
Part 13 Sex Industry Premises

13.1 Application

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This part sets out controls relating to sex services premises within the City of Campbelltown. This part should be read in conjunction with the relevant LEP / IDO applying to the site to determine the zoning of the land and the permissibility of any proposed sex industry premises.

This plan applies to all sex industry premises.

Note:

For the purpose of this part, sex industry premises means sex restricted premises or sex services premises as defined under the CLEP.

Objectives:

- To ensure sex industry premises are appropriately located so as to minimise any potential adverse social or economic impacts upon the surrounding locality;
- To control the location of sex industry premises to avoid a concentration of these facilities in a particular location and to minimise any cumulative impacts;
- To identify relevant public health and safety standards for sex industry workers and their clients; and
- To provide appropriate locational restrictions for any sex industry premises to ensure such premises are located at a reasonable distance away from residential areas and other sensitive land uses.

Note:

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

Note:

Sex services (as defined under the CLEP) means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

13.2

Background

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All sex industry premises within the Campbelltown Local Government Area require development consent issued under the Environmental Planning and Assessment Act 1979 (the Act) to legally operate. Campbelltown City Council is the consent authority for the assessment and determination of development applications for sex industry premises in accordance with the provisions of the Act.

Council's role in applying the planning controls for sex industry premises is in addition to the regulatory functions of other Government agencies that contribute to the safe and legal operations of such premises. This includes:

- NSW Department of Health who are responsible for safe health practices in any workplace;
- NSW WorkCover Authority regarding occupational health and safety issues in the workplace.
- Australian Federal Police and Commonwealth Department of Immigration who are responsible for issues of illegal immigrant sex workers; and
- NSW Police Service with respect to complaints and issues relating to criminal behaviour.

13.3.1 General Location Requirements

- a) Sex industry premises shall be strategically located to avoid unreasonable exposure to sensitive land uses, and to places where young people (less than 18 years old) regularly gather. Sex industry premises shall not adjoin areas that are zoned residential, or be clearly visible from them.
- b) Sex industry premises shall not adjoin, or be clearly visible from schools, educational institutions for young people (less than 18 years old) or places where children and adolescents regularly gather. This would include places such as bus stops routinely used by school buses.
- c) Sex industry premises shall not be located where they are clearly visible to sensitive community groups, such as places where worshippers regularly gather.
- d) Sex industry premises shall be located so as to minimise adverse impacts on the amenity of the area, such as noise disturbance and overlooking to surrounding properties.
- e) Sex industry premises shall be adequately separated to avoid the cumulative impacts of clustering which may adversely impact upon the character of a locality.
- f) Development applications for sex industry premises must consider the location requirements (as outlined above), both within and outside the local government area, including sites with a current approval to operate as a sex industry premises.
- g) In order to adequately satisfy the objectives and performance

13.4

External Design Requirements for Sex Industry Premises

requirements of this Part, applications shall provide a locality plan (drawn to scale) to demonstrate compliance with the prescribed separation distances as outlined below.

13.3.2 Separation Distance to Sensitive land uses

- a) A minimum separation distance of 150 metres (as measured from any point(s) of client access and egress at the building proposed to be so used) to sensitive land uses and places where children and adolescents regularly gather. This includes child care centres, places of worship, community facilities, residential areas, hospitals, medical centres, schools, and places regularly frequented by children.

13.3.3 Separation Distances to Other Sex Industry Premises

- a) Sex industry premises must not be located within a 150 metre radius (as measured from any point(s) of client access and egress at the building proposed to be so used) of another sex industry premises.

13.4 External Design Requirements for Sex industry Premises

Design Requirements

- a) The building design for sex industry premises shall be compatible with the surrounding built form.
- b) The access to sex industry premises shall be discreet and discourage clients gathering or waiting on the street.
- c) The entrances, exits and external appearance of sex industry premises shall be well lit but not to the extent where it becomes a prominent feature in the streetscape. Flashing lights shall not be permitted.
- d) Sex industry premises shall not display

13.5 Car Parking

sex workers, or sex related products from the windows, doors or outside of the premises.

