

ATTACHMENT 1

Public submission & Petition



12 March 2011

General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

BROTHELS.

| | |
|---------------------|-------------------------------------|
| TWEED SHIRE COUNCIL | |
| FILE No: | DOP-A8-BROTHELS POLICY |
| DOC. No: | |
| RECD: | 16 MAR 2011 |
| ASSIGNED TO: | CONNELL, V |
| HARD COPY | <input type="checkbox"/> |
| IMAGE | <input checked="" type="checkbox"/> |

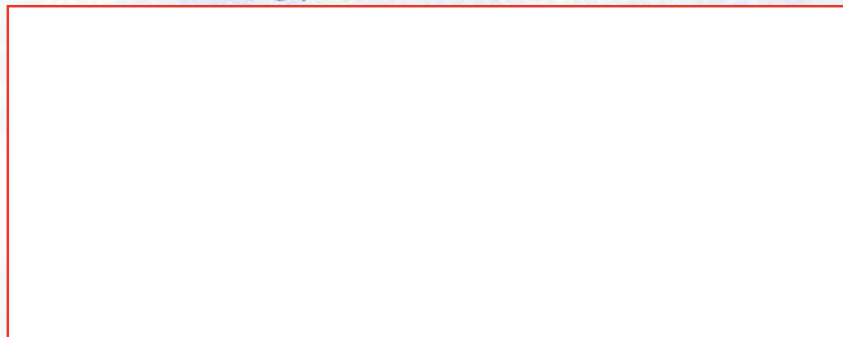
Dear Sir

Re: Petitioned Comments on Draft Section A8 -Tweed Brothel Code

FROM: TWEED SHIRE RESIDENTS, MEMBERS OF ELEVATION TWEED COAST CHURCH & CLIENTS OF ELEVATION CARE

PO Box 3188 + PETITION.

Lead petitioner:



As rate payers in the Tweed shire, members of a local church and local community members we ask the Tweed Shire Council to note the following comments in regards to the Draft Tweed Brothel Code. Our signatures on the attached petition form confirm our agreement of the comments noted in the following pages and we ask that council seriously consider these before finalising the Code

INTRODUCTION:

Elevation Church has a campus at Tweed Heads and at Varsity Lakes. It is part of a network of churches called *Christian Outreach Centre* which has over 140 churches across Australia and over 1,000 churches around the world. The church is made up of a broad cross section of the community with people from varying backgrounds, cultures and ages.

The church actively supports the local community and has diverse programs which support children, youth, women and men, and families. It provides practical, social and spiritual support to all age groups and to those who are disadvantaged in the community through Elevation Care which provides food and clothing aid. The Tweed campus operates from 56 Caloolah Drive Tweed Heads which is now owned by the church.

COMMENTS:

As parents, community leaders and general citizens we have genuine concerns about:

1. Brothel legislation which disempowers the local governments and communities
 2. The negative environments that brothels may attract to our region with potential to increase crime and encourage abuse of women and young girls.
 3. The possible proliferation of brothel development and "red light districts" and the need to cap numbers
 4. Proximity restrictions that do not adequately protect children, youth and families.
 5. The need to increase security and the monitoring of health and well being of the workers
1. **BROTHEL LAND USE LEGISLATION SHOULD BE CHALLENGED:**

We thank council for developing a brothel management plan to minimise the negative impacts that brothels may bring to the local community because we have great concerns that NSW legislation has allowed this to be a legal land use and prevents the Tweed council from completely prohibiting brothel development.

The legislation disempowers local councils as it only relates to planning and doesn't consider the real issues relating to the social impacts and local concerns of councils and communities. While we understand the legal implications change will not occur to the legislation unless it is challenged. Local councils and communities need to have a far greater say in what is best for regions. Like the *The Australian Christian Lobby (ACL)* we urge the council to follow the lead of the Parramatta City Council as posted by Glynis Quinlan, PR Manager on October 19th, 2010 and vote to ban all brothels and sex-related services as an acceptable land use.

The article stated

ACL's spokesperson on women's issues, Michelle Pearse, said Parramatta City Council had taken a clear stand in favour of the best interests of the local community by becoming the first council in NSW to defy the NSW Government's planning requirements which impose brothels on local communities despite compelling social concerns.

"It is wrong for State Governments in places such as NSW, Queensland and Victoria to force councils to assess brothels solely in terms of planning requirements and to make them ignore the wider social effects of approving brothels and the deplorable impact on the local character of the neighbourhood.

"Legalising brothels has been a clear failure everywhere it has occurred and Government policies which force brothels on unwilling communities are yet another example of this failure. Research has shown that legalising brothels only increases harm to women and children by causing a massive expansion of the industry – including tripling the number of illegal brothels," Ms Pearse said.

For example, after ten years of licensed brothels in Queensland under the Prostitution Act 1999, '90% of prostitution remains unregulated' according to a report [Human Trafficking Working Group of the University of Queensland](#).

"At the same time, legalising brothels has led to State endorsement of brothels being inflicted on communities despite their concerns."

Ms Pearse said that according to a Law and Sex Worker Health Team (LASH) survey of urban councils in Sydney, the demand for brothels is growing faster than the number of approvals. "Wherever brothels are decriminalised, the demand for paid sex will continue to grow. Governments need to recognise the harm this is having on society and to the women involved and take a tougher stance against the purchase of sex."

Ms Pearse said that, instead of pursuing a failed policy initiative, State Governments should be considering the Swedish model of prostitution control which treats prostitution as a form of abuse against women and prosecutes the purchaser of sex.

"Just recently the Tasmanian Children's Commissioner referred to the need to consider such moves in his report dealing with the case of a 12-year-old girl who had been prostituted to more than 100 men.

"Governments need to have a complete rethink on this issue and Parramatta City Council has had good reason to defy such policies. We urge all other councils who genuinely value ratepayers' concerns to follow Parramatta's lead."

Please also see point 2.

2. **NEGATIVE SOCIAL IMPACTS SHOULD HAVE GREATER CONSIDERATION:** There are many negative social impacts linked with brothels (*please also refer to Prostitution And Law Article below and statistics from Department of Health and Aging on the following page*). Local councils, community members and community organisations and services are left to deal with these impacts and the costs associated with them. These impacts include
- a. Physical and emotional abuse
 - b. Mental and emotional health issues particularly depression and low self esteem.
 - c. Crime (including theft and violence), human trafficking and degradation.
 - d. Sex trafficking, underage sex and sex tourism,
 - e. Canvassing of young women (many who are under 18) to engage in prostitution.
 - f. Drug and alcohol abuse.
 - g. Relationship and family breakdowns.
 - h. Child abuse including sexual abuse.
 - i. Sexual health issues

Statistics show that a large percentage of brothel workers have come from abused backgrounds and through their work also experience further abuse and violence. Brothels further create environments which encourage further abuse women (and young girls) with Australia being a preferred destination of human trafficking because of the legalisation of brothels. Statistics also highlight that the preference of patrons is for girls under 24 and a high percentage of them prefer girls under 18. Studies also reveal that a high percentage of workers (and their patrons) abuse drugs and alcohol. Many brothel owners have been shown to have links to crime. We generally agree with the abolitionist's perspective as outlined by the Wikipedia article below that prostitution is tolerance of inegalitarian sexuality where male sexual demands override women's sexual autonomy and overall well-being.

