

INTERSECTIONS OF PLANNING AND MORALITY IN THE REGULATION AND REGARD OF BROTHELS IN NEW SOUTH WALES

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This article explores two questions through original primary research. First, can brothels be ‘good neighbours’ in planning terms? That is, what kind of amenity impacts, if any, do sex services premises have upon the people living nearby? Second, do the different approaches adopted by two councils in New South Wales, Australia, matter in terms of amenity impacts, but also in attitudes to sex services premises? It is argued that brothels appear to generate minimal or neutral amenity impacts regardless of the regulatory approach adopted by council. However, the legal approach adopted by the different councils has contributed to the organisation and expression of the moral attitudes of local residents to sex services premises.

I INTRODUCTION

Whether or not the law should regulate sexuality has long been a subject of debate, and these debates have been cast in terms of the law’s relationship with morality. Until relatively recently, brothels in New South Wales (NSW), Australia were by definition disorderly houses that could not operate lawfully because of their perceived immorality. However, since the *Disorderly Houses Amendment Act 1995* (NSW), sex services premises in NSW have been able to operate as legitimate businesses. As a consequence of these reforms,

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sex services premises are regulated by local councils using their planning powers under the *Environmental Planning and Assessment Act 1979* (NSW). The NSW Land and Environment Court (LEC) has made it clear that morality is not relevant to planning.¹ Rather than a moral based approach, planning is concerned with the (potential) impacts of land uses upon other nearby land uses, neighbours and the community. Section 79C of the *Environmental Planning and Assessment Act 1979* (NSW) details the types of concerns a council must take into account when determining a development application, such as ‘the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality’. This subsection focuses upon what has been termed ‘amenity’, which is recognised as ‘wide and flexible’, transcending mere physical content.² This paper explores two questions through original primary research. First, can brothels be ‘good neighbours’ in planning terms? That is, what kind of amenity impacts, if any, do sex services premises have upon people living nearby? Second, do the different approaches adopted by two councils in NSW matter in terms of amenity impacts, but also in attitudes to sex services premises?

There are more than 150 local councils in NSW, with an estimated 5,500 planning instruments in place.³ Councils are not permitted to prohibit all sex services premises from their area,⁴ but they have a great deal of discretion in how they develop and apply planning policies.⁵ As a consequence, there are many different approaches adopted by councils across NSW in the regulation of sex services premises. If a development application for a business is

¹ *Liu v Fairfield City Council* (1996) NSWLEC 272; *Zhang v Canterbury Council* [2004] NSWLEC 500 [48]. Our conclusions highlight that the assertion that morality is not relevant to planning does not mean that planning is not itself a discourse that shapes and reflects moral understandings.

² *Perry Properties Pty Ltd v Ashfield Council (No 2)* [2001] NSWLEC 62.

³ New South Wales Department of Planning *Benefits of the Local Environmental Plan Template* (NSW Government, 2008).

⁴ NSW Department of Urban Affairs and Planning, *Council Circular - Planning Controls of Brothels* (16 July 1996).

⁵ Penny Crofts, ‘Ambiguities in approaches to brothels: disorderly houses of commercial premises?’ (2003) 20 *Environmental Planning and Law Journal* 445-58.

(deemed) refused by council, applicants can appeal to the LEC.

The legislative and regulatory regime for sex services premises was constructed, and has since been applied, based on assumptions unsupported by empirical evidence of the effects of sex services upon neighbourhoods. Anecdotal evidence has implied that people are strongly opposed to the idea of a new brothel near their homes.⁶ However, comments to councils and the LEC in response to sex services premises development applications are not uniformly negative. Moreover, the number of objections received differs greatly from one local council to another.⁷ There has been one small study on whether or not people were aware that they lived next door to a home occupation (sex services) premises, that is, a business where the sex worker (worker) provided services from home. This study found that most people were unaware of the home occupation unless the worker had informed them.⁸

Within the NSW context a small body of international research, predominantly from the USA, continues to be used to support arguments that adult entertainment premises⁹ increase crime rates,¹⁰

⁶ Parramatta City Council *Brothel Report* (Parramatta City Council, 2010).

