



7. PLANNING

Policy 7.9

REQUIREMENTS FOR RESTRICTED PREMISES

Version 3

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7.9 REQUIREMENTS FOR RESTRICTED PREMISES

OBJECTIVES:

To provide development guidelines and advice to applicants on the information required to be submitted with a development application for restricted premises.

POLICY:

Development Application – Information to be Supplied

A development application for a restricted premises must be accompanied by all information as required by Schedule 1¹ of the Environmental Planning and Assessment Regulation 2000 and also must include:

- A description of the activities that are proposed to be undertaken at the premises.
- A site and location plan to scale showing the proximity of the subject site to sensitive land uses such as dwellings, dwelling houses, child care centres, educational establishments, places of public entertainment, places of assembly, recreation establishments, recreation facilities, places of worship, hospitals and any other place where children or young people are likely to regularly congregate including railway stations and major bus stops.
- A floor plan to scale showing all room uses, layouts, location of windows and doors including all entrances/exits from the building and the nomination of the primary access.
- An elevation plan.
- Proof of permissibility within the zone under the current Lithgow City Local Environmental Plan.
- Assessment of the proposed use against any applicable State Environmental Planning Policy, Regional Environmental Plan, Development Control Plan, this Policy and any other applicable Federal and State legislation.
- Location, number and layout of car parking.
- A description of the anticipated impact on the surrounding area due to the proposed restricted premises. In some instances a Social Impact Statement prepared by a qualified social practitioner may be required.
- Details of compliance with the Disability Discrimination Act 1992.

- Details of proposed signage indicating the size, number, colour, illumination, content and position.
- A plan of management detailing the operation and management of the restricted premises in terms of:
 - Management and staff arrangements – details of the operator and owner including contact phone numbers; the number of staff and number of security guards (if proposed).
 - Access for clients – how access and egress will be provided for people including those with disabilities.
 - Hours of operation – list proposed hours.
 - Methods to restricting access to ensure that no person under 18 years of age gains access to the premises.

¹ Or should this Regulation be repealed, any amended Regulation

- Control of antisocial or violent behaviour – strategies which are to be implemented to deal with inappropriate behaviour in the premises. Relevant qualifications of security staff should be included to ensure that they can appropriately deal with such behaviour, if proposed.
- Safety and security – measures to be taken to ensure the safety of both staff and clients within and outside of the premises.
- Waste and recycling management – demonstrate that adequate facilities are provided for waste and recycling.
- Presentation of the premises – strategies demonstrating general upgrading and ongoing maintenance of the condition of the premises.
- Access for Council officers and other regulatory staff – detail how access to the premises will be provided.

Notification of Development Application

Development applications will be advertised and notified in accordance with the following:

- A letter being sent to the owners and occupiers of adjoining land and any other individual, group, organisation or similar deemed by the Council to have, or likely to have an interest in the proposed development. The letter shall contain:
 - the address of the proposed site
 - a description of the proposed work/use
 - an A4 notification plan (where practical) of any proposed building work which depicts its height, external configuration and siting
 - name and contact number of the relevant Environmental Planner
 - advice that the application may be inspected at Council's offices during normal office hours
 - the closing date for written submissions
 - advice that the authors details may be disclosed at some point in the determination process.
- An advertisement in a local newspaper.
- Notification period is for 14 days from the date of the advertisement in the local newspaper. Council maintains the discretion to lengthen the notification period if considered necessary.

Written submissions or objections will be taken into consideration in Council's determination of the development application.

Referral

Development applications will be referred to the NSW Police, NSW Department of Education, NSW Health and other relevant government agencies for comment where considered appropriate.

Scale and Character

- The premises is to be restricted in net floor area to no greater than 150m².
- Any new building or refurbishment of an existing building is to be designed so as to be compatible with the built form of adjoining premises and integrated into the streetscape. The finishes on the building are not to draw undue attention to the premises.

- There is to be only 1 visible entrance/exit at street level and it is to be discreet, safe and unobtrusive.
- The premises shall not display sex related products from windows, the entrance/exit or outside the premises.
- The premises must be numbered, with the number clearly visible from the street in a manner that does not draw undue attention to the premises.
- The interior of the premises must not be visible from any public place.
- Where the interior of the premises may be visible from neighbouring buildings, adequate measures must be taken to screen the interior of the building (ie. blinds, screens etc).
- Access for people with disability must be provided in accordance with all relevant legislation.
- Private viewing rooms or cubicles are not permitted within the premises.

Location

- Restricted premises shall not be located within 80 metres of another restricted premises, sex services premises, school, church, child care centre or recreational facility. This distance is to be measured on a direct route via the nearest public road.

Amenity

- Hours of operation must be restricted to between 9am and 7pm, 7 days per week, except public holidays when the premises is to be closed.
- There is to be no distinctive external lighting (ie. coloured globes).
- Spruikers (staff at the door or outside the premises who encourage patrons to enter) are not permitted.

Parking

Parking shall be designed and provided in accordance with the Greater Lithgow City Council - Off Street Car Parking Development Control Plan.

Signage

Signage shall be in accordance with the State Environmental Planning Policy No. 64 and Greater Lithgow City Council – Outdoor Advertising Development Control Plan². In addition, any signage must also comply with the following:

- Only 1 flush wall or window sign as defined in the Greater Lithgow City Council – Outdoor Advertising Development Control Plan is permitted per premises.
- The sign must not exceed 0.3 metres by 0.6 metres in size and may only identify the registered name of the business.
- The sign shall not display words or images which are in the opinion of the Council sexually explicit, lewd or otherwise offensive.
- Signs must not be illuminated.
- The sign must be compatible with the design of the building to which it is attached and the streetscape.
- No advertising is to be provided on bus shelters, seating or the like within the Local Government Area.
- At the entrance to the premises there must be prominently displayed, so as to be able to be read from outside the premises, a notice, printed in clearly legible letters at least 15mm in height, containing the following words: RESTRICTED PUBLICATIONS AREA — PERSONS UNDER 18 MAY NOT ENTER. MEMBERS OF

² Or should this SEPP or DCP be repealed, any amending or replacement SEPP or DCP
Lithgow City Council Policy Policy7_9 RequirementsForRestrictedPremises

THE PUBLIC ARE WARNED THAT SOME MATERIAL DISPLAYED IN THIS AREA MAY CAUSE OFFENCE.

Security

- The design of carparks, landscaping and entrance/exit should facilitate casual or formal surveillance.
- The entrance/exit to the premises must be designed to facilitate the privacy of workers and clients without compromising personal safety.
- Adequate lighting of the entrance/exit is essential but not to the extent where it becomes a prominent feature in the streetscape.

Building Standards

The premises is to comply with the provisions of the Building Code of Australia.

DEFINITIONS:

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.

restricted premises means business premises or retail 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 hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

sex services means sexual acts or sexual services in exchange for payment

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

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