Prostitution and the law

From Wikipedia, http://en.wikipedia.org/wiki/Prostitution_and_the_law#Australia

Those who support prohibition or abolition of prostitution^[12] argue that keeping prostitution illegal is the best way to prevent abusive and dangerous activities (child prostitution, human trafficking etc.). They argue that a system which allows legalized and regulated prostitution has very negative effects and does not improve the situation of the prostitutes; such legal systems only lead to crime and abuse: many women who work in licensed brothels are still controlled by outside pimps; many brothel owners are criminals themselves; the creation of a legal and regulated prostitution industry only leads to another parallel illegal industry, as many women do not want to register and work legally (since this would rob them of their anonymity) and other women can not be hired by legal brothels because of underlying problems (e.g., drug abuse); legalizing prostitution makes it more socially acceptable to buy sex, creating a huge demand for prostitutes (both by local men and by foreigners engaging in sex tourism) and, as a result, human trafficking and underage prostitution increase in order to satisfy this demand.^{[13][14][15][16][17]}

A multi-country study for the International Organisation for Migration found that 75% of men who buy sex prefer women under 25 years old, and over 20% prefer girls under 18 years old.^[18]

Studies have shown an extremely high level of violence is perpetrated against prostitutes, and many prostitutes have been the subject of violence, rape and coercion before entering prostitution including as children.^{[21][22]} and that many young women and girls enter prostitution directly from state care in at least England, Norway, Australia and Canada.^[23] One representative study showed 82% of respondents had been physically assaulted since entering prostitution, 55% of those by clients. Additionally, 80% had been physically threatened while in prostitution, 83% of those with a weapon. 8% reported physical attacks by pimps and johns of a nature that resulted in serious injury, for example gunshot wounds and knife wounds. 68% reported having been raped since entering prostitution, 48% more than five times and 46% reporting rapes committed by johns. Finally, 49% reported pornography was made of them while they were in prostitution and 32% had been upset by an attempt to make them do what johns had seen in pornography.^[24] Women in indoor and outdoor prostitution both report high levels of violence and constant need for vigilance and fear. Many brothels have installed panic buttons because of the ongoing threat of violence indoors.

Abolitionists believe tolerance of prostitution is tolerance of inegalitarian sexuality in which male sexual demands can override women's sexual autonomy and overall well-being.^{[25][26]}

Prostitution in Australia

Australia is a destination country for women who are trafficked into prostitution (there is trafficking for other purposes in Australia, though no research has been conducted which focuses on other forms of exploitation). The Australian Government announced a \$20 million counter-trafficking package in October 2003, which recognises women trafficked into prostitution as victims of a crime and offers support to help them recover. However, this does not mean that the Australian Government considers all women in prostitution to be victims of a crime, only that trafficking is a crime. Most women trafficked to Australia are from South East Asia and China with some from Eastern and Central Europe and Latin America

Please also note the below statistics from Australian Department of Health and Ageing

- ❑ *In Australia, Roxburgh et al. (2006) found high rates of child sexual abuse among sex workers in Sydney's Kings Cross with 75% reporting some form of child sexual abuse.*
- ❑ *Over one-fifth (23.3%) of Queensland workers reported unwanted vaginal sex before 16, and 23.7% reported unwanted oral sex before 16 (Woodward et al., 2004).*
- ❑ *(see also Dalla, 2000; El-Bassel et al., 2001; Farley, Baral, Kiremire & Sezgin, 1998; Farley & Barkan cited in Campbell, 2003; Widom & Kuhns, 1996)*
- ❑ *Relatively high rates of sexual violence experienced by sex workers*

3. **BROTHEL NUMBERS SHOULD BE CAPPED AND MORE EFFECTIVE POLICING OF COMPLIANCE UNDERTAKEN:** The Tweed already has enough brothels which also include unlicensed brothels and there is strong evidence to suggest the connection of unlicensed brothels with crime syndicates. To minimise impact on the area and to avoid the issues now faced by many Sydney councils with the proliferation of brothel applications and the number of illegal and non compliant brothels, the actual number of brothels allowed in the region should be capped and the plan should include strategies for the policing of compliance. It has been well documented through media and council meeting minutes that various councils in Sydney (including Parramatta) have been trying to back track due to the growth in the industry with frustration relating to the following major concerns:
- the lack of support from the environmental and planning courts who neglect to consider the real social concerns that councils have related to the industry;
 - the lack of policing of compliance
 - the number of unlicensed brothels in the region;
 - the growth of crime and human trafficking in both licensed and unlicensed premises.

Please refer to article below which outlines some of these concerns

Sydney the brothel capital of the South Pacific

- **By Nick Tabakoff From: [The Daily Telegraph](#) November 11, 2010 8:54PM**

The figures are the first definitive statistics compiled in the state, and will heighten calls from law enforcement to rein in its growth amid claims that the industry is being infiltrated by organised crime. Experts say it is far easier to start a brothel than a pub.

What is more alarming is that these numbers may be just the beginning. Only 56 of NSW's 152 councils responded to the government survey. The others refused.

Many abstainers were in country NSW, where an admission of the existence of working brothels would be highly embarrassing.

Senior NSW officials delivered the figures in March but it is believed the Government is reluctant to release them because they are seen as political dynamite ahead of next year's state election.

The statistics show 150 illegal brothels operate in the state, with hundreds more are believed to be going unreported.

A former ICAC and National Crime Authority organised crime investigator - who has raided more than 200 brothels across Sydney - said the figures were the first ever gathered by a NSW government.

"The proliferation of brothels has resulted from dysfunctional planning laws and legislation governing sex premises in NSW," he said.

"There's no control. The approval process, which only looks at development issues, has no provision for any criminal links with owners or operators, unlike liquor licensing laws."

Chris Seage, a former high-level consultant to the legal brothel industry in NSW, said of the figures: "I'm staggered. I only thought there were about 150 legal brothels in NSW. Now it turns out there's double, and that's only in a third of the councils."

Mr Seage said the key reason for the huge growth in legal brothels in NSW was "laissez faire" regulation.

"We've left everything in the hands of councils, who are toothless in clamping down," he said.

"There's no probity checks done in NSW. Any Tom, Dick or Harry can own a brothel, irrespective of their criminal background. You can be a murderer or a crime boss and legally own a brothel authorised by council."

Acting Lord Mayor of Parramatta, Mike McDermott, agreed councils did not have the ability to stop the spread of brothels: "We've been powerless to stop brothels starting up in our area."

Mr McDermott has been unable to limit the 20 brothels in his area alone.

We would also like council to consider the planned actions and recommendations by the NSW Liberals and National Party regarding compliance and note the importance of the council Brothel Enforcement Taskforce which discovered numerous breaches as noted by an article by Street Corner 23/12/2010 which stated

The Liberal/National plan includes;

** Ensure all brothels are licensed, with stringent vetting of brothel licence applicants to clamp down on the use of brothels by organised crime groups and unsuitable persons;*

** Institute annual brothel licence fees administered by a Brothel Licensing Authority to ensure legal brothels comply with the law and to eliminate illegal brothels, brothel licensing fees will be introduced to pay for enhanced compliance activity by council inspectors;*

** Improve the co-ordination of councils' compliance officers with authorities such as WorkCover NSW and NSW Health the best weapon for disrupting and dismantling illegal operations and forcing compliance by licensed operators.*

Hartcher said illegal brothels are not legitimate businesses which have been licensed and regulated and are properly controlled they are illegal establishments which exist because our Councils don't have enough powers to stop them and because the Keneally Labor Government failed to act. Hartcher also claimed that evidence suggests that illegal brothels they are a haven for tax fraudsters and a money-spinner for organised crime.

"In Parramatta, a council Brothel Enforcement Taskforce inspected a series of premises and found breaches in trading hours, fire safety risks, immigration issues, drugs and weapons.