⁷ Penny Crofts, 'Brothels: Outlaws or Citizens?' (2010) 6(2) *International Journal of Law in Context* 151-66.

⁸ Eva Cox, UTS Students' Research on Home Occupations Under Supervision of Eva Cox (University of Technology, Sydney, 2003); Penny Crofts and Jason Prior, 'Home Occupation or Brothel? Selling sex from home in New South Wales' (Forthcoming) *Urban Policy and Research*.

⁹ Daniel Linz, Paul Bryant and Mike Z Yao, 'Peep show establishments, police activity, public place, and time: A study of secondary effects in San Diego, California' (2006) 43(2) *Journal of Sex Research* 182-93; Paul Bryant, Bradley J Shafer and Daniel Linz, 'Government Regulation of "Adult" Businesses Through Zoning and Anti-Nudity Ordinances: Debunking the Legal Myth of Negative Secondary Effects' (2001) 6(2) *Communication Law and Policy* 355-91.

¹⁰ National Law Center for Children and Families, *NLC Summaries of 'SOB Land Use' Studies: Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually-Oriented Businesses* (National Center for Children and Families, 2005).

lower property values,¹¹ adversely impact on the quality of neighbourhoods,¹² and that the clustering of sex service premises can have negative impacts on local businesses.¹³ These studies have been relied upon to justify exclusionary zoning, coupled with the common law of nuisance to contain the placement and operations of adult entertainment premises.¹⁴ This is despite the fact that these frequently cited studies are limited in terms of validity and reliability, in that the evidence of effects has been based on subjective assumptions and common sense ideas, rather than empirical data.¹⁵ Several critics of these studies have conducted their own empirical studies of effects and suggest that sex premises generally attract less criminality than equivalent licensed premises (e.g. clubs or bars) because security is generally better, with clientele being on average older than for other categories of licensed premises.¹⁶ Moreover, Linz et al, have questioned the validity of relying upon studies undertaken in the 1970s to support contemporary assertions of criminality.¹⁷ This research is focused mostly on sex shops and strip clubs, and not sex service premises *per se*. There is a notable absence of similar impact research within the Australian context.

Accordingly, despite regulation under a planning regime since 1995, there is a dearth of Australian research on what types of

¹¹ Duncan Associates, *Survey of Appraisers Fort Worth and Dallas: Effects of Land Use on Surrounding Property values* (Duncan Associates, 2004).

¹² Linz, Bryant and Yao, above n 9.

¹³ Roger Enriquez, Jeffrey Cancino and Sean Varano, 'Legal and empirical perspectives on crime and adult establishments: A secondary effects study in San Antonio, Texas' (2006) 15 *American University Journal of Gender, Social Policy and the Law* 1-42.

¹⁴ George Smith and Gregory Bailey 'Regulating Morality Through the Common Law and Exclusionary Zoning' (2001) 60 *Catholic University Law Review* 403-44.

¹⁵ Daniel Linz, Kenneth Land and Jay Williams, 'An Examination of the Assumption that Adult Businesses Are Associated with Crime in Surrounding Areas: A Secondary Effects Study in Charlotte, North Carolina' (2004) 38 *Law and Society Review* 69-104.

¹⁶ Judith L Hanna, 'Exotic Dance Adult Entertainment: A Guide for Planners and Policy Makers' (2005) 20 *Journal of Planning Literature* 116-34; Linz, Land, and Williams, above n 15.

¹⁷ *Ibid.*

impacts of concern to planning are generated by sex services premises. Most notions about sex services premises presented to councils and the LEC are predictive, estimating potential impacts of these types of businesses, rather than evaluating actual impacts by businesses. To address the lack of empirical data, in 2010, the authors undertook telephone surveys in two LGAs asking people living near a sex service premise, what effects, if any, did that business have upon the neighbourhood. Based on the findings from this original research we ask: Did different regulatory approaches adopted by local councils make a difference to the impact of sex services premises? Could sex services premises be good neighbours?

