A framework for a decriminalised sex work industry in Queensland

Consultation Paper WP 80

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Chapter 12

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CHAPTER 12

Planning laws and sex work

Introduction

12.1 Our terms of reference ask us to consider appropriate safeguards to maintain public amenity, including the location of sex work premises. They also ask us to consider the potential impacts of the recommended new framework for the sex work industry and government.[462]

12.2 Planning laws manage how new development happens across cities, towns, and regional areas. Planning powers in Australia rest with the state and territory governments. The responsibility for many aspects of planning and development is delegated to local governments. Each state and territory has a different planning system.

12.3 In Queensland a range of tools under the *Planning Act 2016* support different parts of the planning system. They include:

- State government laws, such as the *Planning Regulation 2017*, which set out the rules and framework;
- State planning instruments, such as the State Planning Policy, which set out the state planning interests across Queensland; and
- local planning instruments that guide growth and development in each local government area. These are established by local governments and are approved by the State.

12.4 Decriminalising sex work will have implications for the planning and development of sex work businesses, particularly how development applications for sex work businesses are assessed. This chapter looks at residential premises used for sex work (which we refer to here as 'home-based' sex work businesses), and other premises used for sex work (which we refer to here as 'commercial sex work businesses').

12.5 In developing the framework for a decriminalised sex work industry, we need to consider how the development of premises used for sex work, both for a home-based business and a commercial sex work business, should be regulated.

12.6 We will need to consider and balance many different factors, including:

- the recognition of sex work as legitimate work—one of the aims of decriminalising sex work is to bring sex work businesses into the mainstream of business regulation and to reduce unfair discrimination against sex workers;
- the rights and interests of sex workers—limiting the places where sex work business premises can operate may impact on sex workers' safety, freedom of movement and enjoyment of property rights;
- the interests of local communities—some people may have concerns about the impact of sex work businesses on local amenity, nearby places of worship or schools, community safety and quiet enjoyment of their homes; and
- the impact on government and industry—the decriminalisation framework should minimise the resource burden on government and the industry.

462 Terms of reference para 1(f), (k). See also para (l).

12.7 The planning and development requirements for sex work businesses must be practical so that businesses have viable pathways to meet them. If planning requirements are too burdensome, existing and new sex work businesses may not be able to meet them.

12.8 In this chapter, we consider:

- the ability to prohibit sex work businesses in certain locations or local government areas;
- the level of discretion local governments should have in setting the assessment benchmarks for development of sex work businesses (both home-based and commercial) in their local government area;
- requirements for commercial sex work businesses, including separation distances; and
- requirements for home-based sex work businesses.

Development in Queensland

12.9 Under the *Planning Act 2016*, Queensland has three categories of development: prohibited, accepted and assessable: see box 1[463] and table 1.[464] All development falls within one of these categories. The nature of the development and its location will determine which category applies, and the level of scrutiny required to assess any development application.

Box 1: 'What is development'?

- Development includes a material change of use of premises
- A 'material change of use' means starting a new use, reestablishing a use that has been abandoned, or increasing the intensity or scale of an existing use

12.10 'Prohibited development' is not allowed under any circumstances. Only the State can decide what is prohibited and this is set out in the *Planning Regulation 2017*.[465]

12.11 'Accepted development' does not require a development approval, so no development application is required. However, in some instances the development must meet certain requirements to be considered accepted development. Local governments will set their own requirements for accepted development, which are contained in their planning scheme: see box 2.[466]

Box 2: What is a planning scheme?

- A planning scheme regulates what development can occur and how
- It includes documents such as local government planning schemes and temporary local planning instruments
- It will usually include a map, which zones every piece of land, and a code that outlines what can be done in a particular zone

12.12 'Assessable development' requires a development approval. An applicant can obtain a development approval by submitting a development application, which is usually assessed by the relevant local government.[467]

463 *Planning Act 2016* (Qld) sch 2 (definitions of 'development' and 'material change of use').

464 See *Planning Act 2016* (Qld) ch 3; Queensland Government, 'Categories of Development' (2021) <https://planning.statedevelopment.qld.gov.au/__data/assets/pdf_file/0034/55699/categories-of-assessment.pdf>.

465 *Planning Act 2016* (Qld) s 44(2), (5); *Planning Regulation 2017* (Qld) sch 10.

466 *Planning Act 2016* (Qld) ss 4(c), 6, sch 2 (definition of 'planning scheme').