- e) Signage is limited to identification of the street address, which must be clearly legible visible from the street to minimise nuisance to neighbours.
- f) The paint finishes on external walls of brothels should not be such that they become a prominent feature in the streetscape (e.g. fluorescent or excessively bright colours).

Note: The premises must also comply with the requirements of the Building Code of Australia and disabled access requirements.

13.5 Car Parking

Design Requirements

- a) Sex services premises shall provide on-site car parking at a minimum rate of two (2) car parking spaces per working room.
- b) Restricted premises shall provide on-site car parking at a minimum rate of one (1) car parking space per 40 square metres of gross floor area.
- c) Off street parking and loading shall be designed in accordance with *Australian Standards 2890.1 and 2 (as amended)*.
- d) Car parks should be well lit and clearly legible for staff and customers to easily access.

Note: Council may consider a variation to this requirement where the applicant can demonstrate that there is adequate available on-street car parking or public transport services close to the premises.

13.6

Waste Disposal and Collection

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- a) Operators are to make their own arrangements for trade waste collection, and ensure that any potentially hazardous waste is collected by a clinical waste contractor.
- b) Sex services premises shall make provision for the safe and convenient disposal of used condoms, soiled tissues, gloves and the like. All waste containers shall be kept in a clean condition and be stored and collected from within the site.
- c) Waste disposal operations must comply with the NSW Department of Health and WorkCover NSW guidelines.

13.7 Sanitary Facilities

- a) The following provisions apply to brothels and sex-on-premises establishments:
 - i) Premises must be regularly cleaned and kept in a good state of repair at all times. Care should be taken to regularly clean and disinfect toilets, baths, spas, showers and similar fixtures. These are subject to mould growth and have the potential to accumulate and spread fungi, such as tinea;
 - ii) Soap and single-use towels shall be provided to all washbasins required in the premises. Soap dispensers and air hand dryers should be used where difficulty in maintaining supplies of soap and towels is experienced;
 - iii) Brothels and Sex on premises establishments must provide adequate laundry facilities and appropriately sized hot water systems (minimum 70°C) to deal with the on site demands of linen

13.7

Sanitary Facilities

- washing;
- iv) Ensuites must be provided in each working room, including a shower, toilet and hand basin;
 - v) Separate toilet, shower, change room, and rest facilities must be provided for staff in accordance with the Building Code of Australia. To ensure the privacy of the clients and workers, development applications must demonstrate that the internal layout of the premises is designed so that these facilities are in close proximity to client rooms;
 - vi) A minimum of one client room with sanitary facilities located and designed in accordance with the Building Code of Australia to be suitable for use by people with disabilities; and
 - vii) All required wash hand basins and showers must be provided with an adequate supply of hot and cold water.

13.8

Health and Safety

13.8 Health and Safety

- a) Details are required to demonstrate compliance with the provisions of the “*Health and Safety Guidelines for Brothels in NSW*”, published by NSW Health and WorkCover NSW. This requires the provision of proposed management practices to address relevant public health and workplace health and safety issues for the proposed development, and includes the following items:
- i) Risk assessment management of workplace hazards;
 - ii) Provision of information, instruction, training and supervision needed to ensure the health and safety of all employees;
 - iii) Provision and use of personal protective equipment;
 - iv) Monitoring of workers health to prevent sexually transmissible infections;
 - v) Workplace drug and alcohol policy;
 - vi) Accident reporting;
 - vii) First aid procedures; and
 - viii) Management of Public Health complaints.

13.9 Council Registration

13.9

Council Registration

- a) The following provisions apply to brothels and sex-on-premises establishments:
- i) All operating premises must be registered with Council under the provisions of the Local Government Act 1993 for ongoing health surveillance services;
 - ii) A condition of any development consent issued will require written notification to Council of the person responsible for operating the premises (proprietor / licensee); and
 - iii) A condition of any development consent issued will require an environmental health inspection by Council prior to commencement of use.