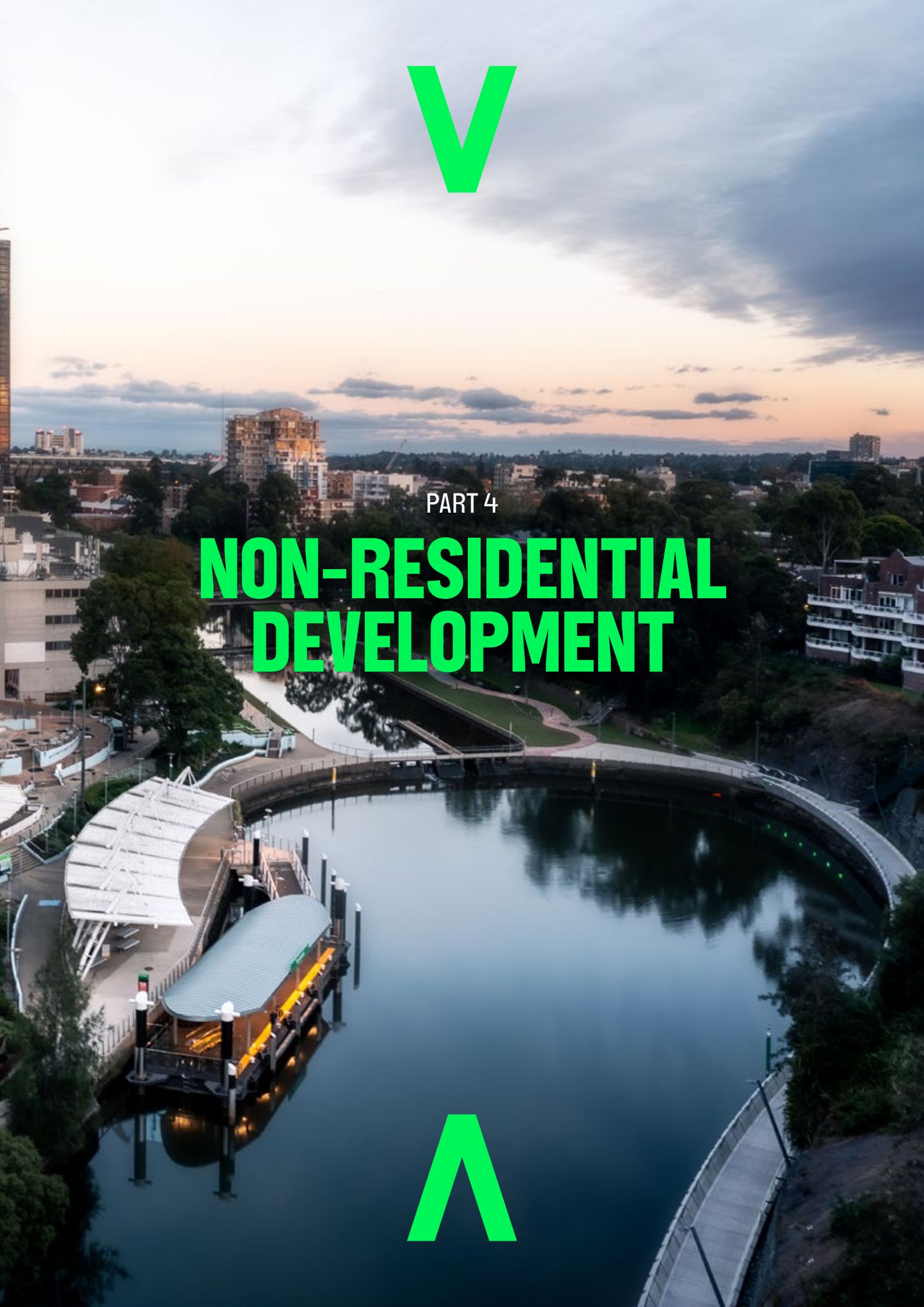


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PART 4

# NON-RESIDENTIAL DEVELOPMENT

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## PART 4 – NON-RESIDENTIAL DEVELOPMENT

With more than 23,000 businesses that call Parramatta home ([Local Strategic Planning Statement 2036](#)), the City of Parramatta (the City) promotes diverse and active non-residential uses (where it is permissible). The City is building on its strengths as a focus of economic activity, essential services, natural assets, culture and creativity, to lead one of Australia's fastest growing regions.

Council recognises the importance of non-residential uses to support and expand Parramatta's economic role as the Central City of Greater Sydney. These include business and commercial development, industrial, educational establishments, and other non-residential uses that are outlined in this Section of this DCP.

**This Part of this DCP applies to all non-residential types of development.**

All controls contained in this Part must be read in conjunction with Part 2 – Design in Context, Part 5 – Environmental Management and Part 6 – Traffic and Parking. Detailed controls that guide outcomes for sites within a heritage conservation area or containing a heritage item, refer to Part 7 – Heritage and Archaeology. For specific controls relating to residential development within an identified Growth Precinct or Strategic Centre, refer to Part 8 of this DCP.

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## 4.1 GENERAL NON-RESIDENTIAL CONTROLS

This Section of this DCP includes controls to ensure that non-residential development address impacts on adjoining properties and noise amenity on, and as a result of, a proposed development. This includes design requirements to enhance the function, design, and amenity of non-residential uses across the City.

### 4.1.1 CONSIDERATION OF ADJOINING USES

#### Objectives

- O.01 Address the impact of building interface with adjoining land uses and development.
- O.02 Maintain the privacy, solar access, and overall amenity of neighbouring properties.
- O.03 Ensure development has minimal impacts on adjacent sensitive land uses.

#### Controls

- C.01 Developments are to be separated to minimise operational constraints imposed by one industrial use upon an adjacent industrial use.
- C.02 Any proposal must ensure the level of effects on adjoining properties is acceptable.
- C.03 Any proposal that may have an impact on the adjoining use must be assessed under its ability to satisfy the relevant objectives under Part 2 – Design in Context, Part 3 – Residential Development, Part 5 – Environmental Management, and Part 6 – Traffic and Transport of this DCP depending on the adjoining property use. The controls of the less intense zone must be satisfied to the extent on the effect on the neighbouring property if the proposal is on a zone boundary.

### 4.1.2 NOISE AMENITY

#### Objectives

- O.01 Ensure that commercial or industrial development does not unreasonably diminish the amenity of nearby residential uses from noise intrusion.

#### Controls

- C.01 Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, odour, hours of operation and/or service deliveries.
- C.02 Accompany all Development Applications for potential noise generating industries adjacent to residential zoned land with documentation from a qualified Acoustic Engineer specifying noise standards.

C.03 Council may require a report by an acoustic consultant to be submitted with Development Applications for noise generating developments.

### **Further Information**

Building Code of Australia

Noise Policy for Industry 2017, NSW Environmental Protection Authority

Environmental Criteria for Road Traffic Noise, Environmental Protection Authority NSW, 1999

Development near Rail Corridors and Busy Roads - Interim Guideline, NSW Department of Planning 2008

Reducing Traffic Noise: a Guide for Home Owners, Designers and Builders, Roads and Maritime Services, 1991

Interim Guidelines for Councils: Consideration of Rail Noise and Vibration in the Planning Process, Rail Infrastructure Corporation (RIC) and State Rail Authority (SRA), 2003

Relevant Australian Standards, including:

- AS 3671 Road Traffic Noise Intrusion
- AS 1055 Parts 1, 2 and 3 - 1997 Acoustics - Description and Measurement of Environmental Noise
- AS 2107 - 1987 Acoustics - Recommended design sound levels and reverberation times for building interiors

RIC and SRA Interim Guidelines for Applicants: Consideration of Rail Noise and Vibration in the Planning Process RIC website - [www.ric.nsw.gov.au](http://www.ric.nsw.gov.au)

*State Environmental Planning Policy (Transport and Infrastructure) 2021*

## 4.2 BUSINESS AND COMMERCIAL DEVELOPMENT

This Section of this DCP is intended to provide design requirements and guide the assessment of business and/or commercial development types. In addition to the controls set out in this Section, where a mixed-use development incorporates shop top housing, refer to Part 3 – Residential Development of this DCP.