467 *Planning Act 2016* (Qld) s 44(3).

12.13 If approved, a development approval attaches to the land and transfers to subsequent landholders.[468]

12.14 Carrying out prohibited development, as well as failing to follow a development approval or failing to obtain a development approval before carrying out assessable development, are offences under the *Planning Act 2016*. The maximum penalty for each of these offences is 4500 penalty units ($620 325).[469]

Table 1: Categories of development for deciding development applications in Queensland

	Prohibited development	**Accepted development**	**Code assessable development**	**Impact assessable development**
Description	Not allowed under any circumstances	Development a local government does not seek to regulate due to its low impact	Development that is consistent with the intent of the zone	Development that is contrary to the intent of the zone and public input is warranted
Development application required	Not applicable	No	Yes	Yes
Assessment	Not applicable	None But the development must meet certain thresholds or requirements	Yes, carried out against the relevant assessment benchmarks	Yes, carried out against the relevant assessment benchmarks, and any other relevant matter
Public notification	Not applicable	No	No	Yes, advertisement on site, notices given to all adjoining landowners and publication in a local newspaper
Community input	Not applicable	None	None	Public can make submissions
Decision	Not applicable	Not applicable	Development must be approved if the assessment benchmarks are complied with	Development may be approved, refused, or approved in part

468 *Planning Act 2016* (Qld) s 73.

469 *Planning Act 2016* (Qld) ss 162–64.

Development assessment in Queensland

12.15 'Assessable development' can be code or impact assessable.

12.16 'Code assessable development' fits within the requirements of the planning scheme: see boxes 2 and 3[470]. However, it must be assessed, usually by the local government. It does not require public advertisement and must be approved if the development meets the requirements contained in the planning scheme's code: see table 1.

Box 3: What is a zone?

- A zone allocates a piece of land for a particular use
- For example, there are zones for residential, commercial and industrial development
- The *Planning Regulation 2017* sets out the zones that local governments can use in Queensland

12.17 'Impact assessable development' is development that is not contemplated in the planning scheme. It requires the opportunity for the public to provide input. Impact assessable applications are carried out against any relevant matter, including planning need, and the public can make submissions. A person who has made a 'properly made' submission has the right to appeal a decision to refuse or approve the development in the Planning and Environment Court. Judges on that Court step into the position of the original decision-maker and review the decision on its merits.

Current planning requirements for sex work businesses in Queensland

12.18 This section discusses the current planning requirements for licensed brothels and home-based sex work businesses.

Licensed brothels

12.19 A 'brothel' is defined in the Prostitution Act as premises made available for prostitution by two or more prostitutes at the premises.[471]

12.20 Under the existing regulatory framework, brothels are prohibited development in Queensland if they are within:[472]

- 200 metres of a residential area (measured by closest distance on foot or by vehicle);
- 200 metres of land on which there is a residential building or public building; or
- 100 metres of land on which there is a residential building or public building (measured in a straight line).

12.21 Development applications for brothels are code assessable if they are in an industrial area or on strategic port land. This means a development approval is required but there is no requirement for public notice or community input. Development that meets the relevant assessment benchmarks must be approved: see table 1.

12.22 All other applications are impact assessable, which requires public advertisement (both on a sign onsite and in a local newspaper). When assessing the development application, the

470 Queensland Government, 'Queensland zoning information' (20 December 2021) <https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/local-planning/zoning-information>.

471 *Prostitution Act 1999* (Qld) sch 4 (definition of 'brothel').

472 *Planning Act 2016* (Qld) s 44(2); *Planning Regulation 2017* (Qld) sch 10 pt 2 div 1.

assessment manager (usually the local government) considers submissions from third parties, including community members: see table 1.[473]

12.23 Most licensed brothels in Queensland are located in metropolitan South East Queensland and in industrial areas.

12.24 Under the Prostitution Act, a brothel must have a brothel licence issued by the PLA to operate lawfully. Even if a development approval has been given, the PLA may refuse a licence. In deciding whether to grant a licence, the PLA can consider whether other licences or adult entertainment permits have been granted in the locality and the extent to which the character of the locality may be affected if the application were granted.[474]

12.25 Part 4 of the Prostitution Act allows applicants who have submitted a development application for a brothel to apply to the Queensland Civil and Administrative Tribunal (QCAT) for review of any decision by the relevant assessment manager (usually the local government). This is an alternative to review by the Planning and Environment Court of development decisions about brothels.