Issue 1

4. PROXIMITY RESTRICTIONS ARE NOT ADEQUATE TO PROTECT CHILDREN, YOUTH AND FAMILIES:

A healthy and safe society has strong protective factors for those who are most vulnerable. The preceding points clearly show that brothels increase the risk of harm to our vulnerable populations. The plan outlines proximity restrictions in 1.0 however these are inadequate and inconsistent. A higher and more appropriate proximity restriction of 500 meters is set from residential yet the distances from where children and young people congregate are set at a lesser distance. This is incongruent; the places where children, youth and families congregate should be greater than, and at the very least be, the proximity to the residential restriction. This includes

- Place of worship (incl. chapel); Educational establishment
- Child care centre; Pre-school; Primary school
- Youth centre/club; Recreational ground or facility
- Hospital; Health care premises; Medical centre
- Bus stop; Place of assembly ; Community centre or hall
- Any premises frequented by children or adolescents

We would also recommend further restrictions of location which take into consideration the location of licensed premises and entertainment venues and other uses in one street that could generate crime as noted in Gold Coast City Council Plan

Issue 2

Part 7 Codes Division 2 Specific Development Codes Chapter 8 Brothels PC2

The Brothel must not be located where there are four or more licensed premises, entertainment venues and other uses in the one street that could generate crime or nuisance behaviour

5. SECURITY, SAFETY AND HEALTH MONITORING:

As outlined in point 3 there is evidence to suggest that workers have a high risk of abuse and therefore their safety and security is a major concern. While we do not agree with brothels as an appropriate land use if council allows the use then we agree with the security measures outlined in the plan. However, we do not believe they are adequate and would also recommend additional security measures be implemented for the protection of workers such as the use of trained security guards to ensure greater protection. Also studies highlight the need for monitoring of sexual, emotional and mental health of workers. As outlined in other councils management plans clear strategies for ensuring that these are regularly checked also need to be included in the plan.

Please also find attached petition signatures urging council to seriously consider the comments outlined when finalising the Tweed Brothel Code. The safety, security and well being of residents and visitors to the Tweed Shire is paramount.

ATTACHMENT: PETITION

We, the undersigned, want Tweed Shire Council to consider the comments as outlined by Anne Ellis on behalf of Pastor Ross Abraham Elevation Church, as they reflect our views and concerns.

| <u>SIGNATURES</u> | | | |
|-------------------|------------------------|-----------|--|
| NAME | ADDRESS | SIGNATURE | Church Member : CM Local Resident: LR Elevation Care: EC Other: O |
| Vicky Pollard | Restricted Information | | EC |
| Aimee Edwards | | CM | |
| Veronica Harper | | O/LR | |
| Sharon Bright | | O/LR | |
| Paul Connell | | EC LR | |
| A. A Tenn | | O/LR | |
| C. Russell | | O/LR | |
| D. Andrews | | LR | |
| K. Blunt | | LR | |
| J. O'Rourke | | LR | |
| S. Whinn | | LR | |
| A. R. R. | | LR | |
| E. Johnson | | LR | |
| J. Ross | | LR | |
| Beth Downey | | LR | |
| Brocke Peary | | LR | |
| Jeff Thomas | | LR | |
| Lisa Mollica | | O | |
| A. R. R. | LR | | |
| Eric Huang | EC | | |

We, the undersigned, want Tweed Shire Council to consider the comments as outlined by Anne Ellis on behalf of Pastor Ross Abraham Elevation Church, as they reflect our views and concerns.

| <u>SIGNATURES</u> | | | |
|---------------------------------|------------------------|-------------|--|
| NAME | ADDRESS | SIGNATURE | Church Member : CM Local Resident: LR Elevation Care: EC Other: O |
| D. R. ... | Restricted Information | [Signature] | LR |
| P. Bowman | | [Signature] | LR |
| R. Holmes | | [Signature] | CM |
| FRANK LUCKE | | [Signature] | O / LR |
| Stephanie Petschke | | [Signature] | O |
| Kim Sercombe | | [Signature] | OR |
| R. Clarke | | [Signature] | OR |
| K. Lamkin | | [Signature] | OR |
| A. Burgess | | [Signature] | LR |
| A. Stephens | | [Signature] | LR |
| JOHNNYMAN | | [Signature] | LR |
| G WENTWORTH | | [Signature] | LR |
| Johnnyman | | [Signature] | OR |
| DAVID - HANCOCK | | [Signature] | EC |
| Alicia Ward Jessarrah Wilson | | [Signature] | EC |
| Catherine Vandersteen | | [Signature] | LR |
| Katie Kurl | | [Signature] | LR |
| JANICE ELLSON | | [Signature] | O |

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| <u>SIGNATURES</u> | | | |
|--------------------------|------------------------|-------------|--|
| NAME | ADDRESS | SIGNATURE | Church Member : CM Local Resident: LR Elevation Care: EC Other: O |
| Anne Ellis GREG ELLIS | Restricted Information | [Signature] | CM / LR CM / LR |
| DEB Callaghan | | CM | |
| DEBRA COASTAGE | | CM | |
| MARK COASTAGE | | CM | |
| BRYCE KENNEDY | | CM | |
| MARK NATHAN 35 | | CM | |
| Teama Hipwood 21 | | CM | |
| Andrew Spence 11 | | CM | |
| Tiffany Spence 11 | | CM | |
| Met Shield 10 | | CM / LR | |
| Jacquetta Pitt 10 | | CM | |
| Val Peach 0 | | CM | |
| Kim Kennedy 26 | | CM | |
| Lisa Baxter 8 | | CM | |
| Coit McCloud | | ✓ | |
| Sally Cirulis 13 | | CM | |
| DON SHARMA 10 | | CM / LR | |
| Dorothy Sharma | | CM / LR | |
| Monica Mullis 2 | CM | | |
| Lee Abbott 2/1 | CM | | |

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| <u>SIGNATURES</u> | | | |
|-------------------------------------|------------------------|-----------|--|
| NAME | ADDRESS | SIGNATURE | Church Member : CM Local Resident: LR Elevation Care: EC Other: O |
| G. CALLAGHAN (Assistant Pastor) | Restricted Information | | CM. |
| S. Storkenbeker | | CM. | |
| Stephen Baxter | | CM | |
| Rochel Pratt | | CM | |
| ALAN NEETHLING | | CM | |
| C. NEETHLING | | CM. | |
| R HALE | | CM/LR | |
| C. Evans-Halle children's leader | | CM/LR. | |
| Elise Brand -children's leader | | CM | |
| Dominique Coudoussi | | CM | |
| Karen Reid | | CM | |
| P Ochsler youth leader | | CM | |
| L. Jones | | CM | |
| Jasm Jones | | CM | |
| Allan Rees | | CM | |
| Kirsty Abraham Fundraising Co | | CM | |
| Peta Ludwik. 52 | | CM/EC | |
| Kathy Abraham Doster | | CM member | |
| D. PECKMAN | LR - CM | | |