These provisions will enhance the function, design, and amenity of business and commercial types of development across the City.

All controls in Section 4.2 – Business and Commercial Development must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Ensure development is compatible with the surrounding context and makes a positive contribution to the area.
- O.02 Enhance the amenity for people who work in, live in, and access the development.

### Controls

- C.01 Controls for business or commercial types of development are outlined in Table 4.2.1 below.
- C.02 Development on land zoned E3 Productivity Support on Silverwater Road for a hotel and motel accommodation and office premises shall be a maximum of three (3) storeys.

Table 4.2.1 – Development provisions for business and commercial development

	Controls
<b>Building height</b>	<ul style="list-style-type: none"> <li>• Maximum building height is shown on the <i>Parramatta LEP 2023</i> Height of Buildings map.</li> </ul>
<b>Floor space ratio</b>	<ul style="list-style-type: none"> <li>• Maximum floor space ratio is shown on the <i>Parramatta LEP 2023</i> Floor Space Ratio map.</li> </ul>
<b>Front setback</b>	<ul style="list-style-type: none"> <li>• Consistent with prevailing front setback.</li> </ul>
<b>Side setbacks</b>	<ul style="list-style-type: none"> <li>• Nil where there will be no impact on streetscape or amenity of adjoining development.</li> <li>• Where development proposes a residential use (if permitted in the zone) or adjoins a residential use and is more than 2 storeys in height, building separation is to be provided as per the Apartment Design Guide published by NSW Department of Planning and Environment.</li> </ul>
<b>Rear setback</b>	<ul style="list-style-type: none"> <li>• Dependant on amenity impacts on adjoining development.</li> <li>• Where development proposes a residential use (if permitted in the zone) or adjoins a residential use and is more than 2 storeys in</li> </ul>

	Controls
	height, building separation is to be provided as per the Apartment Design Guide published by NSW Department of Planning and Environment.
<b>Parking</b>	<ul style="list-style-type: none"> <li>Refer to Part 6 – Traffic and Transport of this DCP, includes garage design requirements.</li> </ul>
<b>Landscaping/Deep Soil</b>	<ul style="list-style-type: none"> <li>Rear setback is to be landscaped unless required for rear access.</li> <li>Refer to Part 2 – Design in Context of this DCP for additional requirements.</li> <li>Additional requirements may be required under the <a href="#">Parramatta Public Domain Guideline</a>.</li> </ul>
<b>Floor to ceiling height</b>	<ul style="list-style-type: none"> <li>For ground floor storeys the minimum floor to ceiling height shall be 4 metres.</li> <li>For all other non-residential floors, the minimum floor to ceiling height shall be 3.5 metres.</li> </ul>
<b>Safety and Security</b>	<ul style="list-style-type: none"> <li>The site and building layout should ensure that entrances and activities are easily identifiable by prospective users.</li> <li>Buildings and spaces should be designed to clearly delineate between public and private space to provide a clear sense of ownership and discourage illegitimate use.</li> <li>Where developments have a car park or laneway for access to a car park, building layouts should provide some windows, lighting or secondary access doors that address the car park.</li> <li>Public facilities such as toilets and parent rooms should be designed and placed to maximise opportunities for casual surveillance.</li> <li>Services, such as Automatic Teller Machines (ATMs) and public telephones, should be placed in highly visible locations and be accessible and well-lit at night.</li> <li>The use of security devices, such as roller shutters or grilles on shopfronts, should not compromise natural surveillance of streets and public places. Solid roller shutters generally are not permitted as security devices on shop fronts (windows and doors).</li> <li>Open grille security devices may be used on shop fronts if such devices are necessary but should be unobtrusive and sympathetic to the character of the building and the streetscape. Laminated security glass at ground floor level, if necessary, to restrict opportunities for window breakage and break and enter. Other types of shutters such as lattice grills will only be permitted as a security measure if it can be demonstrated that there is a security risk. Where this is the case, the shutter box should be located behind the existing fascia and not protrude onto the street or be fixed internal to the façade.</li> <li>For large scale retail and commercial development with a GFA of over 5,000m<sup>2</sup>, provide a 'Safety by Design' assessment in accordance with the CPTED principles from a qualified consultant.</li> </ul>

	Controls
<b>Building Design</b>	<ul style="list-style-type: none"> <li>• In the E1 Local Centre zone, and mixed-use development in the MU1 Mixed Use zone, all frontages are to provide for active non-residential uses with at-grade pedestrian access.</li> <li>• Ground floor retail and business shopfronts are to involve minimal use of solid walls, with frontages divided into discrete sections to maintain a fine grain, human-scale appearance.</li> <li>• Only open grille or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.</li> <li>• Where buildings align to the front boundary, continuous awnings are to be provided, with new awnings the same height as, or the average of, the two adjacent awnings. Council may omit this requirement where an awning would otherwise affect street trees, heritage items or similar.</li> <li>• Where development adjoins a laneway or through block connection, ground level uses should be designed to provide a direct interface to that space.</li> <li>• Development proposing outdoor dining is to comply with Council's Outdoor Dining Policy.</li> </ul>



## 4.3 INDUSTRIAL DEVELOPMENT

Council recognises the importance of maintaining and delivering industrial uses to build a strong, competitive, and productive City.

This Section is intended to provide design requirements and guide the assessment of industrial development.

All controls in Section 4.3 – Industrial Development must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Encourage employment generating uses.
- O.02 Guide the nature, scale, and quality of development in the industrial areas.
- O.03 Ensure development has minimal impacts on adjacent sensitive land uses.

### Controls

- C.01 Controls for types of development that are for industrial development are outlined in Table 4.3.1 below.

Table 4.3.1 – Development Provisions for Industrial Development

	Controls
<b>Building height</b>	<ul style="list-style-type: none"> <li>• Maximum building height is shown on the <i>Parramatta LEP 2023</i> Height of Buildings Map.</li> </ul>
<b>Floor space ratio</b>	<ul style="list-style-type: none"> <li>• Maximum floor space ratio is shown on the <i>Parramatta LEP 2023</i> Floor Space Ratio Map.</li> </ul>
<b>Front setback</b>	<ul style="list-style-type: none"> <li>• Consistent with the existing predominant building line in street, where there is a defined built edge – a continuous setback to the street is desirable.</li> <li>• Notwithstanding the above, the minimum setback to a classified road is 10 metres.</li> </ul>
<b>Side and rear setbacks</b>	<ul style="list-style-type: none"> <li>• Nil setbacks may be permitted where there will be no impact on streetscape or amenity of adjoining development. A minimum 6 metre setback is required to screen buildings from public places, adjoining residential properties, bushland or other sensitive uses. This setback zone should include a 3 metre landscape strip along the property boundary.</li> <li>• Development adjacent to Duck River on the eastern bank shall provide a 5 metre easement for public access within the foreshore building line area along Duck River. This easement shall be</li> </ul>

	<b>Controls</b>
	established under a Section 88B instrument and shall be registered with the NSW Land and Property Management Authority.
<b>Parking</b>	<ul style="list-style-type: none"> <li>Refer to Part 6 – Traffic and Transport of this DCP.</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>A minimum of 15% of the site is to be provided and maintained as soft landscaping with trees and shrubs with landscaped areas to have a minimum dimension of 2.5 metres x 2.5 metres.</li> <li>In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.</li> </ul>
<b>Communal Open Space</b>	<ul style="list-style-type: none"> <li>An area of communal open space is to be provided for staff recreation, appropriate to the needs of the particular premises, and integrated with adjacent open space or natural areas.</li> </ul>
<b>Building Design</b>	<ul style="list-style-type: none"> <li>Consider noise and light spill over when determining hours of operation.</li> </ul>

## 4.4 PLACES OF PUBLIC WORSHIP

Council recognises that many community and religious groups play an important role in providing social support for the community. A primary purpose of this Section of this DCP is to ensure the process of the assessment of any development proposal for a place of public worship is consistent, fair and accessible to all religious groups and to manage the impacts of places of public worship on the amenity of neighbourhoods.

