

Tweed Brothel Code

Tweed Development Control Plan Section A8

v.1

Amendments

Version	Effective	Resolution	Description	Authorised
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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, chauffeur, 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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