This research demonstrated that sex services premises tended to have neutral impacts on the amenity of a local area. Most residents were unaware of a nearby sex services premise. However, the reactions of residents to a nearby sex service premise if they did know about it, differed greatly depending on whether they lived in an LGA such as Parramatta City Council (PCC) where the local council was very negative about sex services premises, or the City of Sydney (COS) which regards sex services premises as legitimate businesses. Residents in PCC tended not to be aware of a nearby sex service premise, but if they were aware, they were very unhappy about it. In contrast, COS residents were much more likely to know about a nearby sex service premise, but were more neutral about the business. It is argued that this is evidence of the complex relationship between law and morality. In debates, the relation between law and morality tends to be presented in stark opposing terms. Either the law regulates morality and the immorality of conduct supplies a sufficient reason for criminalisation,¹⁸ or morality is a private matter that should not be the subject of criminal law unless it harms others.¹⁹ The survey findings contribute to the argument that the relationship between law and morality is not oppositional, but that each has the potential to reflect and reinforce the other. Although the LEC has asserted that morality is not relevant to planning, it is argued that the legal approach adopted by

¹⁸ Lord Patrick Devlin, *The Enforcement of Morals* (Oxford University Press, 1965).

¹⁹ H L A Hart, *Law, Liberty and Morality* (Stanford University Press, 1963).

the different councils has contributed to the organisation and expression of the moral attitudes of local residents to sex services premises.

II METHODOLOGY

The methodology for this project was a random fixed survey of 401 people living within a 400 metre (1312 feet) radius of sex services premises. Two local councils in NSW were selected because they provided good examples of significant approaches to the regulation of sex services premises – one can be labelled pragmatic planning, the other continues to regard and regulate sex services premises as inherently disorderly and unlawful.²⁰ The COS adopts the former approach and is regarded as a best practice model. The COS regulates inner city suburbs, including Kings Cross, a famous “red light district” with a high concentration of street-based workers.²¹ In accordance with recommendations by the NSW Sex Services Premises Planning Advisory Panel,²² the COS has developed principles that differentiate between sex services premises types based on size, nature and potential amenity impacts rather than the “catch-all category” of brothel.²³ Specific regulations are developed for different business types of brothels, safe house brothels, sex on premises venues, swingers’ clubs, bondage and discipline parlours, and sex services (home occupation) premises (HOSSP). HOSSP are permitted to operate without development consent within some of the residential areas within the COS, while larger sex services

²⁰ Penny Crofts and Jason Prior, ‘Oscillations in the Regulation of the sex industry in New South Wales, Australia: Disorderly or Pragmatic?’ in Rochelle Dalla et al (eds), *Global Perspectives on Prostitution and Sex Trafficking: Africa, Asia, Middle East and Oceania* (Lexington, 2011).

²¹ Roberta Perkins, ‘Street Prostitution and Its Manipulation by Law in New South Wales’ in Patricia Eastal and Sandra McKillop (eds), *Women and the Law Conference 1991* (Australian Institute of Criminology, 1993) 104-7.

²² NSW Sex Services Premises Planning Advisory Panel, *Sex Services Premises Planning Guidelines* (Department of Infrastructure Planning and Natural Resources, 2004).

²³ City of Sydney, *Adult Entertainment and Sex Industry Premises Development Control Plan* (2006).

premises are required to submit a development application, including satisfying notification requirements and appropriate zoning.²⁴

Pragmatic planning policies increase the ease and likelihood of sex services premises attaining a legal identity. Rather than devoting funds to identifying and excluding “illegal” brothels, COS assists in the process of sex services premises gaining authorisation. This can include identifying appropriate premises from which a business could operate with development consent. COS has also engaged in ongoing research that explores the impact, needs and operation of different types of sex services within the LGA so that the development of such premises can be approached from a more pragmatic planning perspective.²⁵ COS also has developed guidelines to assist sex service premise operators with the design and management of safe and healthy facilities.²⁶

The second subject area from which respondents were drawn was the Parramatta City Council (PCC), 24 kilometres west of the COS. The PCC approach manifests the regard and regulation of sex services premises as inherently unlawful and disorderly. PCC was selected because its policies epitomised a dominant regulatory approach to sex services premises in NSW.²⁷ Unlike the COS, most councils do not differentiate between sex services premises types, but have a one size fits all approach. For example, PCC defines a brothel as a ‘premises habitually used for the purpose of prostitution or that are designed for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution’.²⁸ These councils tend to regulate with large-scale

²⁴ See, eg, South Sydney City Council, *South Sydney Local Environmental Plan* (1998); City of Sydney, above n 23.

