



**D6.40**

# **AMUSEMENT CENTRES**



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### ENVIRONMENT AND PLANNING - DEVELOPMENT

#### POLICY BACKGROUND

Amusement centres have been viewed as controversial as a result of recent Land and Environment Court proceedings questioning the merits of such centres in terms of compatibility with existing adjoining land uses. As a result it is necessary for procedures to be established for the assessment of development applications for amusement centres.

#### POLICY OBJECTIVES

- 1 To ensure that amusement centres are located on appropriate sites having regard to the surrounding environment and land uses.
- 2 To preserve the existing amenity of the local community by ensuring amusement centres are operated in an orderly manner.
- 3 To provide guidelines for assessment of development applications for amusement centres.

#### DEFINITIONS

For the purpose of this policy the following definitions shall apply:

**Amusement Centre** means a building or place other than a hotel or club, exclusively used for indoor recreation involving the installation and use of video game machines, pinball machines or electronic or mechanical amusement machines and the like.

**Amusement Machine** means any device, whether electronic or mechanical, which can be played for entertainment and includes

- a table games, such as billiards, pool, soccer, etc; and
- b pinball machines of any type; and
- c electronic games of any type

which may or may not involve payment of a fee but do not include gaming machines.

#### PROCEDURE

The procedure (attached), being an administrative process, may be altered as necessary by the General Manager.

(Min No 60/98 - 7 April 1998)

(Min No 239/2000 – 24 October 2000 – Review of Policies) No Change

(Min No 214/2005 - 8 March 2005 - Review of Policies)

(Min No 311/2009 - 5 May 2009 - Review of Policies)

## ATTACHMENT - PROCEDURE

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#### ASSESSMENT OF APPLICATIONS

The following criteria will be taken into account by Council in assessing the merits of any application for establishment, operation, alteration or extension of an amusement centre.

##### A Location

- 1 Amusement centres shall not be located in residential areas. The Gosford Planning Scheme Ordinance defines amusement centres as a "Recreation Facility", and these are prohibited in areas zoned residential.
- 2 Amusement centres should be located in large established commercial centres.

##### B Hours of Operation

- 1 The hours of operation of amusement centres should be restricted to between 8.00am and 11.00pm daily.
- 2 Details of hours of operation shall be specified in the development application.

##### C Floor Space Requirements

- 1 The maximum number of amusement machines which can be installed on premises shall be determined by Council after considering the circumstances applicable in each case.

##### D Amenities

- 1 Toilet facilities shall be provided in accordance with the Building Code of Australia.

##### E Staffing

- 1 During hours of operation the premises must be supervised at all times by an on-site manager over the age of 18 and a minimum of one (1) licenced security guard.
- 2 Details shall be specified in the development application.

## F Provision of Off Street Parking

- 1 Car parking shall be supplied at the rate of 1 space per 25m<sup>2</sup> gross floor area in accordance with Council's On-Site Car Parking Policy for "Recreation Facilities".
- 2 Bicycle racks shall also need to be provided.

## G Internal Design

- 1 Amusement centres shall be located in premises at ground floor level to allow for easy supervision and observation.
- 2 Amusement centres are not permitted in first floor areas and basements or areas requiring access via stairways.
- 3 The internal design of the premises used for amusement centres shall be that the entire area can be kept under proper supervision at all times
- 4 Amusement machines shall be located inside the premises and not on the footpath

## H Initial Limit of Development Consent

- 1 All development consents granted to amusement centre applications shall be initially limited to a trial period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the proposed operations and compliance with any conditions of consent.
- 2 If Council is satisfied that the amusement centre has operated in an orderly manner and with no significant impact upon surrounding and nearby land uses, it may then grant a development consent under section 81 of the Environmental Planning and Assessment Act 1979, without a further time limit.

## I Referrals

Development Applications for amusement centres are to be referred to Council's Social Planner and Police Department for comments prior to determination.

## **CONDITIONS OF CONSENT WHICH MAY BE APPLIED**

It is considered that the following conditions should be imposed on consents for amusements centres where deemed appropriate:

- 1 Noise associated with the amusement centre shall not interfere with any business conducted in the vicinity.
- 2 The premises is to be supervised by an adult over the age of 18 (eighteen) and by a licensed security guard during the hours of operation.

- 3 Alcohol and any prohibited substance is prohibited on the premises.
- 4 No school students are permitted on the premises during school hours.
- 5 No amusement machines are to be placed or operated on the footpath.