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| <u>SIGNATURES</u> | | | | |
|-------------------------|------------------------|-----------|--|--|
| NAME | ADDRESS | SIGNATURE | Church Member : CM Local Resident: LR Elevation Care: EC Other: O | |
| Ked Pedman | Restricted Information | | LR & | |
| Jane Thames | | | CM | |
| Tara (one) | | | CM | |
| Tiani Shield | | | EM | |
| Dee Abrahams | | | CM | |
| Arvid Poir | | | CM | |
| Brett Bolwin | | | CM | |
| Linda Okane | | | CM | |
| DAKE HACK | | | CS | |
| Daniel Hack | | | CM | |
| Lauren Hack | | | CM | |
| Julie Hack | | | CS | |
| Katrina Laine | | | LR. | |
| Dale Jennings | | | CM LR | |
| Aaron Gooden | | | CM | |
| Pastor Krishna Kapur | | | CM | |
| Tan Paul | | | CM | |
| NASH C | | | CM | |
| | | | | |
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| <u>SIGNATURES</u> | | | |
|---|------------------------|-------------------------------|--|
| NAME | ADDRESS | SIGNATURE | Church Member : CM Local Resident: LR Elevation Care: EC Other: P |
| Vicki Wattain | Restricted Information | | Church Member / Local Resident |
| Patrizia Fabi | | church member local resident. | |
| Ailsa Baker | | church member local resident | |
| Aaron Baker | | CM, LR. | |
| Sonia Sharp | | local | |
| Mark Bonham | | local. sort- | |
| Simon Campbell | | CM | |
| Elevation Care Pastor Andy Backhouse | | EC | |
| Aaron Sorter | | CM | |
| Mignon Backhouse | | CM | |
| BRET ABRAHAM | | CM | |
| Pastor Adam Ramsey | | CM | |
| JEFF KOLLEN | | CM | |
| | | | |
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ATTACHMENT 2

Public submission

General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Brothels

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|---------------------|-------------------------------------|
| TWEED SHIRE COUNCIL | |
| FULL No: | DCP - A8 - Brothels. |
| DOC. No: | |
| REC'D: | 16 MAR 2011 |
| ASSIGNED TO: | CORNELL, V |
| HARD COPY | <input type="checkbox"/> |
| IMAGE | <input checked="" type="checkbox"/> |

Dear Sir

Re: Comments on Draft Section A8 -Tweed Brothel Code

My husband and I are residents of the Tweed Shire and have had long term experience working in the community in the following roles as

- An employment consultant for more than 16 yrs
- A manager of a government funded community based youth service for the past 9 yrs; children's worker for more than 6 yrs and training development officer and co-ordinator working with the unemployed (including youth) for more than 6 yrs;
- As active participants in community based projects such as suicide intervention, youth homelessness, men's (including young men) health and well being issues; living skills education, and involvement in women's safety, domestic violence and child abuse prevention.
- As active church members

We would like to make the following comments as residents, rate payers and as experienced community workers.

1. We appreciate the recognition of the extraordinarily sensitivity of the land use as it sits within the moral beliefs and views of the broader community, however, apart from the moral issues, I believe the real concerns about the protection of young family and children, and concerns about the negative environments that brothels may attract to a region should be a primary consideration. In our roles and as community members we have seen many negative impacts relating to brothels. This has been as a result of being involved in community work, networks and training; knowing workers or children of workers in the industry, men who have utilised the services of brothel workers; knowing case workers who have worked with families; and knowing men who have issues as a result of the activities associated with the brothels. Some of the impacts have included:
 - Physical abuse and concerns regarding personal safety.
 - Drug and alcohol abuse.
 - Relationship (including marital relationship) breakdowns.
 - Physical abuse associated with their work (both from employers and clients) and difficulty of workers developing trusting and healthy long term relationships.
 - Mental and emotional and sexual health issues including depression and low self esteem.
 - Child sexual abuse relating to the children of workers and the workers themselves, (statistics show a high percentage of workers have experienced abuse as a child).
 - Drug and alcohol use (research also highlights that workers have a much higher use than the general population).
 - Canvassing of young women (many who are under 18) to work in the industry including overseas students.
 - Sexual health issues.
 - Crime relating to drugs and theft at brothels which involved the use of guns and knives.
 - Human trafficking and sexual slavery.

Please also note the below statistics from Australian Department of Health and Ageing

- ❑ In Australia, Roxburgh et al. (2006) found high rates of child sexual abuse among sex workers in Sydney's Kings Cross with 75% reporting some form of child sexual abuse.
- ❑ Over one-fifth (23.3%) of Queensland workers reported unwanted vaginal sex before 16, and 23.7% reported unwanted oral sex before 16 (Woodward et al., 2004).
- ❑ (see also Dalla, 2000; El-Bassel et al., 2001; Farley, Baral, Kiremire & Sezgin, 1998; Farley & Barkan cited in Campbell, 2003; Widom & Kuhns, 1996)
- ❑ Relatively high rates of sexual violence experienced by sex workers

- [Redacted]
2. We recognise that legislation prevents the Tweed Council from completely prohibiting brothel development; however we do not agree with the legislation and would like to see the legislation changed. We applaud council for developing a brothel management plan to minimise the negative impacts that brothels may bring to the local community however would also like to join with *The Australian Christian Lobby (ACL)* and urge the council to follow the lead of the Parramatta City Council as posted by Glynis Quinlan, PR Manager on October 19th, 2010 where the ACL congratulated Parramatta City Council for voting to ban all brothels and sex-related services as an acceptable land use and urged all other Australian councils to follow their lead. The article stated

ACL's spokesperson on women's issues, Michelle Pearse, said Parramatta City Council had taken a clear stand in favour of the best interests of the local community by becoming the first council in NSW to defy the NSW Government's planning requirements which impose brothels on local communities despite compelling social concerns.

"It is wrong for State Governments in places such as NSW, Queensland and Victoria to force councils to assess brothels solely in terms of planning requirements and to make them ignore the wider social effects of approving brothels and the deplorable impact on the local character of the neighbourhood.

"Legalising brothels has been a clear failure everywhere it has occurred and Government policies which force brothels on unwilling communities are yet another example of this failure. Research has shown that legalising brothels only increases harm to women and children by causing a massive expansion of the industry – including tripling the number of illegal brothels," Ms Pearse said.

For example, after ten years of licensed brothels in Queensland under the Prostitution Act 1999, '90% of prostitution remains unregulated' according to a report [Human Trafficking Working Group of the University of Queensland](#).

"At the same time, legalising brothels has led to State endorsement of brothels being inflicted on communities despite their concerns."

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"Just recently the Tasmanian Children's Commissioner referred to the need to consider such moves in his report dealing with the case of a 12-year-old girl who had been prostituted to more than 100 men.

"Governments need to have a complete rethink on this issue and Parramatta City Council has had good reason to defy such policies. We urge all other councils who genuinely value ratepayers' concerns to follow Parramatta's lead."

3. It is important to take note and learn from the experience of other locations such as Sydney where there has been concern regarding the proliferation of brothels and it has now been noted as the brothel capital in the South Pacific. It has been well documented through media and council meeting minutes that various councils in Sydney (including Parramatta) have been trying to back track due to the growth in the industry with frustration relating to the following major concerns:
- the lack of support from the environmental and planning courts who neglect to consider the real social concerns that councils have related to the industry;
 - the lack of policing of compliance
 - the number of unlicensed brothels in the region;
 - the growth of crime and human trafficking in both licensed and unlicensed premises.

Please refer to article below which outlines some of these concerns

Sydney the brothel capital of the South Pacific

- By Nick Tabakoff From: [The Daily Telegraph](#) November 11, 2010 8:54PM

The figures are the first definitive statistics compiled in the state, and will heighten calls from law enforcement to rein in its growth amid claims that the industry is being infiltrated by organised crime. Experts say it is far easier to start a brothel than a pub.

What is more alarming is that these numbers may be just the beginning. Only 56 of NSW's 152 councils responded to the government survey. The others refused.

Many abstainers were in country NSW, where an admission of the existence of working brothels would be highly embarrassing.

Senior NSW officials delivered the figures in March but it is believed the Government is reluctant to release them because they are seen as political dynamite ahead of next year's state election.

The statistics show 150 illegal brothels operate in the state, with hundreds more are believed to be going unreported.