Home-based sex work businesses

12.26 Where a sex work business is carried out from a place of residence (a home-based sex work business), the business use must be secondary to the residence and must not include employees of an off-site business who work from home.

12.27 Currently, home-based sex work businesses do not have any specific planning requirements that are different to other home-based businesses. However, offences in the Prostitution Act and the Criminal Code impose limits on sex work that do not apply to other home-based businesses. For example, sex workers operating from home must work alone and cannot employ staff.

12.28 The *Planning Regulation 2017* states that home-based businesses cannot be assessable development. This means that a development approval is not required if the applicant can meet the requirements in the relevant planning scheme.

12.29 Queensland local governments can set requirements for home-based businesses, including hours of operation, gross floor area limits, and employment limits (for both total employees of the business and employees that do not live at the dwelling). These are contained in the local government planning scheme and vary between local government areas.

Planning requirements in jurisdictions that have decriminalised sex work

12.30 The sex work industry is decriminalised in New South Wales, the Northern Territory and New Zealand. Victoria is in the process of decriminalising sex work.

12.31 In each of those jurisdictions, decriminalisation has involved changes to the planning and development requirements for sex work businesses. The requirements vary under the different planning frameworks. The key differences involve the level of discretion provided to local governments and whether the framework differentiates between home-based and commercial sex work, and between home-based sex work and other types of home-based businesses.

473 *Planning Regulation 2017* (Qld) sch 10 pt 2 div 3.

474 *Prostitution Act 1999* (Qld) s 15(3).

12.32 A summary of the differences is outlined in table 2.[475] The Victorian planning requirements are expected to start by December 2023.

Table 2: Comparison of planning regulation in jurisdictions that have decriminalised sex work

	NSW	Vic	NT	NZ
Planning permit requirements for home-based sex work	Depends on location For local government areas that allow home-based sex work (local governments can prohibit it), a planning permit can be required	Under the proposed new system, no planning permit is required Development will be subject to the same requirements as any other home-based business	Does not require a planning permit in any residential zone, industrial zone, and certain commercial or business zones if certain requirements are met Development is subject to slightly different requirements from other home-based businesses and has a separate land use category	Depends on location In Auckland and Wellington, home-based business does not require a planning permit
Planning permit for sex work at a commercial business	Depends on location 'Sex services premises' are widely prohibited in residential and commercial zones across the state For local government areas that allow 'sex services premises' in residential zones, generally they cannot be co-located with a dwelling, unless the 'sex services premises' has a separate street entrance	Under the proposed new system, commercial sex work businesses will be able to operate in commercial and residential zones without a planning permit	Depends on location Prohibited in all residential zones, and certain commercial or business zones Does not require a planning permit in industrial zones if certain requirements are met. Requires planning permit in Central Business and Commercial zones	Depends on location. In some zones, a resource consent is not required, such as the mixed-use zone in Auckland

Planning requirements for sex work businesses in Queensland under a decriminalised framework

Commercial sex work businesses

12.33 This chapter refers to a commercial sex work business as any sex work business that is not a home-based business. Under a decriminalised framework, a commercial sex work business

475 See New South Wales Government, *Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)*; Department of Justice and Community Safety (Vic), *Decriminalising Sex Work* (Discussion Paper, 2021) 5–7; Northern Territory Government, *Northern Territory Planning Scheme 2020;* and see, for example Auckland Council, *Auckland Unitary Plan* table J1.3.1.

could include various types of sex work businesses such as an escort agency or a massage parlour that offers sex work services.

Local government discretion to prohibit commercial sex work businesses in their entire local government area

12.34 The *Planning Regulation 2017* allows local governments to prohibit the development of a brothel in a town of less than 25 000 residents, if the Minister agrees: see box 4.[476]

12.35 This ability to prohibit development applications for brothels was relocated to the planning legislation in 2009, after previously being in the Prostitution Act.[477]

Box 4: Are there any local governments that have prohibited brothels across their jurisdiction?

