



Growth Management Queensland



# State Planning Regulatory Provision (Adult Stores)

Final - July 2010



## **Growth Management Queensland**

The state government, through Growth Management Queensland (GMQ) in the Department of Infrastructure and Planning, is leading the way with a focused approach to managing growth. The SPRP is a demonstration of GMQ delivering a more streamlined planning framework and providing sustainable development outcomes for Queensland communities.

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# Division 1 Preliminary

## 1.1 Short title

These draft state planning regulatory provisions (SPRP) may be cited as the *draft State Planning Regulatory Provision (Adult Stores)*.

## 1.2 Policy objective

These state planning regulatory provisions provide a standard to manage the location of new adult stores and to avoid close proximity to existing sensitive uses.

# Division 2 Regulation of adult stores

## 1.3 Location of adult stores

- 1) The distance between the boundary of the land occupied by a sensitive use and the entrance of a proposed adult store is the greater of the following:
  - a) more than 200 metres according to the shortest route a person may lawfully take, by vehicle or on foot; or
  - b) more than 100 metres measured in a straight line.
- 2) However, planning schemes listed in Schedule 2 comply with the SPRP. To remove any doubt, local governments may amend a scheme to adopt alternative provisions provided these are consistent with the policy objective, for example by specifying a greater or lesser separation distance, or adding to or reducing the list of sensitive uses.

## 1.4 Definitions

Unless otherwise defined by the dictionary in Schedule 1 of these draft state planning regulatory provisions, the *Sustainable Planning Act 2009*, Schedule 3 defines particular words used in these draft state planning regulatory provisions.

## 1.5 When these regulatory provisions apply

These state planning regulatory provisions apply for a material change of use that is self assessable development or a material change of use that is assessable development under the relevant planning scheme.

## 1.6 When these regulatory provisions do not apply

To remove any doubt, the state planning regulatory provisions do not apply to:

- a development application that has been made but not decided at the date these provisions take effect; or
- existing lawful adult stores; or
- new sensitive uses locating close to existing adult stores.

To remove any doubt, planning scheme provisions relating to adult stores that are not about location (e.g. signage and display) continue to apply.



## 1.7 When a development application is not accepted

The assessment manager must not accept a development application for development which would be contrary to these state planning regulatory provisions. Self assessable development must comply with the requirements of Section 1.3 (1), unless the application complies with locational criteria contained in the applicable planning scheme for the local government area.

## Schedule 1—Definitions

**Adult store** includes a shop where the primary purpose of the business is for the display or sale of sexually explicit material and materials and devices associated with or used in a sexual practice or activity.

The term does not include the business of a newsagent, registered pharmacist, video hire or a shop where the primary use is concerned with the display, sale or hire of printed or recorded matter (not of a sexually explicit nature), the sale of underwear or lingerie, or the sale or display of an article or thing primarily concerned with or used in association with a medically recognised purpose.

**Identified planning scheme** is a planning scheme that is listed in Schedule 2 and has been in effect as of 31 July 2009.

**Sensitive use** includes a childcare centre, place of worship, kindergarten and all educational institutions that cater for children of primary and secondary school age.

**Vehicle** includes any type of transport that moves on wheels but does not include a train or tram.

## Schedule 2—Identified planning schemes

Bowen Shire Council Planning Scheme 2006  
The Broadsound Plan 2005  
Cairns Plan 2005  
Caloundra City Plan 2004  
Herberton Shire Planning Scheme 2005  
Johnstone Shire Planning Scheme 2005  
Living 2005 Livingstone Shire Planning Scheme  
Logan Planning Scheme 2006  
Mareeba Shire Plan 2005  
Maroochy Plan 2000  
Pine Rivers Plan 2006