A former ICAC and National Crime Authority organised crime investigator - who has raided more than 200 brothels across Sydney - said the figures were the first ever gathered by a NSW government.

"The proliferation of brothels has resulted from dysfunctional planning laws and legislation governing sex premises in NSW," he said.

"There's no control. The approval process, which only looks at development issues, has no provision for any criminal links with owners or operators, unlike liquor licensing laws."

Chris Seage, a former high-level consultant to the legal brothel industry in NSW, said of the figures: "I'm staggered. I only thought there were about 150 legal brothels in NSW. Now it turns out there's double, and that's only in a third of the councils."

Mr Seage said the key reason for the huge growth in legal brothels in NSW was "laissez faire" regulation.

"We've left everything in the hands of councils, who are toothless in clamping down," he said.

"There's no probity checks done in NSW. Any Tom, Dick or Harry can own a brothel, irrespective of their criminal background. You can be a murderer or a crime boss and legally own a brothel authorised by council."

Acting Lord Mayor of Parramatta, Mike McDermott, agreed councils did not have the ability to stop the spread of brothels: "We've been powerless to stop brothels starting up in our area."

Mr McDermott has been unable to limit the 20 brothels in his area alone.

To avoid the similar issues as outlined above and the possible development of "red light districts" the actual number of brothels that sit within the region should be restricted. The Tweed already has enough brothels and guidelines should be implemented to cap the number of brothels that the region has to, at a maximum, the current level.

4. The policing of compliance should also be included as part of the plan as well as the actions to be undertaken to clamp down of unlicensed brothels in the area. There is strong evidence to suggest the connection of unlicensed brothels with crime syndicates. We would also like council to consider the planned actions and recommendations by the NSW Liberals and National Party regarding compliance and note the importance of the council Brothel Enforcement Taskforce which discovered numerous breaches as noted by an article by StreetCorner 23/12/2010 which stated

The Liberal/National plan includes;

* Ensure all brothels are licensed, with stringent vetting of brothel licence applicants to clamp down on the use of brothels by organised crime groups and unsuitable persons;

* Institute annual brothel licence fees administered by a Brothel Licensing Authority to ensure legal brothels comply with the law and to eliminate illegal brothels, brothel licensing fees will be introduced to pay for enhanced compliance activity by council inspectors;

* Improve the co-ordination of councils' compliance officers with authorities such as WorkCover NSW and NSW Health the best weapon for disrupting and dismantling illegal operations and forcing compliance by licensed operators.

Hartcher said illegal brothels are not legitimate businesses which have been licensed and regulated and are properly controlled they are illegal establishments which exist because our Councils don't have enough powers to stop them and because the Keneally Labor Government failed to act. Hartcher also claimed that evidence suggests that illegal brothels they are a haven for tax fraudsters and a money-spinner for organised crime.

"In Parramatta, a council Brothel Enforcement Taskforce inspected a series of premises and found breaches in trading hours, fire safety risks, immigration issues, drugs and weapons.

5. The plan outlines proximity restrictions in 1.0 however these do not adequately protect children, youth and families. A higher proximity restriction of 500 meters is set from residential yet the distances from where children and young people may congregate are set at a lesser distance. This is incongruent; at a very minimum the distance should also equal, if not be greater than, the residential restriction. This includes

- Place of worship (incl. chapel); Educational establishment
- Child care centre; Pre-school; Primary school
- Youth centre/club; Recreational ground or facility
- Hospital; Health care premises; Medical centre
- Bus stop; Place of assembly ; Community centre or hall
- Any premises frequented by children or adolescents

We would also recommend further restrictions of location which take into consideration the number and location of licensed premises and entertainment venues and other uses in one street that could generate crime as noted in Gold Coast City Council Plan

Part 7 Codes Division 2 Specific Development Codes Chapter 8 Brothels PC2

The Brothel must not be located where there are four or more licensed premises, entertainment venues and other uses in the one street that could generate crime or nuisance behaviour

6. As outlined in previous points there is evidence to suggest that workers have a high risk of abuse and therefore their safety and security is a major concern. While we agree with the security measures outlined in the plan we recommend additional security measures be implemented for the protection of workers such as the use of trained security guards to ensure greater protection.
7. Studies highlight the need for monitoring of sexual, emotional and mental health of workers. As outlined in other council management plans clear strategies for ensuring that these are regularly checked also need to be included in the plan.

We thank you for the opportunity to comment on the draft plan and ask that you seriously consider our comments and recommendations. The Tweed region has many wonderful assets including our children, young people and families that live and visit here. Making a stand to protect those who are vulnerable and implementing strategies to ensure the safety and wellbeing of this society will have ongoing benefits. It is not just a matter of land use or of moral issues but of the ongoing social, health and financial impacts that inappropriate land can have on the region which cannot be ignored.

Yours sincerely,

[Redacted signature box]

[Redacted signature box]

Tweed Brothel Code

Tweed Development Control Plan Section A8

Amendments

| Version | Effective | Resolution | Description | Authorised |
|----------------|------------------|-------------------|--------------------|-------------------|
| 1.0 | | | Adoption of DCP | Council |
| | | | | |
| | | | | |

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Part A - INTRODUCTION

1.0 Background

In 1995, the Government reformed the laws in New South Wales. The Disorderly Houses Act 1943 was amended by the Disorderly Houses Amendment Act 1995 to abolish the common law offence of keeping a brothel. This made brothels a legitimate commercial land-use regulated through environmental planning instruments under the *Environmental Planning and Assessment Act 1979*.

Corresponding amendments to the Summary Offences Act 1988 and the Crimes Act 1900 abolished the common law misdemeanour of keeping a brothel, and provided that people in a legitimate commercial relationship with a sex worker are not guilty of the offence of living off the earnings of prostitution.

The Government recognised among others the importance of having appropriate regulation of brothels to protect the community from the undesirable aspects of prostitution and to protect public health.

The changes in legislation prevent councils from completely prohibiting brothels. In response Tweed Shire Council has taken measures to restrict the location and distribution of brothels to and within industrial zones throughout its local government area.

2.0 Statutory Requirements

Section A8 of the Tweed Development Control Plan has been prepared in accordance with Part 3 Division 6 of the Environmental Planning and Assessment Act 1979, and Part 3 of the Environmental Planning and Assessment Regulation 2000.

3.0 Name of this Section

This Section is known as; Tweed Brothel Code, Tweed Development Control Plan Section A8.

4.0 Definition

Brothel: means a building habitually used for the purpose of prostitution being prostitution within the meaning of the *Summary Offences Act 1988*. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

Home occupation (sex services): means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling.

Prostitute: has the meaning ascribed to it in the *Summary Offences Act 1988*.

Sex services: means sexual acts or sexual services in exchange for payment.

Sex services premises: means a brothel, but does not include home occupation (sex services).

Sex worker: means a person providing sex services, being a prostitute.

5.0 Purpose and Aims of Section A8

Section A8 provides planning controls for the assessment and determination of a development application made for the purpose of a brothel development. The planning controls are to assist in the achievement of the aims of this Section, they are the paramount consideration and are in the following terms:

Aims:

- To enable the development of a brothel in the local government area of Tweed Shire Council; and,
- To ensure that a development for a brothel does not adversely or unnecessarily impact on any resident community; and,
- To ensure that the existing and future character and amenity of the locality is not significantly impacted by any aspect of or associated with a brothel; and,
- To ensure that a brothel is located away from other land-uses that would, or visitors to that land-use would, likely be adversely impacted by a brothel; and,
- To limit the exposure of the Tweed community to a brothel; and,
- To limit the cumulative impact of brothels in any single locality or localities; and,
- To ensure the safety and security of employees and visitors to a brothel.
- To promote a safe and healthy environment for sex workers, other employees, clients and visitors.