This Section applies to land where Places of Public Worship are permissible under the *Parramatta Local Environmental Plan 2023* and specifically applies to Development Applications for any of the following:

- The establishment of a new purpose-built place of public worship.
- Alterations and/or additions to, or intensification of an existing place of public worship.
- Conversion or adaptation of existing buildings to a place of public worship.
- Any of the above, where the place of public worship is ancillary to an educational establishment.

All controls in Section 4.4 – Places of Public Worship must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Limit and manage the impacts of places of public worship on the amenity of residential areas in the permitted land use zone under the *Parramatta LEP 2023*.
- O.02 Ensure that places of public worship have a scale and intensity that is suitable to the site and consistent with the prevailing and likely neighbourhood character in which the development is proposed.
- O.03 Encourage the location of larger places of public worship to lands zoned for business or industrial purposes.
- O.04 Ensure that the development assessment process for proposed places of public worship is consistent for all religious groups.

## LOCATIONAL REQUIREMENTS

### Objectives

- O.05 Prevent unacceptable impacts on the amenity of residential areas by encouraging the location of larger places of public worship within non-residential zones.

### Controls

- C.01 Larger places of public worship (ie. with a seating capacity of greater than 250) are to be located within lands zoned for business or industrial purposes.
- C.02 Development for the purpose of a place of public worship within a residential zone is to have a maximum seating capacity of 250.

## BULK AND SCALE

### Objectives

- O.06 Ensure that a consistency of built form is maintained in residential zones.
- O.07 Ensure that the scale of places of public worship is consistent with the scale of existing or likely future development in the area.
- O.08 Maintain the residential character of established residential areas.

### Controls

- C.03 Applications for places of public worship will be subject to the same height, floor space ratio, envelope and landscaping controls that are identified in the *Parramatta LEP 2023*, Part 2 – Design in Context and Part 3 – Residential Development of this DCP applicable to the land for permissible development within the applicable zone.
- C.04 Consideration may be given to variation of the applicable height or envelope controls to accommodate the unique architectural requirements of places of public worship establishments as long as the objectives of the controls and this clause are maintained.
- C.05 Site planning must be sensitive to the streetscape character and views.
- C.06 Places of public worship are to be designed and landscaped in a manner that enhances the quality and visual amenity of the streetscape.

## ACOUSTIC PRIVACY

### Objectives

- O.09 Minimise noise levels from places of public worship that may impact upon neighbouring or nearby properties.

### Controls

- C.07 The design of the proposed place of public worship should minimise the projection of noise from the various activities anticipated to occur within the site. Adjoining and nearby residents should not be exposed to unreasonable levels of noise arising from the proposed use.

C.08 A noise impact assessment statement, prepared by a suitably qualified acoustic engineer, is to be submitted with all applications for development within residential zones or which adjoin residential zones. This should describe hours of operation and predicted noise levels for regular lunch and tea breaks and for special events such as festivals and religious celebrations. Where possible, reference should be made to similar operating uses whether or not within the City.

**Note:** Consideration will be given to exempt C.08 where applications are received for minor modifications or alterations to existing premises.

## TRAFFIC, PARKING AND ACCESS

### Objectives

- O.10 Ensure that pedestrian safety is maintained and protected.
- O.11 Ensure that the surrounding street network and intersections continue to operate effectively and within design parameters.
- O.12 Minimise the impact of parking on the local streets.
- O.13 Minimise impact upon the amenity of the neighbourhood.

### Controls

- C.09 A traffic and transport impact assessment is to be included with the Development Application. The assessment must:
  - a) Assess the impact upon the surrounding streets and the measures proposed to mitigate such impacts.
  - b) Identify the number of parking spaces required on the basis of the general use of the site. Reference should be made to similar existing and operating premises in similar neighbourhoods as far as possible.
  - c) Identify the activities (e.g. carnivals, celebrations, festivals) and other gatherings which are likely to attract larger than normal attendances at the premises, the attendance numbers associated with such events and measures to mitigate and manage their impacts associated with traffic movements.
  - d) Adequately consider future parking needs that may result from anticipated growth in the congregation of places of public worship.
- C.10 On-site parking shall be provided at the rate determined by the traffic and transport impact assessment having regard to the objectives of this clause. As a general guide for places of public worship, new development shall provide **1 car parking space per 5m<sup>2</sup> of usable floor space for the first 100m<sup>2</sup> and 1 car parking space per 3m<sup>2</sup> of usable floor space thereafter.** (Usable floor space not being corridor space, stairways, storage areas, toilets and other floor space that will not increase the capacity of the development.)
- C.11 All vehicles shall enter and leave the site in a forward direction. Clear distinctions should be made for vehicular traffic and pedestrian movements, both on-site and off-site. Measures

- should be taken to separate these and reduce potential conflict through design and management practices.
- C.12 Car parking spaces are to be designed to ensure ease of access, egress and manoeuvring on-site. The standards of AS 2890 are to be complied with.
- C.13 Basement or at-grade parking must be provided for all new developments.
- C.14 Worship services are not to commence until thirty minutes have elapsed following the completion of any preceding service to ensure adequate traffic flow.
- C.15 In addition to the provisions above, refer to Part 6 – Traffic and Transport of this DCP for more parking requirements.

## SUBMITTING A DEVELOPMENT APPLICATION

As a first step in the development consent process, proponents of places of public worship are strongly advised to consult with Council by booking and attending a Pre-Lodgement Meeting.

The following requirements detail the specific information that must be provided to the consent authority as part of any Development Application for a place of public worship. These requirements are in addition to the information requirements for all Development Applications.

- (a) Detailed information relating to:
- The likely effects of the development on the amenity of nearby residents.
  - Traffic and noise generation.
  - The consistency of the proposed development with the zone objectives contained in any environmental planning instruments pertaining to the land.
  - The suitability of the site and neighbourhood for the scale and intensity of development proposed.
  - The impact of the development on the character of the locality.
- (b) An Operational Plan of Management which sets out necessary considerations to be addressed for the operation of the proposed place of public worship.

## OPERATIONAL PLAN OF MANAGEMENT

### Objectives

- O.14 Provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

### Controls

- C.16 A Development Application for the purposes of establishing a new place of public worship must include an Operational Plan of Management. This will be used both for the assessment of the

application as well as a means to manage the ongoing operation of the proposed premises through the conditions of development consent. The Operational Plan of Management (as may be amended) will be incorporated as a condition of development consent. This plan must include, but is not limited to the following information for each proposed use:

- C.17 Details of the proposed hours of operation, a schedule of regular services held and recurring events and special events throughout the year. Where special events attracting greater than 250 people will occur, details including the expected number of people are to be provided.
- C.18 A list of the types of community purposes (i.e. community colleges, senior citizen's groups, youth groups etc.) the building may be used for outside the regular services. How often and how many people it will attract.
- C.19 A list of the type of organisations that may let or use the building and for what purposes. How often and how many people it will attract.
- C.20 An explanation of the measures that will be in place to manage parking and local traffic when a special event is scheduled.
- C.21 The estimated number of people to be in attendance at regular services, main events and the other times where it is described that the place of public worship will be in use.
- C.22 Contact person who will be responsible for complaints handling. This is to be updated periodically.
- C.23 Anticipated growth of the congregation and how these long-term projections will be factored into the development and managed in the future.

## 4.5 EDUCATIONAL ESTABLISHMENTS

The City has a strong culture of education, research and development, and continues to offer a variety of educational establishments.

Parramatta is already home to five universities — Western Sydney University, University of Sydney, University of New England, Swinburne University of Technology and Charles Sturt University, and it's set to grow when UNSW Sydney opens a local campus.

