

A Guide to Brothels In Monash

Adopted:- 18 December 2001

MONASH BROTHEL POLICY

This policy applies to land not located within a Residential Zone or any other zone where a Brothel is prohibited within the City of Monash. It applies to land in an Industrial 1 Zone, Business 1 Zone, Business 2 Zone, Business 3 Zone, Business 4 Zone, Public Use Zone and Special Use Zone within the City of Monash.

The Monash Planning Scheme defines a "Brothel" as:

Land made available for prostitution by a person carrying on the business of providing prostitution services at the business's premises.

POLICY BASIS

The City of Monash must consider the matters set out in section 73 of the Prostitution Control Act 1994 before deciding an application to use or develop land for a brothel. The City of Monash must refuse a permit to use or develop land for a brothel in accordance with the restrictions contained in section 74 of the Prostitution Control Act 1994, unless section 76(2) of that Act applies.

If the effect of:

- An application to amend a permit in accordance with section 87 of the Act, or
- A request to amend a permit in accordance with section 73 of the Act, or
- A request to amend plans, drawings or other documents under a permit in accordance with section 62(3) of the Act,

is to expand or extend the use or development of a brothel by increasing the number of rooms to be used, increasing the number of service providers or increasing the trading hours, the application or request should be determined as if it were an application for permit for a use or development of land for the purposes of operation of a brothel in accordance with Part 4 of the Prostitution Control Act 1994.

Clause 74 of the Prostitution Control Act 1994 requires that:

The responsible authority must refuse to grant a permit for a use or development of land for the purposes of the operation of a brothel if:-

- (a) the land is within an area that is zoned by a planning scheme as being primarily for residential use; or*
- (b) the land is within 100 metres of a dwelling other than a caretaker's house; or*
- (c) the land is within 200 metres of a place of worship, hospital, school, kindergarten, children's services centre or of any other facility or place regularly frequented by children for recreational or cultural activities.*

Distances are to be measured according to any route, which reasonably may be used in travelling.

"Development" does not include -

- (a) the exterior alteration or exterior decoration of a building; and*
- (b) the demolition or removal of a building or works.*

OBJECTIVES

To provide consistent planning controls for the establishment and expansion of brothels within the City of Monash coordinated with the provisions of the Prostitution Control Act 1994.

To ensure that a concentration of Brothels in finite areas does not occur to the detriment of the amenity of that area.

POLICY

It is policy that:

- **Huntingdale/Oakleigh Areas**
The concentration of brothels in the Huntingdale and Oakleigh areas should not be further exacerbated. Six of the seven brothels within the Municipality are located within 2 kilometres of each other in the Huntingdale/Oakleigh Area.
- **Life of Permit**
A permit for a Brothel will be valid for a maximum period of five (5) years only. The permit applicant may re-apply to Council for any subsequent extensions up to a maximum period of five (5) years
- **Car Parking**
A new brothel must not commence or the intensity of an existing brothel must not be increased until the required car spaces have been provided on the land.

The car parking requirements for brothels are set out in the following table:

Car spaces to each sex worker	2
Car spaces to each Manager (sex worker)	2
Car spaces to each Manager (non-sex worker)	1
Car space for each non sex worker. ie. security	1

- **Hours of Operation**
The standard hours of operation of a brothel are assessed on the individual merits of the application, however these hours must not extend beyond 10 am - 2am (the following day), 7 days a week.

- **Advertising Signs**

Council will actively discourage any sexually explicit signage on existing or proposed brothel premises. Signage is subject to Council approval and should be restricted to the name of the business, the street number of the property and car parking directional signs.

All proposed signage is to form part of the permit application and must not be altered without the written consent of the Responsible Authority.

DECISION GUIDELINES

It is policy that before deciding on an application, the responsible authority will consider, as appropriate:

- The distance separation between existing Brothels and the concentration of Brothels in finite areas.
- Whether the proposed Brothel is compatible with adjacent land uses.
- The requirements of the Prostitution Control Act 1994.

NOTE:- A brothel cannot be established as a 'Home Occupation' and brothels are prohibited in a Residential 1 Zone, Residential 2 Zone, Mixed Use Zone, Public Park & Recreation Zone, Public Conservation & Resource Zone and Urban Floodway Zone.

Council will actively prosecute operators and owners of illegal brothels within the Municipality.

POLICY REFERENCES

- Monash Planning Scheme, 2000.
- Prostitution Control Act 1994.

UNANSWERED QUESTIONS? WHO SHOULD I ASK?

Should you have any questions regarding this policy or the development of brothels within the City of Monash, you should contact Council's Town Planning Section.

Phone : **9518 3555**, or

Call into the Town Planning section during office hours between 8.00am to 5.30pm Monday to Friday at

293 SPRINGVALE ROAD, GLEN WAVERLEY