

### Planning Requirements

State/ Territory	Act	Requirements
Victoria	<p><i>Prostitution Control Act 1994</i> Part 4</p> <p><i>Planning and Environment Act 1987</i></p>	<p>The Act sets out the planning controls for brothels. An application must be made for a permit. The responsible authority must consider a list of factors in determining the application, including the location of the brothel to places of worship, schools, hospitals, adequate parking and access, the amenity of the neighbourhood, proposed size of the brothel and proposed method and hours of operation and guidelines about the size or location of brothels issued by the Minister administering the <i>Planning and Environment Act 1987</i> (s.73). The responsible authority must refuse to grant a permit in certain circumstances, including if the brothel is on land that is within an area zoned for residential use, (generally) the land is within 100 metres of a dwelling, (generally) the land is within 200 metres of a place of worship, hospital, school, kindergarten, children's services centre or any facility or place regularly frequented by children for recreational or cultural activities, or special circumstances set out in guidelines issued by the Minister.</p> <p>(The responsible authority is the relevant municipal council or Minister – s.13 <i>Planning and Environment Act 1987</i>).</p>
Queensland	<p><i>Prostitution Act 1999</i> Part 4</p> <p><i>Integrated Planning Act 1997</i> 3.1.7; Sch 8A</p>	<p>A development application is required. The assessment manager (local government) must refuse a development application if the application land is within 200m of a primarily residential area, or is within 200m of a residential building, place of worship, hospital, school, kindergarten, or any other facility or place regularly frequented by children for recreational or cultural activities - measured according to the shortest route a person may reasonably and lawfully take, by vehicle or on foot, between the application land and the other land; or within 100m of a residential building, place of worship, hospital, school, kindergarten, or any other facility or place regularly frequented by children for recreational or cultural activities - measured in a straight line; or, for land in a town with a population of less than 25000, the local government for the local government area has required that all applications within the area be refused and the Minister has agreed that the applications should be refused. Brothels are limited to a maximum of 5 rooms. An appeal may be made to an independent assessor.</p>

New South Wales	<i>Restricted Premises Act 1943</i> Part 3	Local authorities handle the location of brothels and have developed policies for the management of brothels in their area. Under the <i>Restricted Premises Act 1943</i> a local government can apply to the Land and Environment Court for an order than an owner or occupier of a brothel is not to use or allow the use of the premises for the purposes of a brothel. A local government can only make such an application when it is satisfied that it has received sufficient complaints about the brothel to justify making the application. The Court may consider a range of factors in making the application, including whether the brothel is operating near a church, hospital, school or place frequented by children, whether the brothel causes a disturbance in the neighbourhood, sufficient off-street parking, suitable access, the size of the brothel, the amenity of the neighbourhood.
Tasmania	<i>Sex Industry Offences Act 2005</i>	It is an offence to be a commercial operator of a sexual services business. There are therefore no planning requirements under the Act.
Northern Territory	<i>Prostitution Regulation Act [2004]</i>	It is an offence to operate a brothel but sole operators and escort agencies are legal. There are no specific planning requirements under the Act.
New Zealand	<i>Prostitution Reform Act 2003</i> ss 13-15	The Act allows territorial authorities (local councils) to create bylaws to influence where brothels can operate.

**21X. Approvals for existing well managed places**

- (1) If land was being used for the purpose of a sexual service business (other than a small owner-operated 15 business) immediately before 12 September 2006 and continued to be used for that purpose up to and including the day on which the *Prostitution Amendment Act 2007* section 1 came into operation, the use of the land, subject to the approval of the CEO, for that purpose is a use permitted by the planning scheme or interim development order relating to the land.
- (2) An application for the approval of the CEO under subsection (1) is to be made in the prescribed manner.
- (3) In considering an application for approval under subsection (1) the CEO is to liaise with the local government of the district in which the land is located and the Commissioner of Police and is to have regard to —
  - (a) whether the manner of the use of the land for the business has been the subject of complaints before 12 September 2006 from residents or occupiers in the area; and
  - (b) whether the operation of the business causes, or is likely to cause, a disturbance in the neighbourhood when taking into account the number of sex workers working in the business, its hours of operation, the noise and vehicular and pedestrian traffic; and
  - (c) whether the operation of the business interferes, or is likely to interfere, with the amenity of the neighbourhood.
- (4) The CEO is to give approval under subsection (1) unless, after having regard to the matters referred to in subsection (3), the CEO is satisfied that the business is not being managed appropriately.

**21Y. Other places**

- (1) If a development application within the meaning given in the Planning and Development Act 2005 section 4(1) is made to a responsible authority for the development of land for the purpose of a sexual service business, the authority must —
  - (a) consider the application as if that purpose is a use that is not permitted unless the responsible authority has exercised its discretion by granting planning approval; and
  - (b) in exercising its discretion, also have regard to whether the business —
    - (i) is likely to cause a nuisance to ordinary members of the public using the area in which the land is situated; and

- (ii) is incompatible with the existing character or use of the area in which the land is situated.
- (2) Subsection (1) does not limit or affect the operation of the Planning and Development Act 2005 in any way, and the subsection may be overridden by a provision of a planning scheme or interim development order.