



New South Wales

## Shellharbour Local Environmental Plan 2000 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W01/00102/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2002 No 47**

Clause 1 Shellharbour Local Environmental Plan 2000 (Amendment No 5)

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# **Shellharbour Local Environmental Plan 2000 (Amendment No 5)**

## **1 Name of plan**

This plan is *Shellharbour Local Environmental Plan 2000 (Amendment No 5)*.

## **2 Aims of plan**

This plan aims to include a clause in *Shellharbour Local Environmental Plan 2000* which sets out criteria for determining the location of brothels and restricted premises within the City of Shellharbour.

## **3 Land to which plan applies**

This plan applies to all land within the City of Shellharbour under *Shellharbour Local Environmental Plan 2000*.

## **4 Amendment of Shellharbour Local Environmental Plan 2000**

*Shellharbour Local Environmental Plan 2000* is amended as set out in Schedule 1.

## Schedule 1 Amendment

(Clause 4)

### Clause 88

Insert after clause 87:

#### 88 Brothels and restricted premises

- (1) The Council may only consent to an application for the carrying out of development for the purpose of a brothel or restricted premises if the brothel is not, or the restricted premises are not, located next to or directly opposite the following buildings or places:
  - (a) a dwelling house,
  - (b) a child care centre or a building or place providing home-based child care,
  - (c) a primary or secondary school,
  - (d) a place of public worship,
  - (e) a park,
  - (f) a playground,
  - (g) any other buildings or places regularly frequented by persons under 18 years of age.
- (2) In considering an application for development referred to in subclause (1), the Council must consider the proximity of the proposed development to a building or place referred to in subclause (1) (a)–(g) and to the following buildings or places:
  - (a) a community facility,
  - (b) a hospital,
  - (c) premises licensed under the *Liquor Act 1982*.
- (3) In this clause:

***restricted premises*** means a building or place at which:

  - (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the

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Schedule 1

Amendment

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Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or

- (b) a business to which section 578E (Offences relating to advertising or displaying products associated with sexual behaviour) of the *Crimes Act 1900* applies is conducted,

but does not include a newsagency or pharmacy.

BY AUTHORITY

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