- Yes. The Minister agreed in 2012 that brothel development is prohibited in the Central Highlands local government area. This includes the town of Emerald

12.36 Historically, over 200 shires and towns banned the development of brothels under the Prostitution Act, including Atherton, Beerwah, Dalby, and Stanthorpe.[478]

12.37 When the Prostitution Bill 1999 was introduced into parliament, the Minister for Police said that planning restrictions responded to 'the concerns of the community during an extensive public consultation phase'.[479] The Minister said that giving small local governments the ability to prohibit brothels 'will ensure that local governments control the approval process.'[480]

12.38 Outright prohibitions are contrary to the aims of decriminalisation in recognising sex work as legitimate work.[481] Prohibitions could have the effect of sex work businesses operating without a development approval: see [12.10] and 12.14] above.

CONSULTATION QUESTION

Q25 Should local governments have discretion to prohibit the development of commercial sex work businesses in their entire local government area? If yes, should this apply to all local governments or only to local governments in areas with smaller populations?

Assessment of development applications for commercial sex work businesses

12.39 The existing Queensland framework for the development of a brothel controls the size and location of licensed brothels. In practice, it limits the development of brothels to industrial areas: see [12.20] to [12.21] above. Some sex worker organisations say that limiting brothels to

476 *Planning Regulation 2017* (Qld) sch 10 pt 2 div 1 s 2(1)(c).

477 With the introduction of the *Sustainable Planning Act 2009* (Qld), s 64 of the *Prostitution Act 1999* (Qld) (as passed) was incorporated into the *Sustainable Planning Act 2009* (Qld): see Explanatory Notes, Sustainable Planning Bill 2009 (Qld) 385. The *Sustainable Planning Act 2009* (Qld) was later repealed by the *Planning Act 2016* (Qld): see *Planning Act 2016* (Qld) s 321 (as passed).

478 R Easten & J Fear, 'The Prostitution Amendment Bill 2001 (Qld)' (Research Brief No 2001/29, Queensland Parliamentary Library, 2001).

479 Queensland, *Parliamentary Debates*, 10 November 1999, 4828 (TA Barton, Minister for Police and Corrective Services).

480 Ibid.

481 See, eg, Better Regulation Office (NSW), *Regulation of Brothels in NSW* (Issues Paper, 2012) 15.

such areas (which are often distant from public transport, with limited foot traffic) maintains the social stigma towards sex work and creates unsafe working environments.[482]

12.40 The framework also restricts the number of rooms that can be used for sex work,[483] and the number of sex workers and staff employed at a brothel.[484]

12.41 It is not uncommon for local governments to include size restrictions for other uses in their planning schemes: see box 5.[485]

12.42 Unlike most development applications, the assessment benchmarks for development applications for brothels are not contained in local government planning schemes. Instead, they are contained in the Prostitution Regulation. This ensures that the assessment benchmarks are consistent across the State.

Box 5: Do any other uses restrict employment numbers or rooms?

- Yes. For example, in Brisbane, rooming accommodation is only available for up to five occupants in the low density residential zone
- Many local government planning schemes have gross floor area limits for various commercial uses

12.43 Other jurisdictions that have decriminalised sex work broadly define a commercial sex work business as any sex work business that is not a home-based business.[486]

12.44 In New South Wales, the requirements for commercial sex work businesses vary between local governments. Following decriminalisation in 1995, local governments were advised that an outright prohibition throughout a local government area was not supported. However, they could limit brothels to industrial zones. This was revised in 2009, with the government requiring local governments to allow brothels 'somewhere in their local government area'.[487]

12.45 Some sex worker organisations say that excessive planning requirements that limit brothels to particular zones can make it difficult for brothels to operate lawfully. This could also have the result of effectively banning commercial sex work businesses.[488] Researchers claim that the view of the relevant local government determines whether sex work is seen as a policing or a planning matter in New South Wales, despite sex work being decriminalised.[489]

12.46 Neither New South Wales nor the Northern Territory have set requirements about the size, floor area or number of sex workers or staff of commercial sex work businesses. However, some local governments require these things to be considered when deciding to grant an approval.[490]

12.47 Maintaining requirements for a development approval for sex work businesses that do not apply to other commercial businesses (such as limits based on location or size, or sex worker and staff employment limits) may not meet the aims of decriminalisation. Such limits may be viewed as an unfair rule that affects the viability of businesses. It also may not provide a pathway for existing (but currently unlawful) businesses to meet the planning requirements. On

482 Scarlet Alliance, *The Principles for Model Sex Work Legislation* (2014) 113, 120.

483 Brothels with more than five rooms are prohibited under *Planning Regulation 2017* (Qld) sch 10 div 3 pt 2 s 2(1)(a).