6.0 Land to which Section A8 applies

Section A8 applies to all brothel development and land zoned 4(a) 'Industrial' under the Tweed Local Environmental Plan 2000.

7.0 Application of Section A8

In the event of an inconsistency between this Section and any other Section of the Tweed Development Control Plan or other Council policy, the provisions of this Section prevail to the extent of the inconsistency.

This Section contains information requirements and other provisions in respect of development applications for brothels and relates to the Tweed Local Environmental Plan 2000, which is the principal planning instrument governing development in the Tweed.

Where an inconsistency arises between this Section and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevails. An environmental planning instrument means a State Environmental Planning Policy or the Tweed Local Environmental Plan 2000.

PART B – APPLICATION PROCESSES

1.0 Notification of Development Applications

An application for a brothel will be publicly advertised. Neighbouring property owners and any other person(s), community, organisation, agency, or the like, that the Council considers may be affected by a brothel, will be notified.

Public advertisement and notification will be for a minimum period of 14 days, with the discretion to extend to 28 days depending on an assessment of the likely impact of the development on the Tweed community or part thereof, businesses and institutions, the character of the area, or the like; based on, but not limited to:

- The size of the brothel;
- Nature of surrounding land-uses and land-use zoning;
- Location;
- Exposure or visibility;
- Appearance or design;
- Access;
- Likely adverse community reception.

2.0 Referrals

A development application for a brothel will be referred to any other government agency or health care provider, or the like, as deemed to be appropriate based on the nature of the proposal or part thereof.

Tweed Shire Council is a multi-disciplinary organisation. A development application will be referred to all relevant sections within the Council.

A development application will not be determined in the absence of reply to a referral request, or within, 28 days of the request being received but not responded to by the nominated recipient agency or organisation.

3.0 Initial Limits on Development Consents

Development consents granted to brothel applications may be initially limited to a period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the approval operations, and compliance with any conditions of development consent.

4.0 Variation to Planning Controls

Planning controls (PCs) have been provided to assist in the attainment of the aims of this section with the purpose of ensuring that the public interest is protected from inappropriate development.

Development control plans are not statutory however; the PCs are nonetheless binding in effect where a variation to one or more does not satisfactorily demonstrate the attainment of the aims of this section. Tweed Council does not take lightly to the variation of PCs developed to protect the public interest.

A variation to any PC in this section will be considered on its merit, and must be made in a statement that clearly identifies the PC being varied, the reason for the variation, and how the aims of this section will be attained notwithstanding the variation.

A variation to any PC under this section requires the approval of Tweed Council.

5.0 Application to Close a Brothel

An application may be made by Council to the NSW Land and Environment Court under Section 17 of the *Disorderly Houses Amendment Act 1995* (DHAA) for premises not to be used for a brothel.

The DHAA operates in addition to the powers exercisable by councils under the Environmental Planning and Assessment Act 1979, for example; the ability to serve notice on a brothel operating without development consent or outside the terms of consent.

Tweed Shire Council will only consider taking action under Section 17 of the DHAA where evidence is submitted to Council's satisfaction that a brothel is causing sufficient disturbance to a neighbourhood, and Council's Solicitor is of the opinion that the matter is actionable.

Section 17 of the DHAA is provided as Attachment 1 – Extract From the *Disorderly Houses Amendment Act 1995*, No.53.

PART C – DEVELOPMENT APPLICATIONS

Consent Authority Requirements

1.0 Consent Considerations

When assessing an application for a brothel the Council or, in the case of a Court, the Court, must take into consideration the following:

- i. Whether the brothel is operating near or within view from a church, hospital, medical centre, community facility, places of recreational or cultural activities, the existence of a brothel should not be clearly visible from those place; and,
- ii. Whether the brothel is within view or clearly visible from a school, educational institution for young people or places where children and adolescents regularly gather, but not to the exclusion of a brothel from every street on which children may walk; *Martyn v Hornsby Shire Council* [2004] NSWLEC 614; and,
- iii. Whether the access to the brothel is discreet and discourages clients gathering or waiting on the street; and,
- iv. Where a brothel is proposed in proximity to others, it should be considered in the context that a concentration is likely to change the character of the street or area; and,
- v. Whether the operation of a brothel would likely cause disturbance in the neighbourhood when taking into account other brothels operating in the area or other land-use within the area involving similar hours of operation and creating similar amounts of noise, lighting, vehicular and pedestrian traffic; and,
- vi. Whether sufficient off-street parking and vehicular and pedestrian access has been provided; and,
- vii. Whether the operation of a brothel would likely cause disturbance in the area because of its size and the number of employees; and,

- viii. Whether the operation of a brothel would likely cause interference with the amenity in the area; and,
- ix. The impact on the existing and future character of the area; and,
- x. The cumulative impact of the brothel within the area where it is located; and,
- xi. Whether adequate arrangements for the handling, storage and disposal of trade waste has been made; and,
- xii. Whether a drug and alcohol policy, based on harm reduction principles has been developed and to be effectively implemented; and
- xiii. Whether adequate arrangements for laundering, cleaning of equipment, staff health monitoring, supply of personal protective equipment and staff hygiene training have been made; and,
- xiv. Accessibility to a brothel by disabled people or people with disabilities; and,
- xv. Any public submission received during period of advertising of the application; and,
- xvi. Where public submissions raise issues of crime and drug use in respect of a brothel, the submission in so far as it relates to those issues, should be taken to have no basis, except where supported by evidence.

2.0 Granting Consent

The Council or, in the case of a Court, the Court, may grant consent to a brothel only if it is satisfied that the development is consistent with the aims of this section, and:

- i. There is no likelihood of there being a significant or adverse impact on the operation of other land-use in the locality; and,
- ii. There is unlikely to be any adverse impact on any adjoining, neighbouring or nearby residential community; and,
- iii. The development as proposed will not have an adverse or significant impact on the existing and future character of the area; and,
- iv. If doing so, is not contrary to the public interest.

Development Application Requirements

3.0 Composition of a Development Application for a Brothel

For the purposes of this section a development application is taken to comprise of; a development application lodgement form, information detailing the proposal, including architectural and engineering plans, and a planning context in the form of a 'statement of effects'.

4.0 Information Required with a Development Application

Before submitting a development application for a brothel it is mandatory for a prospective applicant to attend a Council Development Assessment Panel (DAP) Meeting. This will provide opportunity for Council's health, building, planning and engineering staff to provide a preliminary assessment for the purpose of identifying obvious issues or obstacles to the progression of the application.

The initial attendance at a Council DAP Meeting for the purposes of this section is exempt from any fee prescribed by the Council's adopted Fees and Charges Schedule for that purpose.

A development application for a brothel must include the following:

4.1 Confirmation of DAP Meeting Attendance

Confirmation of a proponent's attendance at a Council Development Assessment Panel Meeting and consideration of the matters raised by the Panel, in respect of the brothel proposal submitted, is required.

