powers in relation to other authorities

Council’s responsibilities in relation to adult entertainment and sex industry premises are primarily concerned with land use planning under the *Environmental Planning & Assessment Act, 1979* and the operation of premises in accordance with conditions of consent under the *Local Government Act 1993*.

The City inspects adult entertainment and sex industry premises to determine compliance with conditions of development consent and/or Plans of Management prepared in accordance with this DCP. The City investigates complaints about, and may commence legal proceedings against, premises operating without development consent or in non-compliance with conditions of consent.

The NSW Department of Health is responsible for the safe health practices in the workplace, ensuring safe sex practices, and responding to complaints relating to public health and sex workers working with sexually transmissible conditions.

The responsibility to ensure that safe sex practices are carried out by sex workers in sex service premises is shared equally between sex workers, premises owners, operators and/or managers, the NSW Department of Health and WorkCover NSW. Sex workers and premises owners, operators and/or managers have a responsibility to comply with Section 13 of the *Public Health Act 1991*.

WorkCover NSW is the primary authority regarding occupational health and safety issues in any workplace.

Issues of criminal behaviour are outside the scope of this policy, and are matters for the NSW Police. NSW Police provide crime prevention design reports to the City for all development applications for adult entertainment and sex industry premises.

Issues under Federal legislation are the responsibility of the Australian Federal Police and the Department of Immigration and Multicultural Affairs.

Attachment "E":

Health service providers and other agencies

Sexual Health Centres

Sydney Sexual Health Centre	9382 7440
Kings Cross (Kirketon Road Centre)	9360 2766
Marrickville (Livingstone Road Centre)	9560 3057

Sexual Health Centres are public services operated by Area Health Services (Part of the NSW Department of Health) and provide assistance relating to the sexual health of sex workers, clients of sex workers and the community.

Regulatory Agencies

NSW Department of Health	9391 9000
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NSW Department of Health is responsible for investigating public health related complaints about sex industry premises as set out in the WorkCover NSW's *Health and Safety Guidelines for Brothels 2001*.

Randwick Public Health Unit	9382 8333
Camperdown Public Health Unit	9515 9420

Public Health Units are public services operated by Area Health Services (Part of the NSW Department of Health). The Director Public Health Unit or delegate should be the first point of contact for complaints related to sexually transmissible infections and other public health related complaints as set out in the WorkCover NSW's *Health and Safety Guidelines for Brothels 2001*.

WorkCover NSW	13 10 50
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WorkCover NSW has responsibility for administering the legislation relating to the health, safety and welfare at work of all employees and other people at the workplace under the *Occupational Health and Safety Act 2000*, as well as the *Workers Compensation Act 1987* and *Workplace Injury Management and Workers Compensation Act 1998*.

Other Agencies

Sex Workers Outreach Project (SWOP)	9319 4866
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The Sex Workers Outreach Project (SWOP) is a community based organisation established in 1990. The project aims to minimise the transmission of sexually transmitted infections and HIV/AIDS in the NSW sex industry, as well as providing a range of health, safety, support and information services for sex workers, management, clients and partners of sex workers.

AIDS Council of NSW (ACON)	9206 2000
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ACON is a health promotion organisation based in the gay, lesbian, bisexual and transgender communities with a central focus on HIV/AIDS. ACON provides HIV prevention, health promotion, advocacy, care and support services to members of those communities including Indigenous people, injecting drug users, sex workers and all people living with HIV/AIDS.

Services providing information, advice and resources relating to injecting drug users and needle disposal services

Kirketon Road Centre	9360 2766
Resource and Education Program for Injecting Drug Users (REPIDU)	9699 6188
24 Hour Needle Clean Up	1800 633 353

Other Organisations

Striptease Artists Australia	0500 890 893
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National union for performers in the striptease industry.

Attachment “F”:

Guidelines and resources relevant to adult entertainment and sex industry premises

<i>Health and Safety Guidelines for Brothels 2001</i>	WorkCover NSW
<i>NSW Communicable Diseases Health and Safety Guidelines for Sex On Premises Venues 2002</i>	NSW Department of Health
<i>Guidelines on Skin Penetration September 2001</i>	NSW Department of Health
<i>Skin Penetration Code of Best Practice September 2001</i>	NSW Department of Health
<i>Protocol for Minimising Risk of Cryptosporidium Contamination in Public Swimming Pools and Spa Pools (1999)</i>	NSW Department of Health
<i>Public Swimming Pools and Spa Pool Guidelines June 1996</i>	NSW Department of Health
<i>Getting on Top of Health and Safety - OH+S Guide</i>	SWOP
<i>Code of Practice for Sex On Premises Venues</i>	ACON

Fact sheets are available from NSW Department of Health at www.health.nsw.gov.au

A list of health information resources is available from the City's Sex Industry Liaison Officer.