²⁵ Jason Prior, ‘Planning for sex in the city: urban governance, planning and the placement of sex industry premises in inner Sydney’ (2008) 39(3) *Australian Geographer* 339-52.

²⁶ City of Sydney, above n 23; City of Sydney, *Safe City Factsheet Series Issue 7: Sex Service Premises Safer Design and Security* (2008).

²⁷ Penny Crofts, ‘Brothels and Disorderly Acts’ (2007) 1 *Public Space: The Journal of Law and Social Justice* 1-39.

²⁸ Parramatta City Council, *Brothel Report* (PCC, 2010).

brothels in mind,²⁹ and accordingly develop highly restrictive planning regulations that are difficult for brothel owners to meet and are not applied to other businesses with similar amenity impacts. These regulations include strict parking requirements, operating hours, notification requirements, disability access, and zoning restrictions. Thus, in many LGAs, brothel owners may either not submit a development application in the expectation of refusal, or accept a refusal without appeal. These highly restrictive regulations do not encourage sex services premises' owners to seek authorisation, particularly if they have been operating without authorisation and without complaint. A development application would draw attention to their existence, and councils have the power to shut down unauthorised brothels. This compels many sex services premises to operate outside the law, thus confirming the perception of inherent illegality.

In 2007, the Independent Commission Against Corruption found that a former Team Leader of Compliance Services at Parramatta City Council had engaged in corrupt conduct of soliciting and receiving cash payments and sexual services from brothel owners and prostitutes in return for not taking action on behalf of the Council to prevent unauthorised use of premises for prostitution.³⁰ These ICAC findings provide a backdrop to the highly restrictive approach adopted by PCC with regard to the approval of brothels. In 2010, PCC voted to prohibit brothels from their LGA.³¹ Although this vote is symbolic, it demonstrates PCC's perception and regulation of sex services premises as inherently unlawful. It is very difficult to receive council authorisation for sex services premises due to the restrictive policies.

²⁹ Crofts and Prior, 'Oscillations in the Regulation of the sex industry in New South Wales, Australia: Disorderly or Pragmatic?', above n 20.

³⁰ ICAC, *Parramatta City Council Investigation into Solicitation and Bribery* (2007).

³¹ Chiang Lim, 'Ban on brothels and sex-related services' on Parramatta Councillor blog (2011)

<http://www.chianglim.com.au/blog/blog/ban_on_brothels_and_sex-related_services>.

For example, PCC has imposed a 200 metre (656 feet) restriction on brothels from the nearest residential dwellings, greatly restricting the industrial areas available.³² In order to receive authorisation, the majority of sex businesses have had to appeal to the LEC, which is expensive and time consuming, and success is not guaranteed. Moreover, in PCC, authorisation is always at best, contingent. PCC's most recent planning instrument only permits consent for a sex business for 2 years – requiring a new application for authorisation every 2 years.³³ In addition, the council regularly inspects sex services premises in order to determine whether or not there are breaches of council conditions and health and safety requirements.³⁴

COS and PCC thus represent different, important approaches to the regulation of sex services premises in NSW. While these councils do not exhaust the different types of regulatory approaches that can be adopted, they are examples of significant approaches within NSW.³⁵

Sex services premises were identified from information from the Sex Workers Outreach Project (SWOP),³⁶ classified newspaper advertisements in Sydney and from internet advertising. The study included authorised and unauthorised sex services premises. In total 401 people were interviewed by phone. Due to the nature of the survey, not all respondents answered every question. It was initially aimed to interview 'within 250 metres' (820 feet) of sex services premises. This radius was informed by the regulatory regime. Throughout the relevant legislation, regulations and cases, there is a

³² Parramatta City Council, *Parramatta Local Environmental Plan* (2001).

³³ Parramatta City Council, *Parramatta Development Control Plan for Sex Services and Restricted Premises* (2009).

³⁴ Parramatta City Council, *Annual Report* (2008) 43.