This Section applies to all land where educational establishments are permissible under the *Parramatta LEP 2023* and specifically applies to Development Applications for any of the following:

- The establishment of a new purpose-built educational establishment.
- Alterations and/or additions to, or intensification of an existing educational establishment.
- Conversion or adaptation of existing buildings to an educational establishment.

All controls in Section 4.5 – Educational Establishments must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Limit and manage the impacts of educational establishments on the amenity of residential areas.
- O.02 Ensure that educational establishments have a scale and intensity that is suitable to the site and consistent with the prevailing and likely neighbourhood character in which the development is proposed.

## BULK AND SCALE

### Objectives

- O.03 Ensure that a consistency of built form is maintained in residential zones.
- O.04 Ensure that the scale of educational establishments is consistent with the scale of existing or likely future development in the area.
- O.05 Maintain the residential character of established residential areas.

### Controls

- C.01 Applications for educational establishments will be subject to the same height, floor space ratio, envelope, and landscaping controls that are identified in the *Parramatta LEP 2023*, Part 2 –



Design in Context, and Part 3 Residential Development of this DCP applicable to the land for permissible development within the applicable zone.

C.02 Site planning must be sensitive to the streetscape character and views.

C.03 Educational establishments are to be designed and landscaped in a manner that enhances the quality and visual amenity of the streetscape.

## ACOUSTIC PRIVACY

### Objectives

O.06 Minimise noise levels from educational establishments that may impact upon neighbouring or nearby properties.

### Controls

C.04 The design of the proposed educational establishment should minimise the projection of noise from the various activities anticipated to occur within the site. Adjoining and nearby residents should not be exposed to unreasonable levels of noise arising from the proposed use.

C.05 A noise impact assessment statement, prepared by a suitably qualified acoustic engineer, is to be submitted with all applications for development within residential zones or which adjoin residential zones. This should describe hours of operation and predicted noise levels for regular lunch and tea breaks and for special events such as festivals and religious celebrations. Where possible, reference should be made to similar operating uses whether or not within the City.

**Note:** Consideration will be given to exempt C.05 where applications are received for minor modifications or alterations to existing premises.

## OPEN SPACE AREAS

### Objectives

O.07 Provide adequate open space areas for passive and active recreational activities for new educational establishments.

### Controls

C.06 For all new educational establishments, an Open Space Plan is to be included within the Development Application. The plan shall:

- a) identify the amount of open space area to be provided,
- b) identify the types of open space area to be provided, including indoor and outdoor recreation activities, and

- c) identify the likely effects of the use of open space areas on the amenity of nearby residents (including how often and the type of activities to occur) and measures to mitigate and manage the impacts of noise on adjoining properties.

## TRAFFIC, PARKING AND ACCESS

### Objectives

- O.08 Ensure that pedestrian safety is maintained and protected.
- O.09 Ensure that the surrounding street network and intersections continue to operate effectively and within design parameters.
- O.10 Minimise the impact of parking on the local streets.
- O.11 Minimise impact upon the amenity of the neighbourhood.

### Controls

- C.07 On-site parking shall be provided at the rate determined by the traffic and transport impact assessment having regard to the objectives of this clause.
- C.08 All vehicles shall enter and leave the site in a forward direction. Clear distinctions should be made for vehicular traffic and pedestrian movements, both onsite and off-site.
- C.09 Measures should be taken to separate these and reduce potential conflict through design and management practices.
- C.10 Car parking spaces are to be designed to ensure ease of access, egress and manoeuvring on-site. The standards of Australian Standard AS2890.1 - Parking Facilities – Off-Street Car Parking are to be complied with.
- C.11 Basement or at-grade parking must be provided for all new developments.
- C.12 In addition to the provisions above, refer to Part 6 – Transport and Traffic of this DCP for more parking requirements.

## SUBMITTING A DEVELOPMENT APPLICATION

As a first step in the development consent process, proponents of educational establishments are strongly advised to consult with Council by booking and attending a Pre-Lodgement Meeting.

The following requirements detail the specific information that must be provided to the consent authority as part of any Development Application for an educational establishment. These requirements are in addition to the information requirements for all Development Applications.

- Detailed information relating to:
  - The likely effects of the development on the amenity of nearby residents.
  - Traffic and noise generation.

- The consistency of the proposed development with the zone objectives contained in any environmental planning instruments pertaining to the land.
  - The suitability of the site and neighbourhood for the scale and intensity of development proposed.
  - The impact of the development on the character of the locality.
- An Operational Plan of Management which sets out necessary considerations to be addressed for the operation of the proposed educational establishment.

## OPERATIONAL PLAN OF MANAGEMENT

### Objectives

- O.12 Provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

### Controls

- C.13 A Development Application for the purposes of establishing a new educational establishment must include an Operational Plan of Management. This will be used both for the assessment of the application as well as a means to manage the ongoing operation of the proposed premises through the conditions of development consent. The Operational Plan of Management (as may be amended) will be incorporated as a condition of development consent. This plan must include, but is not limited to the following information for each proposed use:
- a) A schedule of the regular classes held, lunch and tea breaks, recurring events (such as sport afternoons) and special events throughout the year.
  - b) A list of the types of community purposes (i.e. community colleges, senior citizen's groups, youth groups etc.) any building may be used for outside the regular classes, breaks and other events. How often and how many people it will attract.
  - c) A list of the type of organisations that may let or use any building and for what purposes. How often and how many people it will attract.
  - d) An explanation of the measures that will be in place to manage parking and local traffic when a special event is scheduled.
  - e) The number of students to be in attendance at regular classes. The number of people to be in attendance at other times where it is described that the educational establishment will be in use.
  - f) Contact person who will be responsible for complaints handling. This is to be updated periodically.
  - g) Anticipated growth of the educational establishment and how these long-term projections will be factored into the development and managed in the future.

- h) For senior level educational establishments, details of the number of student drivers, the number and location of allocated parking spaces, and the measures to monitor the safety of student drivers (e.g. guardian permission slips).

## 4.6 CENTRE-BASED CHILD CARE FACILITIES

Formal child care facilities, such as pre-schools and long day care, have a significant role to play in a child's development. The quality of the environment provided in early childhood education facilities, together with the quality of teaching programs, are critical factors in a young child's development. The environment must be rich, attractive, and inviting to the child and parent. It must also be flexible enough to constantly adapt to meet children's ongoing needs, and the needs of the family unit.

The physical environment plays a critical role in keeping children safe; reducing the risk of unintentional injuries; contributing to their wellbeing, happiness, creativity and developing independence; and determining the quality of children's learning and experiences. "To maximise children's engagement and level of positive experience and inclusive relationships, an approved service needs to carefully consider physical layout and resources in the environment..." (Australian Children's Education & Care Quality Authority (2017), Guide to the National Quality Standard, page 81).

Because children are critical to our future, Council will encourage excellence and best practice in the design of centre-based child care services. Council will also encourage the provision of child care services that meet identified unmet demands.

This Section applies to Development Applications for new centre-based child care facilities and to proposals to alter or enlarge an existing facilities.

Alterations to an existing facility may include demolition or extension of a building or outdoor structures, an increase in the approved number and age group of child care places, or alterations to the hours of operation.

This Section should be read in conjunction with Chapter 3 – Education and childcare facilities of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the associated Child Care Planning Guideline, which contain additional matters that need to be considered in the determination of Development Applications for centre-based child care facilities.

All controls in Section 4.6 – Centre-Based Child Care Facilities must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Promote excellence and best practice in the location and physical design of child care facilities.
- O.02 Ensure the quality of environment provided in early childhood education services, together with the quality of teaching programs, are rich, attractive and beneficial to the child and parent. They must also be flexible enough to constantly adapt to meet children's ongoing needs, and the needs of the family unit.
- O.03 Ensure that child care facilities are located on sites that are suitable for the purpose of providing high quality care for young children.

