



Inverell Shire Council **Development Control Plan No 15**

To Control The Establishment **Of Brothels Within The Council Area.**

Adopted 24 February 2004

1. Citation

This plan may be cited as the Shire of Inverell Development Control Plan No. 15 – To Control The Establishment Of Brothels Within The Council Area.

2. Land to Which this Plan Applies

This plan shall apply to all land within the area of the Council of Inverell.

3. Precedence And Status Of This Plan

- 3.1 This Development Control Plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979, and Part 3 of the Environmental Planning and Assessment Regulation, 2000.
- 3.2 The authority for the preparation of this plan is drawn from section 72 (1) (a) of the Environmental Planning and Assessment Act 1979 which provides that, “if a Council considers it necessary or desirable to provide more detailed provisions than are contained in a Local Environmental Plan or a draft Local Environmental Plan in respect of a part or parts of the land to which the plan applies it may prepare or cause to be prepared a development control plan.
- 3.3 This Plan must be read in conjunction with any current Local Environmental Plans (LEP), State Environmental Planning Policies (SEPP), Development Control Plans and relevant planning legislation.
- 3.4 The major planning instrument, which applies to the Council area, is the Inverell Local Environmental Plan, 1988 (as amended).
- 3.5 The provisions of this Plan do not take precedence over the provisions of the LEP, SEPP’s or statutory controls. In accordance with the requirements of Section 79C(1) of the Environmental Planning and Assessment Act 1979 the contents of this Plan must be taken into account by Council in determining any development application to which it applies. Each application will be determined on its merits but the contents of this Plan will obviously provide an important indicator to Council of the issues, which need to be addressed in determining any particular application.
- 3.6 This plan will be taken into account in the consideration of any development application for the establishment of a brothel within the Council area.

- 3.7 The content of this plan may be varied only by a decision of Council in the manner provided for in clause 22 of the Environmental Planning and Assessment Regulation 2000.

4. The Need For Controls

This plan has been prepared to ensure that any brothel established within the Council area is appropriately located, and operated in accordance with reasonable guidelines.

5. Objectives

- 5.1 To ensure that all brothels which are established within the area of the Council are appropriately regulated under the provisions of the Environmental Planning and Assessment Act 1979;
- 5.2 To ensure that any brothels which are established within the Council area are located where they are compatible with other land uses;
- 5.3 To minimise the impact of brothels on nearby land uses, particularly residential areas and other sensitive uses.
- 5.4 To minimise public health risks to both sex workers and their clients;
- 5.5 To establish criteria against which any development proposal for the site will be assessed.

6. Controls

- 6.1 Council will not approve of the establishment of brothels on land within the following areas:
- business, residential, or rural zones as defined in the Inverell Local Environmental Plan 1988;
 - within 50m of the boundaries of the above zones;
 - within 200m of any:
 - established church or place of public worship,
 - hospitals,
 - place regularly frequented by children for recreational or cultural purposes,
 - public recreation reserve,
 - schools;
 - in any location more than 3km from the Inverell Post Office.
- 6.2 Brothels are not to be located within remote areas or areas where support services are not conveniently to hand.
- 6.3 The applicant is to provide a detailed plan of the premises indicating all rooms and buildings located on the premises. Such plan is to clearly indicate the use for which each room or building will be used.

- 6.4 No brothel established under the provision of this plan is to be established with more than four rooms in which acts of prostitution take place.
- 6.5 All brothels must be provided with adequate sealed on-site car parking. Access crossings and internal driveways must also be provided with sealed surfaces. This will be assessed against the particular design of each premises but the general minimum requirement will be 1.5 car spaces per room used for prostitution. All car spaces and driveways are to conform to the minimum standards set out in AS 2890 or any subsequent document establishing criteria for car parking released by Standards Australia.
- 6.6 Adequate internal lighting is to be provided to each premises in accordance with the provisions of AS 1680.
- 6.7 Adequate external lighting is to be provided to each premises to ensure that the premises are adequately illuminated but that there is no spill of lighting onto adjoining premises in such a way as to impact on the occupiers of such adjoining premises.
- 6.8 The proponent is to submit as part of the relevant development application a statement outlining the proposed operating hours of the brothel and a statement of the likely impact of those hours on the owners or occupiers of other premises in the immediate neighborhood.
- 6.9 The proponent of any proposed brothel is to submit as part of the relevant development application a statement detailing the security arrangements which the operator will implement to ensure that the operation of the premises does not unnecessarily impact on the neighborhood or adjoining premises.
- 6.10 The proponent of any proposed brothel is to submit as part of the relevant development application a statement detailing the arrangements they will implement to minimise health risks to both sex workers and their clients.

7. Criteria

- 7.1 When considering any development application for development of a brothel, Council will, in addition to the issues contained within section 79C of the Environmental Planning and Assessment Act 1979, take into account the following matters:
 - (a) the site location;
 - (b) the likely impacts of the proposed development on nearby land uses, particularly residential and sensitive land uses;
 - (c) the streetscape;
 - (d) visual impact of the development;
 - (e) landscaping;
 - (f) traffic issues;
 - (g) pedestrian access to the site,

(h) any submissions received as a result of the notification process.

8. Signage

8.1 Only one external sign will be permitted on the premises having a maximum area of 0.5 sq m. Wording is to be limited to the name of the business operated from the premises and the sign is not to include sexually explicit wording or images. Details of the proposed sign are to be lodged as part of the development application.

9. Notification

9.1 When Council receives a development application for the establishment of a brothel it will advertise the details of the application in a local newspaper. Such advertisement will detail the name of the applicant, the name of the owner of the land. Such advertisement will include a statement that the application can be inspected at Council's Administration building during business hours for a period of fourteen days from the date of the advertisement and that any person who so desires may make a written submission to Council outlining any issues which they may have with the proposed development.

9.2 In addition to the advertising of the proposal Council shall serve notice of the receipt of the application on:

- a) the owners of land adjoining the premises;
- b) the owners of any land within close proximity of the premises and the enjoyment of which may be reasonably expected to be affected by the proposed brothel;
- c) the Officer in Charge of the Inverell Police District.

9.3 The information contained in such notification shall be the same as is required to be provided in the newspaper advertisement.

10. Determination

10.1 Any development application received in respect of the establishment of a brothel is to be referred to Council for consideration and is not to be dealt with under delegated authority.

10.2 Council will not determine any application for the establishment of a brothel until it has considered the content of all submissions received.

10.3 In making a determination in respect of any development application to establish a brothel Council may impose any conditions necessary to ensure the development meets the objectives set out in this plan, the Inverell Local Environmental Plan 1988 and the Environmental Planning and Assessment Act 1979.