³⁵ It was beyond the scope of this project, but other local councils would also have provided different regulatory approaches. For example, Waverley Council regulates sex services premises within existing business regulatory approach.

³⁶ SWOP is the leading sex worker organisation in NSW. See <<http://www.swop.org.au/>>.

distance limit of ‘near’ or ‘within view’.³⁷ The radius of 250 metres was set up with the idea of fitting within the planning concept of ‘within view’. In addition, many of the councils also restrict locations of brothels based on distance requirements. For example, PCC does not permit sex services to be sited with 200 metres of each other, shopping malls and licensed premises,³⁸ and COS does not permit amusement arcades, brothels, restricted premises or late opening pubs located within the vicinity within a radius of 250m of each other.³⁹

The total COS sample (100%, 242 out of 242), and half of the PCC sample (51%, 81 out of 159) actually resided within a 250 metre radius of a sex services premises. Accordingly over three quarters of the total sample (77%, 309 out of 401) lived within 250 metres of a sex services premise. The remainder of the PCC sample (49 percent, 78 out of 159) lived between 250 and 400 metres from their nearest sex services premise. The major reason for the variation in the sample distances was that sex services premises in COS were in mixed residential and commercial zones that were higher density living, while in PCC, sex services premises were primarily within industrial zones that had residential zones around them. Accordingly, there were less people living closer to sex services premises in PCC than in COS.

In the survey, respondents were asked to state whether or not a specific business was in their ‘local area’, and if so, what effects (zero, positive or negative) these businesses had. The term ‘local area’ was used because this was consistent with how people would tend to think about their neighbourhood, rather than as a function of distance and had the advantage of being transferable internationally. In addition, it was consistent with the open-ended term ‘within view’ and the concerns of planning for impacts on neighbourhood amenity.

³⁷ See, eg, *Restricted Premises Act* 1943 (NSW) s 17(5)(a); *Martyn v Hornsby Shire Council* [2004] NSWLEC 614.

³⁸ Parramatta City Council, *Parramatta Development Control Plan for Sex Services and Restricted Premises* (2009).

³⁹ City of Sydney, *Central Sydney Development Control Plan* (1996).

The project received ethics approval from the University of Technology, Sydney. A principle concern was not to 'out' nearby sex services premises to neighbours who were hitherto unaware of that business. To this end, respondents were asked to reply yes/no/unsure to whether or not a business was in their 'local area'. They were then asked them to 'rate the overall effects' of the businesses they had stated were in their area, and an unprompted question of the types of key effects these businesses had. If the respondent had stated that there was no 'brothel, erotic massage parlour or other sex services premise' in the area, then the researcher would go to the demographic questions at the end of the survey.

If the respondent had stated that there was a 'brothel, erotic massage parlour or other sex premise' in the local area, we then asked questions about their experiences of a sex services premise. Did they know where it was? How long had they known about it? How did they find out about it? What kind of effects 'zero, positive and negative' had the sex services premises had on their local area? In addition, respondents were asked to compare effects of sex services premises with other businesses in the area. This question was in accordance with a planning approach that is focused on the effects of land uses rather than the business type.⁴⁰

This survey was supplemented with research of relevant legislation and regulations, documents from Council development

⁴⁰ Many councils impose very strict requirements upon 'brothel' developments as a means to limit the number of sex services premises operating in the area (if at all). For example, councils tend to impose strict parking demands upon brothels. When considering these parking regulations, the Court has accepted that clients tend not to park near sex services premises: *Hang v Strathfield Municipal Council* [2005] NSWLEC 99; *Sun v Campbelltown City Council* [2005] NSWLEC 518; sex services premises have different operating hours from existing businesses in the area: *Vassallo v Blacktown City Council* [2004] NSWLEC 85); and compared the parking requirements imposed on brothels with other businesses with similar or greater parking impacts: *Davis v Parramatta City Council* [2005] NSWLEC 474.

planning processes, and LEC cases regarding sex services premises in PCC and COS.