4.2 Information Required with a Brothel Development Application

When lodging a development application, the following information is to be provided:

4.2A Detailed statement of environmental effects

A 'statement of effects' in the term used to describe the 'planning-report' submitted with and in support of a development application. It provides a detailed account of the development proposed and must include the following:

- I. description of the proposed site, its location, and surrounds;
- II. details on the present use(s) of the premises;
- III. details of existing uses of adjoining properties;
- IV. comprehensive description of the proposed brothel development;
- V. character analysis of the locality before and after the proposed use;
- VI. social impact assessment¹;
- VII. economic impact assessment²;
- VIII. opportunities and constraints analysis;
- IX. details of any proposed signage including a signage plan and montage;
- X. compliance checklist with any relevant or applicable requirements or guidelines, and where appropriate planning justification for any variation;
- XI. number of employees (total) and number of employees on premises at given time (e.g. shift roster);
- XII. hours and days of operation;
- XIII. number of rooms in premises;
- XIV. operational management plan, including security arrangements;
- XV. floor plan of the premises;
- XVI. elevation plan (all elevations);
- XVII. streetscape elevation illustrating adjoining properties;
- XVIII. carpark and access plan.
- XIX. landscaping plan;
- XX. drug and alcohol policy, and

¹ A social impact assessment is to be prepared by a person with specialised knowledge, based on their training, study or experience, for any community, group, organization, or the like, that has the potential to be impacted by the proposed brothel.

² An economic impact assessment is to be prepared by a person with specialised knowledge, based on their training, study or experience, for the existing businesses in the locality likely to be significantly affected by the proposed brothel.

XXI. health and hygiene plan.

4.2B Plan Information

Plan information is an essential element of any development application. It assists in demonstrating compliance with any relevant planning controls and the identification of potential issues. All plans must be drawn to and identify an appropriate scale.

The following plans are required with an application for a brothel development:

Location Plan: showing the spatial location of the property sufficient for its identification within the locality and Shire, and must identify the subject property and road names.

Key Features Plan: showing the location of key features in the locality of not less than 1000m radius, including all; schools, bus stops within a 300m radius, recreational or sporting grounds, hospitals, health care premises, public buildings, residential properties, place of worship (including chapel), brothels, community buildings, supermarkets, and any other like, well trafficked, premises.

Site Plan: showing the subject site and the interface of all adjoining properties for a distance of 10metres. The site plan will provide a schematic of the property and all built improvements, existing and proposed, including premises, parking, access, footpaths, vegetation and indicative sight lines, and site contours (0.5m intervals) and drainage.

Architectural Plans: illustrating all external building elevations and internal floor plans to a scale of 1:100, in the case of existing buildings whether or not modifications are proposed. The Plans must be sufficiently detailed to show the gross floor area, room layout and dimensions, location of all windows and doors, and all entrances and exits from the building. The proposed use of each room and area is to be clearly annotated on the plan.

Carpark and Access Plan: showing the location, number and dimension of parking spaces (including disabled spaces), set-down areas, turn around areas, and driveway access.

Signage Plan: showing the location and design (including content) and dimension of all business identification, advertisement, promotional, or like signage is required. Colour montages showing any proposed colouration is to be provided. Note: Illuminated signage is not permitted.

Lighting Plan: detailing the location of all external lighting and the type of and luminosity of any external lighting proposed.

PART D PLANNING CONTROLS

Prohibitions

1.0 Proximity Restriction to Specified Land-uses

Objective:

- i. To ensure brothels are appropriately located to avoid conflict with other land-uses;
- ii. To minimise the exposure of children or adolescents to a brothel and any associated activities or persons; and,
- ii. To ensure that brothels are located to minimise potential for causing offence to the community at large.

No brothel premises is permitted within the stated radius of any property boundary (or part thereof) of the subject property to any property boundary of any of the following land-uses:

| Use | Metres | Use | Metres | Use | Metres |
|---------------------------------|--------|---------------------------|--------|--|--------|
| Place of worship (incl. chapel) | 200 | Educational establishment | 300 | Child care centre | 300 |
| Pre-school | 300 | Primary school | 300 | Youth centre/club | 300 |
| Hospital | 200 | Health care premises | 200 | Medical centre | 200 |
| Recreational ground or facility | 200 | Bus stop | 100 | Place of assembly | 200 |
| Community centre or hall | 200 | Youth centre | 300 | Residential premises | 500 |
| Supermarket | 200 | Licensed premises | 200 | Any premises frequented by children or adolescents | 300 |
| Brothel | 300 | Any sex services premises | 300 | Refreshment rooms being a restaurant or café | 300 |

Table 1 – Minimum distance requirement to prescribed sensitive land-uses

2.0 Signage

Illuminated signage by way of flashing, coloured or neon lights, and signage, which in the opinion of Council, displays words or images that are sexually explicit, lewd, or otherwise offensive, is not permitted.

Mandatory Requirements

3.0 Streetscape and Character

This provision acknowledges that brothel development is a distinct form of commercial development; it is the only commercial development prohibited in commercial and business zones and permitted within the industrial zone.

As a lawful commercial land-use it is essential that brothel premises are not inadvertently discriminated in the way the business premises is prepared and presented by comparison to other lawful land-uses within the same zone. This planning control is aimed at allowing flexibility to brothel premises to sensitively visually distinguish their commercial premises from other premises within the industrial setting of their location.

Objective:

- i. To ensure brothel premises do not adversely impact on the existing and future streetscape and character of the locality; and,
- ii. To enable brothel premises to articulate their business in a way sympathetic to its surrounds.
- ii. To ensure that any external lighting and illumination does not adversely impact on the local area or other properties.

Controls:

- a) Brothel premises are to have an exterior design and colour that is generally consistent with neighbouring premises.
- b) The design of any building or architectural or façade treatment is to be generally consistent with the existing and future character of the area.
- c) Shopfronts are not permitted.
- d) Entries are to be appropriately screened from the street.
- e) A lighting plan for all external lighting and illumination shall be submitted for approval with any development application for a brothel establishment.

-
- f) Neon lighting, flashing lights or lights with moveable parts are prohibited.

4.0 Building Setback

Objective:

- i. To limit the potential for adverse impact on the streetscape based on the use of the premises as a brothel.
- ii. To maintain a transition between the public and private space.
- iii. To ensure sufficient area for screening purposes and landscaping.
- iv. To enable sufficient off-street area for the set-down and pick-up of patrons of the premises
- v. Limit the potential for adverse impact on the existing and future streetscape and character of the locality.

Controls:

- a) For new buildings a minimum building setback from a street frontage is 10m for a building up to 8m in height and 15m for a building greater than 8m in height.
- b) For existing buildings a minimum building setback from a street frontage is 10m.
- c) Addition and alteration to an existing buildings' height is to be in accordance with 'control (a)' above.

5.0 Building Design and Layout

Objective:

- i. To limit the social impact of a brothel.
- ii. To prevent patrons of a brothel loitering on the street.
- iii. To provide a discrete and secluded area for patrons of a brothel.
- iv. To provide for an appropriate working environment for employees.
- v. To enable the premises to be kept in a clean and sanitary condition at all times.

Controls:

- a) A minimum of one reception or waiting room is to be provided with an area no less than 40m². It is to be suitably screened from the street.
- b) A porte-cochere or similarly roofed and screened set-down area should be provided adjacent to the building's main entrance or reception/waiting room.
- c) The maximum number of rooms where sexual services are provided is ten.
- d) Each working room is to contain or have direct access to its own shower and wash hand basin facilities for the use of both sex worker and their clients.
- e) A minimum of one staff room is to be provided and furnished with appropriate furnishings and facilities for food and beverage, preparation areas and sanitary facilities for staff on breaks.
- f) All bars and food preparation areas must be constructed in compliance with the Food Act 2003, and Australian Standard 4674.
- g) The building is to be designed to allow for natural ventilation.
- h) Where laundering is carried out on the premises, a properly constructed laundry room must be provided and commercial/industrial laundry equipment must be used.

- i) A detailed landscape plan demonstrating the integration of the landscaped areas into the overall building and site design for the purposes of screening and lessening the visual presence or prominence of the brothel development in the streetscape is to be prepared by a suitably qualified or experienced person, approved by the building designer or architect, and submitted with any development application for approval.