- O.04 Ensure that proposals for new and enlarged child care facilities respond positively to their context and setting, and minimise impacts on the amenity of the surrounding neighbourhood.
- O.05 Ensure child care facility building forms are compatible with the character of existing surrounding residential development.
- O.06 Encourage the development of child care facilities that maximise the safety and well-being of children in care and that facilities are fit for purpose.
- O.07 Ensure that safe and convenient car parking arrangements for child care facilities are provided and avoid adverse traffic and on-street parking impacts on the surrounding neighbourhood.
- O.08 Encourage the development of child care facilities that maximise the safety and well-being of children in care and that facilities are fit for purpose.

### Controls

- C.01 Development adjoining residential development needs to consider Part 2 – Design in Context and Part 3 – Residential Development of this DCP to ensure there is minimal impacts on amenity of adjoining properties.
- C.02 Play spaces are to be provided at ground level to the rear of the building, with direct access from within the facility, and should not be located between the side boundary and the building.
- C.03 Façade openings, such as doors and windows, should be orientated away from private open space, living rooms and bedrooms in adjoining residential properties.
- C.04 Acoustic reports are to be prepared by a suitably qualified acoustic professional and must be prepared in accordance with the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment. The guidelines provide noise criteria and sound power levels which should be used as part of the preparation of applications.
- C.05 Child care facilities are to meet the setback and height requirements outlined in Table 4.6.1 below:

Table 4.6.1 – Development provisions for childcare facilities

Zone	Height and setback requirements
R2 Low Density Residential	<p><b>Height limit:</b></p> <ul style="list-style-type: none"> <li>• Maximum of 1 storey (play area cannot be located above ground floor).</li> </ul> <p><b>Front setback:</b></p> <ul style="list-style-type: none"> <li>• Consistent with the prevailing setback along the street, with a minimum of 6 metres. A minimum 10 metre setback applies to classified roads.</li> <li>• The front setback may be used for access, parking and landscaping purposes, but is not to be used as outdoor play space. Play space is to be setback behind the building line.</li> <li>• Parking is to be setback behind the building line.</li> </ul> <p><b>Side setbacks:</b></p> <ul style="list-style-type: none"> <li>• Any structures greater than 1.8 metres in height (including acoustic barriers) are to be setback at least 2 metres from side boundaries. This setback is to incorporate a minimum 1 metre densely landscaped setback, comprising trees</li> </ul>

Zone	Height and setback requirements
	<p>and shrubs and cannot be included in the total outdoor play space area required for unencumbered outdoor play space.</p> <ul style="list-style-type: none"> <li>All other structures and areas of the site, including outdoor play space, are to provide a minimum 1 metre wide densely landscaped setback from side boundaries, incorporating trees and shrubs. This area cannot be included in the total outdoor play space area required for unencumbered outdoor play space.</li> </ul> <p><b>Rear setback:</b></p> <ul style="list-style-type: none"> <li>At least 30% of the site length, or 10 metres, whichever is the greatest.</li> <li>All other structures and areas of the site, including outdoor play space, are to provide a minimum 1 metre wide densely landscaped setback from rear boundaries, incorporating trees and shrubs. This area cannot be included in the total outdoor play space area required for unencumbered outdoor play space.</li> </ul> <p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>A minimum 30% of the total site area is to be provided as deep soil, with a minimum dimension of 4 metres x 4 metres, of which: <ul style="list-style-type: none"> <li>at least 50% of the deep soil is located at the rear of the site, and</li> <li>at least 20% of the deep soil is located at the front of the site.</li> </ul> </li> <li>In applying height and setback controls, consideration will be given to other relevant building envelope controls in this DCP, including those relating to solar access, privacy and amenity for dual occupancies. In certain cases, increased setbacks may be required.</li> </ul>
R3 Medium Density Residential	<p><b>Height limit:</b></p> <ul style="list-style-type: none"> <li>Maximum building height is shown on the <i>Parramatta LEP 2023</i> Height of Buildings Map.</li> </ul> <p><b>Front setback:</b></p> <ul style="list-style-type: none"> <li>Consistent with the prevailing setback along the street, with a minimum of 4 metres. A minimum 10 metre setback applies to classified roads.</li> <li>The front setback may be used for access, parking and landscaping purposes, but cannot be included in the total outdoor play space area required for unencumbered outdoor play space.</li> </ul> <p><b>Side setbacks:</b></p> <ul style="list-style-type: none"> <li>Any structures greater than 1.8 metres in height (including acoustic barriers) are to be set back at least 2 metres from side boundaries. This setback is to incorporate a minimum 1 metre wide densely landscaped setback, comprising trees and shrubs. And cannot be included in the total outdoor play space area required for unencumbered outdoor play space.</li> <li>Outdoor play space, are to provide a minimum 1 metre densely landscaped set back from site boundaries, incorporating trees and shrubs. This area cannot be included in the total outdoor play space area required for unencumbered outdoor play space.</li> </ul> <p><b>Rear setback:</b></p> <ul style="list-style-type: none"> <li>A rear setback equal to 15% of the site length or 6 metres, which ever is greater.</li> </ul>

Zone	Height and setback requirements
	<ul style="list-style-type: none"> <li>• Is to include a densely landscaped setback of at least 1 metre wide, comprising of trees and shrubs. This landscaped setback cannot be included in the total outdoor play space area required for unencumbered outdoor play space</li> <li>• All other structures and areas of the site, including outdoor play space, are to provide a minimum 1 metre wide densely landscaped setback from rear boundaries, incorporating trees and shrubs. This area cannot be included in the total outdoor play space area required for unencumbered outdoor play space</li> </ul> <p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>• A minimum 30% of the total site area is to be provided as deep soil, with a minimum dimension of 4 metres x 4 metres.</li> <li>• In applying height and setback controls, consideration will be given to other relevant building envelope controls in this DCP, including those relating to solar access, privacy and amenity for multi-dwelling housing. In certain cases, increased setbacks may be required.</li> </ul>
R4 High Density Residential	1 metre wide densely landscaped setback along the side and rear boundaries, which cannot be included in the total outdoor play space area required for unencumbered outdoor play space. The height, setbacks and building envelope requirements are otherwise to be in accordance with the relevant controls for residential flat buildings in Part 2 – Design in Context and Part 3 – Residential Development this DCP.
Business zones	As per applicable height, setbacks, and building envelope requirements are otherwise to be in accordance with the relevant controls for business/commercial development in Part 2 – Design in Context and Part 4 – Non-Residential Development of this DCP.

## TRAFFIC, PARKING AND ACCESS

### Objectives

- O.09 Ensure that safe and convenient car parking arrangements for child care facilities are provided and avoid adverse traffic and on-street parking impacts on the surrounding neighbourhood.

### Controls

- C.06 On-site car parking is to be provided at the rate of a minimum of 1 parking space per 4 child care places. Parking for people with a disability is to be provided at the rate of 1 space in every 10 spaces. If the car parking required is less than 10 spaces then at least 1 accessible parking space must be provided.
- C.07 Available on-street parking will not be counted towards the required parking rate.
- C.08 The pick-up and set-down of children shall occur within the site. As such the available on-street parking will not be counted towards the required parking rate.
- C.09 Where site conditions permit, required car parking is to be provided in a basement.



- C.10 Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.
- C.11 Any variation to the minimum parking requirement, is to be justified by a traffic and transport impact assessment. The assessment must demonstrate that the proposed parking provision will not result in any adverse impacts on on-street parking in surrounding residential areas or any loss of amenity for users of the child care centre.
- C.12 In addition to the provisions above, refer to Part 6 – Transport and Traffic of this DCP for more parking requirements.

## 4.7 SEX SERVICE PREMISES AND RESTRICTED PREMISES

The purpose of this Section is to provide detailed provisions to guide the preparation and assessment of Development Applications for sex services premises, restricted premises and business and entertainment premises providing adult entertainment. The provisions are designed to ensure that sex services and restricted premises are operated in appropriate locations so that they do not give offence to the community or result in a loss of amenity for residents.

This Section applies to sex services premises including brothels, restricted premises and business and entertainment premises where adult entertainment is provided as defined in the *Parramatta LEP 2023* and may include premises as described in the glossary below.