III RESULTS OF THE SURVEY

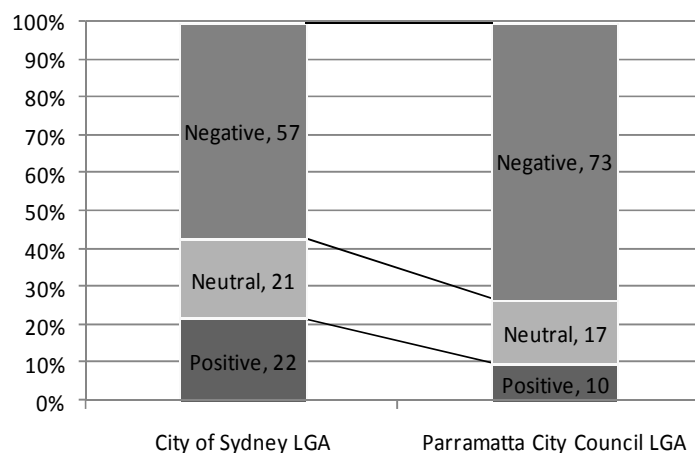
Surveyed residents were asked if they were aware of sex services premise in their area. If they answered yes, respondents were asked to rank the overall effect, using a Likert scale of -3 (extremely negative) to +3 (extremely positive) of the sex services premise on their local area. In total, almost half (44%, 173 out of 401) of those surveyed were unaware that they lived nearby a sex services premise. Of the remaining survey respondents (56%, 228 out of 401) who were aware of sex service premises, just over half (49%, 122 out of 228) stated that the business had no effect (positive or negative) upon the local area. Within the remaining half nearly as many residents rated the overall impact positively (24%, 55 out of 228) as there were rating it negatively (27%, 62 out of 228). Accordingly, just under three quarters of the residents surveyed (74%, 296 out of 401) either experienced no effects as a consequence of the nearby sex services premise or did not know of its existence.

Just over a quarter of respondents (26%, 104 out of 401) nominated any effect of a nearby sex service premise. Positive effects included lighting, sexual health and local employment. Negative effects included noise, anti social behaviour and morality. Very few respondents nominated negative effects, and these perceived negative effects were not shared by the majority of people living in close proximity to the premises themselves. The impact of sex premises was regarded as only slightly negative on average by those aware of such premises nearby. Brothels, erotic massage parlours and other sex premises were viewed with a mean of -0.15 (by the 57%, 228 out of 401 who were aware of their existence).

The survey results indicated differences between PCC and COS

(see Table 1). PCC residents were much less likely to realise a sex service premises was nearby (31%, 49 out of 159) compared with COS residents (75%, 179 out of 242). If they were aware of the nearby sex services premise, PCC residents were much more likely than COS residents to state it negatively impacted on the community. The mean effect score for sex services premises was -0.55 for PCC, compared with -0.04 for COS. That is, an almost neutral effect by sex services premises was recorded by those aware of sex services premises in COS. This perceived neutral impact of sex services premises in COS is supported by a reduction in the number of objections to proposed sex services premises in the area.⁴¹

Table 1: Were the effects of the sex services premises noted as either positive, neutral (zero) or negative? By LGA (n=102)



There was also a difference according to LGA about *how* respondents found out about a nearby sex service premise. This was reflected in the significant (2 tailed P value <0.0001) difference between the majority of surveyed residents in the City of COS (74.3%, see Table 2) and minority of surveyed residents in PCC (30.6%, see Table 2) who were aware of the commercial sex industry premises that existed within 400m of their residence. As

⁴¹ Crofts and Prior, 'Oscillations in the Regulation of the sex industry in New South Wales, Australia: Disorderly or Pragmatic?', above n 20.

shown in Table 2, there was no one single reason for the greater level of awareness of premises by residents in COS, they became aware as a result of notifications by council, talking with neighbours, observing people coming and going, visual appearance, and the historic character of the area. Resident awareness of premises in COS were most commonly the result of the residents own observation of the premise, stating they knew because of their 'fairly obvious ... appearance' that made them 'hard to miss', and visual identifiers like: 'a red door', 'a little red light outside the front' and the 'the explicit use of signage'.

Within the PCC area the most common way in which residents reported that they became aware of the sex services premise near their homes was through talking to other people and through newspapers. Fewer were aware of the nearby business as a result of how it looked or other observable activities. The fact that the majority of residents within PCC had become aware of the business as a result of being notified meant that some 'knew there was sex premises around but did not know exactly where'.