484 See *Prostitution Act 1999* (Qld) s 78(2), sch 3.

485 Brisbane City Council, *Brisbane City Plan 2014* (v 23, 10 December 2021) 9.3.19.

486 See eg, Northern Territory Government, *Northern Territory Planning Scheme 2020* sch 2.

487 B Donovan et al, *The Sex Industry in New South Wales: A Report to the NSW Ministry of Health* (Kirby Institute, University of New South Wales, 2012) 35–6.

488 Scarlet Alliance, *The Principles for Model Sex Work Legislation* (2014) 117.

489 P Crofts, P Hubbard & J Prior, 'Policing, planning and sex: governing bodies, spatially' (2013) 46(1) *Australian and New Zealand Journal of Criminology* 51, 57.

490 See, eg, City of Sydney, *Sydney Local Environmental Plan 2012* s 7.21.

the other hand, some restrictions may be considered desirable by members of the community, particularly to limit impacts on public amenity. This includes requirements for separation distances.

CONSULTATION QUESTIONS

Q26 Should commercial sex work businesses have specific planning requirements, different to other commercial businesses?

Q27 Should the State set the categories of assessment for commercial sex work businesses, or should local governments have discretion to set the categories of assessment in their local government area?

Q28 Should local governments have discretion to limit commercial sex work businesses to certain zones (for example, mixed use or industrial zones)? Why or why not?

Q29 Should there be size limits on commercial sex work businesses, such as gross floor area, number of rooms or number of sex workers?

Q30 If yes to Q29, should there be different requirements for sex work businesses in different zones?

Review of decisions about development applications for commercial sex work businesses

12.48 Generally, applicants can apply to the Planning and Environment Court for review of decisions relating to a development application. Part 4 division 3 of the Prostitution Act gives an alternative review mechanism for decisions about code and impact assessable development applications for brothels. This does not apply to other types of development applications.

12.49 These provisions allow applicants who have submitted a development application for a brothel to apply to QCAT for review of any decision by the relevant assessment manager (usually the local government). Part 4 of the Prostitution Act prevails over any inconsistency with the *Planning Act 2016*.[491]

12.50 If an applicant applies to QCAT for review of a development decision for a brothel, the Planning and Environment Court is prevented from hearing or deciding any appeal.[492] We are not aware of any reviews by QCAT under these provisions.

CONSULTATION QUESTION

Q31 Should an alternative review mechanism of development applications for commercial sex work businesses (as currently applies for brothels) be kept?

491 *Prostitution Act 1999* (Qld) s 63A.

492 *Prostitution Act 1999* (Qld) ss 64A(4), 64B(4).

Should separation distances apply to commercial sex work businesses?

12.51 Brothels must be certain distances from residential areas and public buildings in Queensland: see [12.20] above. Some sex worker organisations say that separation distances are not justified and limit sex workers' freedom of movement and choice of work.[493] It has been noted that most sex work premises operate discreetly and have minimal impacts on local amenity. Like other land uses, any impacts could be controlled by other measures (for example, controls on design, signage, and general appearance).[494]

12.52 Local governments can include separation distances for other uses in their planning schemes: see box 6.[495]

Box 6: Do any other uses require separation distances?

- Yes. For example, adult stores in Brisbane must be located greater than 200 metres from an existing childcare centre, place of worship or educational establishment that caters for children in order to be accepted development

12.53 Some jurisdictions that have decriminalised sex work specify separation distances from 'sensitive' land uses, such as schools, childcare centres, kindergartens, hospitals, and buildings used for residential or cultural activities. This includes the Northern Territory[496] and some local governments in New South Wales and New Zealand. Separation distances 'appear to be founded on an assumption that there is an inherent conflict' between a sex work business and these other land uses.[497]

12.54 The principle of locating brothels in areas 'least likely to offend' has been largely adopted by New South Wales local governments to guide planning decisions.[498]

12.55 The Victorian Government proposes that, following decriminalisation, no separation distances will be required. It says that such requirements are 'discriminatory, reinforce harmful social stigma towards sex workers and are a barrier to sex work taking place in safe locations'.[499]

12.56 Even if local governments maintain or introduce separation distances, sex work businesses that do not meet them could, in practice, still apply for a development approval to allow them to operate in that location (assuming that the ability to prohibit development no longer applied to sex work businesses): see table 1 and [12.17] above.