All controls in Section 4.7 – Sex Service Premises and Restricted Premises must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Regulate and control sex services premises, restricted premises and business and entertainment premises providing adult entertainment in appropriate locations so as to minimise amenity impacts upon adjoining land uses in the zone.
- O.02 Discourage a concentration of sex services premises, restricted premises and business and entertainment premises providing adult entertainment in close proximity to each other.
- O.03 Ensure high levels of both internal and external amenity are provided for sex services premises and restricted premises to ensure the amenity and security of staff, and users or occupiers of the respective premises as well as neighbouring properties.
- O.04 Ensure that restricted premises and similar establishments such as massage parlours are designed in such a way as to prevent either the easy conversion or use as sex services premises without obtaining development consent or operating outside their development consents.
- O.05 Provide an appropriate framework to effectively regulate the operation of sex service premises and restricted premises, through detailed provisions of development consent in the provision of plans of management and coordination with other relevant government agencies.
- O.06 Support the health and safety initiatives of NSW Health and WorkCover NSW in regard to sex workers and their clients.
- O.07 A Development Application for sex services premises, restricted premises, massage, or therapeutic premises must provide information in accordance with Section 4.7 – Submitting a Development Application of this DCP.

### Controls

- C.01 The consent authority must be advised of any changes in ownership, management, register business on trading name during the period of consent.

## LOCATION

### Objectives

- O.09 Ensure that sex services premises, restricted premises and adult entertainment premises are located in appropriate areas where they do not impact adversely on the amenity of the environment and in particular do not cause an adverse impact upon neighbouring properties, nearby residential occupancies or other sensitive uses.
- O.10 Ensure that sex services, restricted premises and adult entertainment premises are sensitively located and are not noticeable within an area.
- O.11 Optimise the safety and security of sex services, restricted premises and adult entertainment premises and their users and workers.
- O.12 Avoid the concentration of sex services, restricted premises, and adult entertainment premises in any one area which changes the current character or is not in keeping with the desired future character of the area.

### Controls

- C.02 Sex services, restricted premises and adult entertainment premises must not be sited:
- Within a radius of 200 metres of existing sex services, restricted premises and adult entertainment premises. Council will limit the congregation of sex services, restricted premises, and adult entertainment premises.
  - Within shopping malls/arcades.
  - Within a radius of 200 metres of a licensed premises being a hotel, public bar nightclub, or the like.
- C.03 Distances referred to in this Section and in the *Parramatta LEP 2023* in respect of sex services premises and restricted premises are to be measured as a radius from the boundary of the allotment upon which the premises are proposed.

## DESIGN OF PREMISES

### Objectives

- O.13 Ensure that sex services, restricted premises and adult entertainment premises are designed to minimise their potential impacts in the locality.
- O.14 Ensure the privacy and comfort of patrons.

- O.15 Ensure that the design and external appearance of the premises and any associated structures do not have an adverse impact on and are in keeping with the character of the area.
- O.16 Ensure that adequate and appropriate access to the premises and its facilities is provided to a person with a disability.
- O.17 Ensure that the access to sex services and restricted premises is discreet and discourages clients from gathering or waiting on the street.

### Controls

- C.04 The external appearance of sex services premises, restricted premises and adult entertainment premises must respect the architectural character of the streetscape and not be a prominent feature in the street.
- C.05 All entrances and exits to sex services premises, restricted premises and adult entertainment 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). Shared access to the premises is not permitted.
- C.06 The interior of sex services premises, restricted premises and adult entertainment premises must not be visible from any place in the public domain. Where the interior of sex services premises, restricted premises and adult entertainment 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.
- C.07 Sex services premises, restricted premises and adult entertainment premises must not display sex related products, sex workers, or performers, or nude or semi-dressed staff from windows, doors or outside of the premises.
- C.08 Adequate design measures must be provided that ensure the safety and security of sex services premises, restricted premises and adult entertainment premises staff and visitors and where appropriate shall include:
  - Reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors.
  - Design which minimises alcoves and entrapment spaces.
  - Adequate safety and surveillance systems.
  - Adequate amenities (i.e. showers, basins and toilets) are to be provided for staff and visitors.
- C.09 Premises must not be designed or operated to have the appearance and function of a 'fortress' and in particular there is to be no physical obstructions to internal and external access.
- C.10 Doors to working rooms must not be fitted with locking mechanisms.
- C.11 A single side or rear lane access for the receipt of clients for the sex services premises shall be permitted only where the required crime prevention safety audit shows that there will be no potential crime impacts arising from such a configuration. Consideration shall also be given to the screening of the access where the required crime prevention safety audit raises no objection to its inclusion.

## TRAFFIC, PARKING AND ACCESS

### Objectives

- O.18 Ensure that adequate parking is provided for people working on the premises and clients using the facility so that the establishment of sex services premises, restricted premises and adult entertainment premises does not give rise to car parking congestion on the street.
- O.19 Ensure that the location of parking does not adversely affect the surrounding locality, particularly residential properties and sensitive land uses.
- O.20 Ensure the safety and security of car parking areas.

### Controls

- C.12 On-site car parking shall be provided for sex services premises, restricted premises and adult entertainment premises at the rate of one space per two working rooms and shall be designed in accordance with the provisions of the section relating to parking.
- C.13 Parking areas, access corridors and entrances are to be well lit and signposted at all times, but not interfere with the amenity of the area.
- C.14 Reduced parking requirements may be considered if it can be demonstrated by the applicant that adequate on street car parking and/or public transport services exist close to the premises and public transport services operate at the time at which the premises is proposed to be open. It will also be necessary to demonstrate that a variation to the requirements in the provision of less on-site parking, will not adversely affect the amenity of any adjoining properties.
- C.15 In addition to the above, refer to Part 6 – Traffic and Transport of this DCP for more parking requirements.

## HOURS OF OPERATION

### Objectives

- O.21 Ensure that sex services premises, restricted premises and adult entertainment premises operate at times where they will have least impact on the community, the environment and nearby land uses.
- O.22 Ensure that sex services premises, restricted premises and adult entertainment premises are not operated over a full 24 hour period.

### Controls

- C.16 Council will exercise its discretion in relation to permitted hours of operation of sex services premises, restricted premises and adult entertainment premises by taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.

- C.17 Sex services premises, restricted premises and adult entertainment premises must not operate between the hours of 2 a.m. and 7 a.m., unless such operation can be justified by the hours of operation and nature of adjoining uses.
- C.18 Any consent issued for sex services premises will be limited to a 12 month trial period. Prior to the expiration of this trial period, another Development Application shall be submitted to Council demonstrating that the operation of the sex services premises has achieved full compliance with the conditions of consent.
- C.19 Council will investigate if the sex services premises has been operating in a satisfactory manner. The assessment of the trial period shall include a report from Council's Regulatory Services department in regards to compliance with the trial consent. If investigations prove that the sex services premises has not been operating in accordance with the conditions of consent, further consent will not be issued. Further consent will only be issued once compliance with the trial conditions of consent has been demonstrated.

## SCALE OF OPERATION

### Objectives

- O.21 Limit the potential for adverse social and environmental impact of sex services, restricted premises and adult entertainment premises in any locality by controlling the intensity of operation.

### Controls

- C.20 No more than 10 employees (includes all staff, e.g. administration staff, sex workers, security guards, etc.) and no more than 8 sex workers are to be on the premises at any one time, but Council may exercise its discretion in relation to the number of employees taking into consideration the nature of adjoining land uses and possible conflicts with such uses.
- C.21 Spruikers are not permitted in the operation of any sex services premises.
- C.22 A public address system or sound amplifying equipment shall not be installed in or on the premises.
- C.23 The preparation and serving of food and alcoholic beverages to clients is not permitted. Alcoholic beverages are not to be kept on the premises at any time.

## ADVERTISING SIGNS AND STRUCTURES

**Note:** Advertising premises specifically for the purposes of prostitution is an offence under the *Summary Offences Act 1988*.

### Objectives

- O.22 Ensure advertising is discreet.