6.0 Car Parking

Objective:

- i. To ensure the adequate provision of secure off street car parking.
- ii. To ensure that the parking demand generated by the development is met by the development.
- iii. To limit the impact on local streets and neighbouring land-uses.

Controls:

- a) On-site parking is to be provided in accordance with Section A2 – *Site Access and Parking Code* of the Tweed Development Control Plan 2008.
- b) Disabled car parking is to be provided close to the building entrance in accordance with AS2890.1 1993.
- c) Car parking and access areas are to be well lit.
- d) A patron drop off / pick-up area is to be provided on-site and screened from the street.
- e) Adequate area for the on-site parking and un/loading of a small rigid vehicle is to be provided.

7.0 Signage

Objective:

- i. To ensure that signage does not contain sexually explicit or suggestive, lewd or offensive material.
- ii. To ensure that signage does not detract from the visual amenity in the area or unnecessarily draws attention to the brothel premises.
- iii. To ensure that signage is sufficient to identify the use of the premises as a brothel.

Controls:

- a) Illumination of signage is permitted, except by way of flashing, coloured or neon lights, where it is shown to be consistent with signage on other premises located in the same industrial area.
- b) Signage, which in the opinion of Council displays words or images that are sexual explicit or suggestive, lewd, or otherwise offensive, is not permitted.
- c) One sign is permitted per premises with a maximum display area of 3m², which must identify the registered business name, contact number, and street address.
- d) Notwithstanding clause (c) above, a sign displaying the street number only is permitted, having a maximum display area of 0.5m², and being visible from the street.

8.0 Location

Objective:

- i. To ensure that a brothel is appropriately located where it will not adversely impact on sensitive land-uses.
- ii. To ensure that a brothel is discreetly situated and sensitively located so that it is not prominent or unnecessarily exposed to the broader community.
- iii. To minimise the impact on other land-uses in the area.

Controls:

- a) Brothels are permitted on industrial zoned land only.
- b) a brothel is not permitted within the specified distance to any prescribed sensitive land-use identified in Table 1 to Part D, Section 1.0 of this code.
- c) A brothel must be located to minimise the social and economic impact in the area.

9.0 Operational, Safety and Security

Objective:

- i. To ensure the safety and security of staff and patrons.

Controls:

- a) Each room used for the provision of sexual services is to be fitted with a security intercom and alarm, which is connected to a central and permanently monitored point.
- b) Security surveillance monitoring equipment is to be installed throughout the premises for every primary area of public activity, in particular; car park, entries, hallways, reception, stairs, but does not include rooms used for the provision of sexual services.
- c) Staff car parking is to be located in a well lit and visible area.
- d) The maximum number of sex workers (not including administrative, chauffer, or cleaning staff) permitted to operate at any time is eight.

10.0 Disability Access

Objective:

- i. To ensure the brothel premises has adequate and dignified access for disabled persons and persons with a disability.

Controls:

- a) Access to the building for persons with a disability is to be provided and constructed in accordance with the Building Code of Australia.
- b) All public areas within and outside of the development are to be designed to be suitable for persons with a disability.
- c) Prominently displayed signs and any symbols are to be provided and installed in accordance with the relevant provisions of the Building Code of Australia.
- d) The development is to achieve the design requirements provided under AS1428 - identify accessible routes, areas and facilities.

11.0 Hours of Operation

Objective:

- i. To ensure the operation of a brothel is compatible with adjoining and neighbouring land-uses.

Controls:

- a) A brothels' hours of operation is 6pm to 6am, with no public services provided between 6am to 6pm.

12.0 Health

Objective:

- i. To ensure a safe and healthy environment for sex workers, other employees, clients and visitors.
- ii. Promote education of sex industry workers and their clients so as to minimise the risk of contracting sexually transmitted infectious diseases.

Controls:

- a) At least two receptacles to be provided within the laundry for the separate storage of clean linen and used linen. It is recommended private contractors be used to launder towels, sheets and linen.
- b) All bars and food preparation areas must be operated in compliance with the Food Act 2003.
- c) Swimming pools and spa pools shall be operated in accordance with NSW Health "Guidelines for Disinfecting Public Swimming Pools and Spa Pools."
- d) Spa baths are to be filled with fresh water for each use and are to be drained and thoroughly cleaned after being used.
- e) The employer must provide reasonable access to, and facilities for, authorised staff from health service providers and other agencies to provide information and educational activities to support the health and safety of staff and clients to the premises.
- f) An adequate supply of personal protective equipment is to be maintained at all times and adequately maintained, where appropriate. All equipment is to be easily

accessible to the worker at the time of meeting the client or be freely available in every room.

- g) Hand washing facilities located in toilets, within working rooms and in areas used by staff for cleaning. All hand wash basins must be provided with an adequate supply of portable water at a temperature of 40.5 to 43.5°C and delivered through an appropriate mixing device that may be adjusted to enable hand washing under warm running water.
- h) Warm water systems must comply with the requirements of the Public Health Act 1991 and Public Health (Microbial Control) Regulations 2000.
- i) All brothels shall comply with the minimum standards as set out in the WorkCover NSW Health and Safety Guidelines for Brothels 2001.

13.0 Waste

Objective:

- i. To ensure the safe and adequate handling, storage and disposal of trade waste.

Controls:

- a) Receptacles for the disposal of single use items such as used condoms, dams, gloves and the like in the rooms where sexual services are to be provided to clients. If contaminated sharps are used then non-reusable sharps containers shall need to comply with the relevant Australian Standard.
- b) Final disposal must be at or through an appropriate licensed waste contractor.

ATTACHMENT 1 - Extract From the *Disorderly Houses Amendment Act 1995, No.53.*

17 Application to Land and Environment Court for premises not to be used as a brothel

- (1) The Land and Environment Court may, on application by a local council, make an order that an owner or occupier of premises that are a brothel and that are situated within the area of the council is not to use or allow the use of the premises for the purpose of a brothel.
- (2) The local council must not make an application in relation to a brothel unless it is satisfied that it has received sufficient complaints about the brothel to warrant the making of the application.
- (3) The complaints must have been made by:
 - (a) residents of the area in which the brothel is situated who live in the vicinity of the brothel, or
 - (b) residents of the area in which the brothel is situated who use, or whose children use, facilities in the vicinity of the brothel, or
 - (c) occupiers of premises that are situated in the area in which the brothel is situated and in the vicinity of the brothel.
- (4) The application must state the reasons why the local council is of the opinion that the operation of the brothel should cease based on one or more of the considerations referred to in subsection (5) (a), (b), (c), (d), (e) or (f).
- (5) In making an order under this section the Land and Environment Court is to take into consideration only the following:
 - (a) whether the brothel is operating near or within view from a church, hospital, school or any place regularly frequented by children for recreational or cultural activities,
 - (b) whether the operation of the brothel causes a disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood or other land use within the neighbourhood involving similar hours of operation and creating similar amounts of noise and vehicular and pedestrian traffic,
 - (c) whether sufficient off-street parking has been provided if appropriate in the circumstances,
 - (d) whether suitable access has been provided to the brothel,
 - (e) whether the operation of the brothel causes a disturbance in the neighbourhood because of its size and the number of people working in it,
 - (f) whether the operation of the brothel interferes with the amenity of the neighbourhood,
 - (g) any other matter that the Land and Environment Court considers is relevant.
- (6) This section extends to premises within an area that is not a local government area and in that case a reference to a local council is to be read as a reference to the prescribed authority for the area.
- (7) In this section, **church**, **hospital** and **school** have the same meanings as in the *Summary Offences Act 1988*.

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