493 Scarlet Alliance, *The Principles for Model Sex Work Legislation* (2014) 116.

494 Sex Services Premises Planning Advisory Panel (NSW), *Sex Services Premises: Planning Guidelines* (NSW Department of Planning, 2004) 35. See also ch 13.

495 Brisbane City Council, *Brisbane City Plan 2014* (v 23, 10 December 2021) Table 9.3.3.3.A.

496 There is one planning scheme that covers the whole of the Northern Territory, except for Jabiru. The Development Consent Authority, appointed by the relevant Northern Territory Minister, is an independent authority that makes decisions about development applications.

497 Sex Services Premises Planning Advisory Panel (NSW), *Sex Services Premises: Planning Guidelines* (NSW Department of Planning, 2004) 35. See also Department of the Attorney-General and Justice (NT), 'Outcome of NT sex industry reforms' (10 March 2020) <https://justice.nt.gov.au/__data/assets/pdf_file/0004/799627/outcome-of-nt-sex-industry-reforms.pdf>.

498 See *Martyn v Hornsby Shire Council* [2004] NSWLEC 614 [18].

499 Department of Justice and Community Safety (Vic), *Decriminalising Sex Work* (Discussion Paper, 2012) 5.

CONSULTATION QUESTIONS

Q32 Should separation distances apply to commercial sex work businesses? Why or why not?

Q33 If yes to Q32:

(a) What land uses (for example, schools, childcare centres, places of worship) should require a separation distance?

(b) Should local governments have discretion to decide what separation distances (if any) apply in their local government area?

Home-based sex work businesses

12.57 In Queensland, home-based sex work businesses currently operate subject to the same planning requirements as other home-based businesses. However, as explained at [12.27] above, the Criminal Code makes it an offence for sex workers to work together or hire staff, except in limited circumstances.

12.58 Under the existing Queensland planning framework, home-based businesses must be secondary to the primary use of the dwelling. This means that employees of the home-based business must live at the dwelling. Many local government planning schemes state that only one external person (that is, a person who does not live at the dwelling) is allowed to work at a home-based business. For example, Brisbane City Council allow no more than one external employee to work at a home-based business. In addition, there are requirements about hours of operation (generally only regular business hours are acceptable): see, for example, box 7.[500]

Box 7: What are the hours of operation of home-based businesses?

- Depends on the local government
- In Brisbane, the home-based business code sets an acceptable outcome of hours of operation from 8:00am to 6:00pm on Monday through Saturday, except for office activities

12.59 If the business is of such a scale that it is no longer 'secondary to the primary use of the dwelling', then a development may not be considered a 'home-based business'. In this case, an assessable development application may be required: see table 1 and [12.15] above.

12.60 New South Wales and the Northern Territory separate the planning requirements for home-based sex work businesses from other home-based businesses. For example, under the Northern Territory Planning Scheme, all home-based businesses must be 'compatible with the character of the local area and…not unreasonably impact upon the amenity of adjoining or nearby residential uses'.[501] However, limitations apply to home-based sex work businesses that do not apply to other home-based businesses, including:

- the dwelling can be used by up to two sex workers and both must reside at the dwelling;
- no signs, other devices or markings indicate that premises is used for sex work;

500 Brisbane City Council, *City Plan 2014* (v 23, 10 December 2021) 9.3.10.

501 Northern Territory Government, *Northern Territory Planning Scheme 2020* pts 5.4.10.1, 5.4.10.2.

- the dwelling does not abut and is not directly opposite a pre-school, school, childcare service or place of worship.[502]

12.61 In contrast, under the same planning scheme other home-based businesses may employ one external employee who does not live at the dwelling, and there are no limitations about the content of signage, or location of the business.[503]

CONSULTATION QUESTIONS

Q34 Should there be consistent planning codes across Queensland for home-based sex work businesses, or should local governments have discretion to set the categories of assessment in their local government area?

Q35 Should home-based sex work businesses have the same planning requirements as other home-based businesses (and therefore be able to operate without a development approval if the requirements for accepted development are met)?

Q36 Should separation distances apply to home-based sex work businesses? If yes, what land uses should require a separation distance (for example, schools, childcare centres, places of worship)?

Q37 Is there a need to limit the number of sex workers, rooms or floor area used for sex work in a home-based business? If yes, is there an appropriate number of workers in a home-based sex work business (who live in the dwelling or otherwise)?

502 Ibid.

503 Ibid.

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