

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	9 Jun 2009	163	9 Jun 2009
2	11 May 2010	0142	11 May 2010
3	13 Aug 2013	0255	13 Aug 2013
4	14 Nov 2017	17/297	14 Nov 2017
5	23 Aug 2022	22/209	23 Aug 2022

2 Policy Objective

- To inform applicants and the community of the primary considerations for the location and establishment of restricted premises and sex services premises.
- To provide guidance for the assessment of restricted premises and sex services premises.
- To minimise potential social impact and nuisance associated with restricted premises and sex services premises.
- To establish local standards, acceptable to the community in general, for the location and establishment of restricted premises and sex services premises.

Land to Which This Policy Applies

This policy applies to all land within the Griffith City Council local government area.

3 Policy Statement

3.1 Locality

The establishment of new restricted premises and sex services premises, after the date of adoption of this policy, will only be considered in areas zoned IN1 General Industry in terms of the Griffith Local Environmental Plan 2002, and in no other zone.

No part of a restricted premises or sex services premises is to be located:

- within 200 metres walking distance from any residential dwelling or residentially zoned land (excluding a bona fide caretakers residence on industrial zoned land); or
- within 200 metres walking distance of any place of worship, school, community facility, child care centre, hospital, or any place likely to be visited by children for recreational or other pursuits; or in arcades or other thoroughfares open to the public or used by the public; or

- within 200 metres walking distance from any other lawfully operating restricted premises or sex services premises.

3.2 Design and development controls

- No internal rooms or spaces of the restricted premises or sex services premises, other than an access corridor, are to be visible from a public place, street or adjoining premises.
- No part of a restricted premises, sex services premises, or the building in which it is situated, will be used as a dwelling unless separate access will be available to the dwelling.
- No more than one sign is to be erected or displayed in public view. Such a sign shall not exceed 600mm in height or width, not be neon illuminated and not flash. Signage may only display the name of the person who conducts the business, or the registered name of the business carried out on the premises; the words "RESTRICTED PREMISES" in capital letters, not more than 50 millimetres in height; or signage required by other legislation.
- No objects, products, or goods related to a restricted premises or sex services premises will be visible from outside the premises.

3.3 Notification and Consultation

In addition to the requirements of Council's relevant DCP, Council may notify any place of worship, school, community facility, child care centre, hospital, or any place likely to be visited by children for recreational or other pursuits – whether in a nearby location or not.

NSW Police, NSW Health, NSW Department of Community Services and NSW WorkCover are preferred agencies to be consulted during the assessment of any application for a restricted premises or sex services premises.

3.4 Additional requirements

In the case of applications involving restricted premises or sex services premises, Council may require a social impact assessment to be undertaken by a suitably qualified professional prior to making a determination.

In the case of applications involving restricted premises or sex services premises, Council may require a Management Plan prior to making a determination. Such a Plan of Management will demonstrate compliance with WorkCover NSW's Health and Safety Guidelines for Brothels (2001), NSW Crime Prevention through Environmental Design Guidelines (2001) and NSW Communicable Diseases Health and Safety Guidelines for Sex on Premises Venues (2002).

In the case of applications involving massage premises and services, Council may require additional information to ensure compliance with Section 16 of the Summary Offences Act 1988.

4 Definitions

Restricted Premises has the same meaning as in the Griffith Local Environmental Plan 2014; but, for the purpose of this policy, also means a building or place used or intended for use of a shop in which:

- any classified publications (other than unrestricted publications) within the meaning of the Classification (Publications, Films and Computer Games) Enforcement Act 1995 are available for sale or rental to the public, or
- a business is conducted involving, selling or disposing of products to which section 578E of the Crimes Act 1900 applies, or
- a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but is not printed matter, but does not include a shop where the business of a newsagent, clothes or lingerie retailer, video/DVD hire, or registered pharmacist is genuinely carried on.

Sex Services Premises has the same meaning as in the Griffith Local Environmental Plan 2014, but, for the purpose of this policy, also includes massage related services involving sexual acts or sexual services ***Refer to Section 16 of the Summary Offences Act 1988 – accordingly it is 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,*** and premises or buildings used for the purpose of a strip club, swingers club, street-based sex workers, bondage and discipline parlours, and the like.

5 Exceptions

None

6 Legislation

None

7 Related Documents

None

8 Directorate

Sustainable Development