

## D.11: RESTRICTED PREMISES

### 11.1 INTRODUCTION

This Chapter outlines Council's requirements in relation to the use of premises for the sale, display or exhibition of restricted publications, objects and articles.

#### 11.1.1 *Application*

This section applies to all land to which this DCP applies that is zoned:

- B2: Local Centre;
- B3: Commercial Core; and
- B4: Mixed Use;

under the provisions of the Cessnock Local Environmental Plan (CLEP).

#### 11.1.2 *Definitions*

From the Dictionary of CLEP 2009:

**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 accommodation, a pub, home occupation (sex services) or sex services premises.

From the *Classification (Publications, Films and Computer Games) Enforcement Act, 1995*.

**Restricted publications area** means any premises, or part of any premises, constructed and managed in accordance with the requirements set out in section 49.

**Section 49** sets out requirements relating to construction and management criteria for *restricted publications areas* as quoted below:

*In order for any premises (or part of any premises) to be a restricted publications area, the following requirements must be complied with:*

- the premises must be so constructed that no part of the interior of the premises is visible to any person outside the premises,*
- each entrance to the premises must be fitted with a gate or door capable of excluding persons from the interior of the premises, and the premises must be kept closed by means of any such gate or door at all times while the premises are closed to the public,*
- the proprietor of the premises, or some other adult person appointed by the proprietor for that purpose, must remain on or near the premises, and must be in charge of the premises at all times, while the premises are open to the public,*
- at each 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 15 mm in height, containing the following words:*

*RESTRICTED PUBLICATIONS AREA - PERSONS UNDER 18 MAY NOT ENTER. MEMBERS OF THE PUBLIC ARE WARNED THAT SOME MATERIAL DISPLAYED IN THIS AREA MAY CAUSE OFFENCE.*

### **11.1.3 Aims and Objectives**

- To acknowledge that *restricted premises* have a place within the commercial / retailing environment.
- To identify locations where *restricted premises* are not appropriate.

## **11.2 RELEVANT LEGISLATION**

The *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

## **11.3 LOCATION**

*Restricted premises* including 'adult bookshops' and the like, shall be located as per the following criteria:

- (i) *restricted premises* shall not be located within a 100 metre radius of a dwelling house and 150 metre radius of any existing churches, schools, hospitals, and child care centres;
- (ii) access to, or exit from, *restricted premises*, shall not be provided within 100 metres of the entry to any other approved *restricted premises*;
- (iii) access to, or exit from, *restricted premises*, shall not be near or within view of a church, hospital, bus stop, school or community centre;
- (iv) a 'restricted publications area' does not include a newsagency or pharmacy.

## **11.4 SIGNAGE**

Signage shall comply with the requirements of Section 49(d) *Classification (Publications, Films and Computer Games) Enforcement Act, 1995* and *Part D: Specific Development, Chapter 5: Outdoor Signage*.

In addition, no lewd, sexually suggestive or offensive signage will be permitted.

## **11.5 WASTE DISPOSAL**

In addition to the waste management requirements in *Part C: General Guidelines, Chapter 5: Waste Management and Minimisation*, all *restricted publications* shall be shredded prior to disposal.