- O.23 Encourage appropriately designed and suitably located signs for sex service premises and restricted premises.
- O.24 Consider the amenity of the surrounding area.
- O.25 Ensure advertising does not result in visual clutter or other visual impacts upon a locality.
- O.26 Minimise the potential for advertising to cause offence to the public.
- O.27 Ensure that there is no confusion over the location of the sex services premises, which may result in disturbance to surrounding properties.

### Controls

- C.24 A maximum of one (1) external sign per premises is permitted and shall indicate only the name of the business operated and/or the address\*. However, additional signage for parking and traffic management may be provided.
- C.25 Where primary pedestrian access is from the rear of the site e.g. from a car park (and subject to Council's assessment of the safety aspects of allowing rear access), a second sign may be provided on the site indicating only the name of the business operated and the street number or address.
- C.26 The advertising sign is to be limited in size to 0.3 x 0.6 metres (or other dimensions, but of equivalent surface area of 0.18m<sup>2</sup>).
- C.27 Signs may be illuminated, but flashing signs are not permitted, provided this would not result in adverse impacts upon the environment or amenity of the area. Illuminated signs are to be extinguished between 2am and 7am.
- C.28 The sign shall not display words or images, which are in the opinion of the consent authority sexually explicit, lewd or otherwise offensive.
- C.29 A clearly visible street number is to be displayed on the premises to avoid disturbance to surrounding premises arising out of confusion as to the location of the premises.

## HEALTH AND BUILDING MATTERS

### Objectives

- O.28 Ensure sex services premises, restricted premises and adult entertainment premises comply with relevant health and building regulations.
- O.29 Promote the operation of sex services premises, restricted premises and adult entertainment premises in a manner which will ensure the meeting of best practice health standards.
- O.30 Promote safe sex education to sex workers and their clients so as to minimise the risk of contracting sexually transmitted diseases.
- O.31 Ensure that reasonable working conditions are provided for sex workers.

## Controls

- C.30 All applications to which this Section of this DCP relates shall comply with the requirements of the *Public Health Act 1991* and the requirements of the New South Wales Health Department.
- C.31 All sex services and restricted Premises must be fitted with the necessary services and facilities required for Class 5 Buildings (an office building used for professional or commercial purposes) under the Building Code of Australia (BCA). This includes, but is not limited to the following:
- fire safety requirements;
  - adequate lighting in accordance with Australian Standard AS 1680 - Interior lighting; and
  - ventilation requirements.
- C.32 Each room to be used or capable of being used for the purposes of prostitution shall contain all sanitary facilities, consisting of a hand wash basin with warm potable water and shower.
- Note:** The NSW Health and WorkCover "Health and Safety Guidelines for Brothels in NSW" (2001) provide detailed advice on how occupational health and safety requirements can be met. It is the responsibility of the services premises owner/operator to ensure that the NSW Health and WorkCover Guidelines are satisfied in the design and ongoing operation of the premises.

## SAFETY AND SECURITY

### Objectives

- O.32 Maximise the safety and security of sex workers, other staff, clients and the general public at all times by ensuring the development upholds the principles of Crime Prevention Through Environmental Design (CPTED).

### Controls

#### Siting of Buildings and Structures

- C.33 The pedestrian entrance to a building must be easily recognisable and provided at the front of the building.
- C.34 New buildings or alterations and additions to existing buildings should avoid the creation of recesses in the building form, as these can become potential entrapment spots where intruders may hide. In existing developments to which no new works are proposed, appropriate lighting should illuminate existing entrapment spots, without interfering with the amenity of the area.
- C.35 Opportunities to provide surveillance of vehicle routes, outdoor car parks and access to car parks must be maximised. This should be achieved by a building layout with windows overlooking these areas, provided there is no reduction in privacy or potential for offence or electronic surveillance where casual surveillance cannot be provided.
- C.36 In new developments, parking spaces should be arranged in a grid pattern rather than a herringbone configuration, which reduces surveillance.



### Blind Corners

- C.37 Pathways must be direct (i.e. straight) and blind corners avoided (including on stairs, in corridors or in other situations where movement can be predicted). If blind corners cannot be avoided then they must be treated with mirrors to improve sightlines.
- C.38 All barriers beside pathways must be low in height or visually permeable (i.e. 'see-through') including landscaping, fencing and the like.

### Lighting

- C.39 The pedestrian entrance to the building must be well lit but not to the extent where it becomes a prominent feature in the streetscape (e.g. by high intensity lighting or the use of excessively bright colours). Details must be provided with the Development Application.
- C.40 External lighting should be vandal resistant by being high mounted and/or protected and must be directed towards access/egress routes rather than towards buildings (including the subject or neighbouring buildings).

### Landscaping

- C.41 Landscaping must not conceal the building entrance from the street or obstruct site lines between the building and the street.
- C.42 Any proposed plantings must not create opportunities for entrapment spots or the concealment of intruders.

### Security Measures

- C.43 All premises are to have either an intercom or a duress alarm in each room that is used for sexual activity. Alarms are to connect back to a central base (such as reception) that is to be monitored at all times.
- C.44 External storage areas, including waste storage, must be secured to avoid creating hiding places or potential entrapment spots for victims and unauthorised access to the premises by potential offenders.
- C.45 Any security grilles used on windows must be able to be opened from the inside in case of emergency.
- C.46 All intruder alarm systems, security screens, door and window locks and intruder resistant materials used in the development should comply with relevant Australian Standards.
- C.47 The applicant must provide a crime prevention safety audit for all propose sex services premises. This will involve conducting the audit of the site with specific reference to the subject development.
- C.48 Security surveillance equipment shall be installed throughout the premises with cameras located in every major area of public activity, particularly public entries, hallways, stairs and car parking areas. The equipment shall be monitored from a central location within the sex services premises by the manager.
- C.49 Surveillance footage shall be recorded, labelled with times and dates and kept for a minimum of 30 days and shall be made available to the Police and Council on request.

## SUBMITTING A DEVELOPMENT APPLICATION

Development consent is needed for sex services premises, restricted premises, and adult entertainment premises. As a first step in the development consent process, proponents of such premises are strongly advised to consult with Council.

The following additional information should accompany any application for development consent for sex services premises, restricted premises, and adult entertainment premises in order to enable Council to properly consider the Development Application.

- A. Specific information as to the operation of the proposed use must be clearly set out in the Statement of environmental effects, including:
  - Number and role of all staff
  - Description of the activities that are proposed to be undertaken at the premises
  - Hours of operation
  - Number of rooms in premises
  - Identification of the rooms to be used for the proposed activities.
- B. Plan of management as outlined below, which sets out necessary considerations to be addressed for the establishment and operation of all types of sex services premises.
- C. Plan information: plans or drawings clearly showing the following information must be provided for all Development Applications.
  - Location plan drawn to scale showing the proximity of the subject site to churches, hospitals, schools, community facilities, parks, other sex services premises, licensed premises in residential properties, or any other place readily frequented by children for recreational or cultural pursuits. A location plan is to identify specified uses within 200 metres of the proposed sex services site, measured as a radius from the closest boundary or of the allotment of the proposed sex services site.
  - Detailed floor **plans/elevation/sections** showing:
    - The use of each room including staff areas and reception areas.
    - All sanitary facilities including toilets, showers and hand basins.
    - Details of any spas or swimming pools.
    - Entrances to and exits from the building.
    - Details of food preparation areas.
    - Details of contaminated waste storage.
    - Any on-site laundry facilities.
    - Any proposed building alterations or additions (a construction certificate application may also be required).
    - Proposed external colour scheme, if intended to change.
    - Access for people with a disability, including assessable entries/exits, sanitary facilities and showers pathway and circulation details.

- Details of any advertising signs or structures.
- Details of existing and proposed external lighting.

**Note:**

- For sex services premises, an annual registration fee for each approved room will be made payable to Council.
- Applications for sex services and restricted premises will be referred to NSW Police for comment prior to their determination.
- Council will continue to pursue an inter-agency approach of control to enforce compliance.