Attachment "G":

NSW Police Local Area Commands

City Central (Sydney) 92656499
192 Day Street

Kings Cross 83560099
1-15 Elizabeth Bay Road

Leichhardt (Glebe) 95528099
1-3 Talfourd Street

Newtown 95508199
222-223 Australia Street

Redfern 83035199
Tower 1, Lawson Square

Surry Hills 92654144
Level 3, SPC, 151-241 Goulburn Street

The Rocks 82206399
132 George Street

Police Assistance Line 131 444

Website: www.police.nsw.gov.au

Attachment "H":

Extract from the *Restricted Premises (Disorderly Houses) Amendment Act 1995*

Section 17

Application to Land & Environment Court For Premises Not To Be Used As A Brothel

- (1) *The Land and Environment Court may, on application by a local council, make an order that an owner or occupier of a premises that are a brothel and are situated within the area of the council is not to use or allow the use of that premises for the purpose of a brothel.*
- (2) *The local council must not make an application in relation to a brothel unless it is satisfied that it has received sufficient complaints about the brothel to warrant making of the application.*
- (3) *The complaints must have been made by:*
 - (a) *residents of the area in which the brothel is situated who live in the vicinity of the brothel; or*
 - (b) *residents of the area in which the brothel is situated who use, or whose children use, facilities in the vicinity of the brothel; or*
 - (c) *occupiers of premises that are situated in the area in which the brothel is situated and in the vicinity of the brothel.*
- (4) *The application must state the reasons why the local council is of the opinion that the operation of the brothel should cease on one or more of the considerations referred to in subsection (5) (a), (b), (c), (d), (e) or (f).*
- (5) *In making an order under this section the Land and Environment Court is to take into consideration only the following:*
 - (a) *whether the brothel is operating near or within view of a church, hospital, school or any place regularly frequented by children for recreational or cultural activities;*
 - (b) *whether the operation of the brothel causes a disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood or other land use within the neighbourhood involving similar hours of operation and creating similar amounts of noise and vehicular and pedestrian traffic;*
 - (c) *whether sufficient off street parking has been provided if appropriate in the circumstances;*
 - (d) *whether suitable access has been provided to the brothel;*
 - (e) *whether the operation of the brothel causes a disturbance in the neighbourhood because of its size and the number of people working in it;*
 - (f) *whether the operation of the brothel interferes with the amenity of the neighbourhood;*
 - (g) *any other matter that the Land and Environment Court considers is relevant.*
- (6) *This section extends to premises within an area that is not a local government area an in the case reference to a local council is to be read as a reference to the prescribed authority for the area.*
- (7) *In this section, church, hospital and school have the same meanings as in the **Summary Offences Act 1988.***

Attachment "I":

Summary of legislation relevant to adult entertainment and sex industry premises

Further details can be found at www.legislation.nsw.gov.au

Environmental Planning & Assessment Act 1979

- Planning powers of Councils and evidentiary requirements for the Land and Environment Court.

Local Government Act 1993

- Enables the enforcement of conditions of consent and inspections of premises.

Protection of the Environment Operations Act 1997

- Offences in relation to excessive environmental impact through uses, for example, noise, dumping of waste.

Public Health Act 1991

- Offence for person with sexual transmitted infection to have sex without other person's consent.

Public Health (Skin Penetration) Regulation 2000

- Guidelines to assist in complying with Public Health Act 1991

Restricted Premises Act 1943 (previously Disorderly Houses Act)

- Defines a brothel.
- Section 17 outlines powers to seek order to close a brothel. Offence of brothel operation repealed 1996.

Crimes Act 1900

- Defines sexual intercourse.
- Offences for child (under 18) prostitution. Restrictions of the display of offensive material in restricted premises.

Summary Offences Act 1988

- Defines prostitution.
- Offence to:
 - o advertise a brothel;
 - o advertise for sex work staff;
 - o run 'massage premises' as a brothel;
 - o film someone to provide sexual gratification, without their consent; or
 - o coerce someone to sex work.

Occupational Health & Safety Act 2000

- Employers must ensure employee health & safety, and maintain safe work systems.
- Identifies minimal workplace conditions.

Workplace Injury Management & Workers Compensation Act 1998

- Employers must maintain workers compensation policy with NSW licensed insurer.

Food Act 2003

- Standards for food premises.

Liquor Act 1982

- Offence to allow prostitution in liquor licensed premises.

Anti-Discrimination Act 1977

- Offence to discriminate against or harass any person

NSW Industrial Relations Act 1996

- Employers must meet minimum employment conditions.

Workplace Surveillance Act 2005

- Requirements for use of workplace surveillance systems.

Weapons Prohibition Act 1998

- Offence to possess and use any weapon listed on Schedule 1 of the Act (includes flail, whip, cat o' nine tails & unapproved handcuffs).

Commonwealth Criminal Code Act 1995

- Offences relating to sexual servitude.

Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)

- Restrictions and requirements for the design, access, staffing and signage for premises.