Where development consent is sought for premises for medical or therapeutic massage, additional information, as outlined, may be required to demonstrate that measures are proposed to ensure compliance with this Act. This information will include:

- ABN number.
- Details of a current public liability insurance policy.
- Evidence that the operator of the business has completed HLT 50307 – Diploma of Remedial Massage or an equivalent qualification.
- Evidence that staff providing massage therapy have completed HLT 40307 – Certificate IV in Massage or an equivalent qualification.
- Evidence that the operator of the business is accredited with at least one recognised health fund as a registered health provider.
- Evidence that the operator of the business is currently certified in HLTF301B - Apply First Aid. (Workplace Level 2 - formerly known as Senior First Aid Certificate).
- Insurance details.
- Demonstration that the persons proposed to work on the premises are qualified or recognised in the treatment that they are making an application for.

Conditions that may be imposed on any Development Application:

- Preventing the conversion or use of massage parlours and similar establishments as sex services premises.
- Ensuring that the premises must only be used in accordance with the information provided in the Development Application, and by physical controls that limit the illegitimate use for sex services.

## GUIDE TO PLANS OF MANAGEMENT

The Plan of Management will be used both in the development assessment process and as a means to identify the way in which the premises will operate in compliance to conditions of consent.

The Plan of Management will be incorporated as a condition of development consent. The Plan of Management should supplement the information provided in the Statement of Environmental Effects and the plans 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.

## All Premises

### Business Details

- i. Name and contact details of the operator(s) and manager(s).
- ii. ABN, registered business name, trading name and insurance.
- iii. Record keeping procedures for employees.
- iv. The procedure for recording and dealing with complaints regarding the operation of the premises or the behaviour of visitors arriving or leaving the premises.

All of the above information, approvals for the establishment of the premises, the Plan of Management are to be made available to the public and be kept on the premises at all times. Confidential information on employee details is not expected to be released to the public.

**Note:** The consent authority must be advised of any changes in ownership, management, registered business on trading name during the period of consent.

### Safety and Security

- Detail systems ensuring safety for staff and visitors including:
  - Risk management procedures appropriate to the service provisions (e.g. accident and injury, violent behaviour);
  - The number and role of security personnel;
  - Procedures for the safe handling of money;
  - The method of surveillance of common areas; and
  - Monitoring of alarms.

### Induction and Training

- Staff training and induction procedures and emergency evaluation procedures.

### Health Access

- Access arrangement for the attendance of health service providers must be detailed.
- Health and safety policies for workers together with incident reports and an accident register.

### Cleaning and Cleanliness

- Details of cleaning systems.
- Details of the surface materials of equipment and facilities including stages, sling room facilities, etc.
- Details of cleaning products and equipment.

- Identified cleaning areas for equipment and other removable items.
- Details of cleaning procedures including staff allocations.
- Detail cleaning and management systems for swimming pools and spas and douching.

### Waste

- Details for disposing of commercial waste.
- Details for managing the safe disposal of sharps.

### Equipment

- Detail of all specialist equipment, including information on how it is to be used, and how it is to be cleaned and maintained.

### Glossary

This glossary supports terms used in this Section of this DCP. Definitions in the *Parramatta LEP 2023* prevail in the event of any inconsistency with terms outlined in this glossary to the extent of the inconsistency.

**Ancillary services premises** means premises that are used to arrange contacts between sex workers and clients, such as offices of an escort agency, 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.

**Bondage & Discipline Parlour** 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.

**Brothels and sex services premises** comprise premises, as defined in the above instruments, where sexual acts or sexual services are provided for payment. These may include:

- Safe house brothels for street-based sex workers;
- Bondage and discipline parlours; and
- Massage parlours (see note below).

**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.

**Business and entertainment premises** providing adult entertainment and hereafter termed **adult entertainment premises** in this DCP. These may include:

- Strip club premises;
- Sex on premises venues; and
- Swingers clubs.

**Operator** means management as well as the owner (i.e. nominee of the company as the operator) of the adult entertainment or sex industry business.

**Period of consent**, consent for sex services, restricted premises and businesses conducting massage related services will be limited to two years at which time a new Development Application will need to be lodged.

**Restricted premises** are defined in the *Parramatta LEP 2023* and may comprise premises which sell restricted materials such as adult bookshops.

**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.

**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. Such premises include: swingers clubs, and sauna clubs that accommodate sexual encounters.

**Strip 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.

## 4.8 TELECOMMUNICATIONS FACILITIES

This Section contains provisions to manage telecommunication facilities, with the intent of managing potential impacts to ensure public safety and encouraging the co-location of telecommunication facilities.

All controls in Section 4.8 – Telecommunications Facilities must be read in conjunction with Part 4 – Residential Development, Section 4.1 – General Non-Residential Controls, Part 2 – Design in Context, Part 5 – Environmental Management, Part 6 – Traffic and Transport, and Part 7 – Heritage and Archaeology of this DCP.

### Objectives

- O.01 Apply a precautionary approach to the site selection, design, and operation of telecommunications infrastructure.

- O.02 Minimise the possible adverse public health effects of electromagnetic radiation emitted from telecommunications facilities.
- O.03 Encourage the separation of transmitters emitting electromagnetic radiation from concentrations of possible at-risk populations, such as hospitals, retirement villages, schools, child care centres, children's playgrounds as well as residential land uses where practicable and reasonable.
- O.04 Minimise the visibility and visual impact of telecommunications infrastructure and to ensure the character of a locality is considered by telecommunication carriers in selecting sites.
- O.05 Provide guidance to telecommunication carriers about the requirements for site selection to ensure reasonable and equitable access to telecommunication technology.

## Controls

### Siting

- C.01 The potential for sharing and co-location is to be given a high priority. The sharing of existing antennas, via the use of combiners, should be pursued in the first instance, wherever possible. Existing towers and poles or other appropriate structures should be investigated for appropriateness for the sharing of antennas.
- C.02 Efforts made to co-locate are to be demonstrated by the carrier in the Development Application. The carriers' network masterplan for the subject infrastructure type should be included to identify opportunities for co-location or sharing of facilities within or between carriers.
- C.03 Where possible, broad band and other cabling should be located underground.
- C.04 Transmitting roof top antennas and towers should preferably be located in industrial or business zones, rather than residential zones or areas that have residential buildings.
- C.05 In assessing a Development Application for telecommunications infrastructure, a merit-based approach will be taken. Siting of facilities will be assessed in terms of the overall pattern of existing telecommunications facilities, so that opportunities for sharing are maximised and the cumulative impact can be determined.
- C.06 Facilities are to be sited to avoid possible locations within or at the termination of a significant vista or focal point of a streetscape, visually sensitive areas, or a streetscape or landscape dominated by heritage significance.
- C.07 Telecommunication facilities are to minimise impacts on flora and fauna during construction, maintenance, and operation.

### Location Requirements

- C.08 Telecommunications infrastructure, including mobile base stations, are to be located a minimum of 300 metres from any dwelling, residential land, school, child care centre, boarding house, hospital, aged care accommodation or other sensitive land use. If it is proposed to locate closer than 300 metres, the Development Application is to include documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the Australian Communications Authority.

- C.09 Details are also to be submitted on proposed monitoring to ensure compliance with exposure levels.

#### Visual Amenity

- C.10 Telecommunication facilities are to be designed to minimise their visibility and visual impact and within the local context to take account of colour, texture, form, bulk and scale.
- C.11 Suitable landscaping is to be provided for screening and to soften the appearance of relevant facilities.

#### Environmental/Health Impact

- C.12 Telecommunication carriers will be required to demonstrate that the development will not cause a level of electromagnetic radiation as measured cumulatively across all sources of more than the relevant Australian exposure standard at ground level within 300 metres of the proposed transmitting facility.

#### Public Safety

- C.13 The Development Application shall include details on measures taken to ensure public safety for antennas with respect to their structural and electrical safety. A certificate from a suitably qualified structural engineer showing conformity to AS1170 is to be included for soundness of roof top antennas.