There were also differences in how long a resident knew about a nearby sex services premises. In PCC, 42.9% (n =21) respondents who knew about the sex services premises had only been aware of it for less than 3 years, while 24.5% (n=12) were aware of the business for more than 10 years. In contrast, in COS, of those who knew about a sex service premise, 21.2% (n = 37) had known about the sex services premises for less than 3 years, while 45.4% (n = 79) had known about the business for more than 10 years. Our results suggested that the longer a respondent knew about a sex service premise, the less likely they were to be negative about it, regardless of LGA. Those respondents who had known about the sex service premise for less than 3 years rated the effects of the business as -0.65. In contrast, those who had known about the sex service premise for more than 3 years rated the effect of the business as 0.05.

Table 2. Resident awareness of commercial sex industry premises and how residents became aware (n=401)

Resident Details	Total Number of residents surveyed	Ratio of total aware of premise n (%)	How resident became aware of sex service premise						
			Resident notified by			Resident observation			Other
			Council	Neighbour	News -paper	People entering /leaving	Look of premise	District History	
N	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)	
Location:									
COS LGA	241	179 (74.3)	11 (4.5)	44 (18.2)	10 (4.1)	28 (11.6)	57 (23.6)	8 (3.3)	21 (8.7)
PCC LGA	160	49 (30.6)	1 (0.6)	19 (11.9)	13 (8.1)	5 (3.1)	7 (4.4)	0 (0)	4 (2.5)
Proximity to premises:									
< 250m	321	204 (63.6)	12 (6.0)	51 (25.5)	20 (10.0)	29 (14.9)	61 (30.5)	8 (4.0)	19 (9.5)
251m to 400m	80	24 (30.0)	0 (0.0)	12 (50.0)	3 (12.5)	4 (16.7)	3 (12.5)	0(0.0)	2 (8.3)

IV ANALYSIS OF THE PERCEIVED TANGIBLE AND INTANGIBLE EFFECTS OF SEX SERVICES PREMISES

The research commenced with the hypothesis that how sex services premises are regulated would make a difference as to their impacts. It was believed that sex services premises would have less negative impacts in COS than in PCC, because COS has adopted and applied a best practice model of pragmatic planning, while PCC continues to regard and regulate sex services premises as inherently disorderly and unlawful. However, the survey results ostensibly indicate that the different regulatory approaches made no difference. This appears to be in accordance with questions about the law's relevance in the field of commercial sex.⁴² For example, researchers have noted that different prohibitionist, regulationist and abolitionist systems internationally appear to generate the same results of the increasing marginalisation of street sex work and the lack of attention paid to many forms of indoor sex work, thus suggesting that the legal regime adopted makes little difference to sex work.⁴³ The survey results appear to support this argument, as in both PCC and COS LGAs tangible effects of sex services premises were the same, that is, negligible. However, in contrast with arguments about the law's irrelevance, it will be suggested that the different regulatory regimes may have made a difference in terms of *attitudes* to sex services premises in the local areas. That is, law has the potential to organise and express moral attitudes towards sex services premises.

A *Tangible Effects and Planning Approaches*

Planning is concerned with regulating land use and its impacts on neighbours. It is primarily predictive rather than reactive, however, planning regulations also have reactive capabilities with the *Brothels*

⁴² Jane Scoular, 'What's law got to do with it? How and why law matters in the regulation of sex work' (2010) 37 *Journal of Law and Society* 12-39; Laura Agustin, 'Sex and the Limits of the Enlightenment: The Irrationality of Legal Regimes to Control Prostitution' (2008) 5 *Sexuality Research and Social Policy* 73-86.

⁴³ Scoular, above n 42.

Legislation Amendment Act 2007 (NSW) giving special powers to councils to shut off the power of disorderly or unlawful brothels.⁴⁴ As noted above, the relevant legislation and planning regulations focus on issues such as parking, lighting, noise, crime, anti-social behaviour etc. These are the types of issues that respondents in the survey identified businesses as impacting on their local area in positive or negative ways. The planning regulatory scheme is thus consistent with the types of concerns people have about their local area.⁴⁵

One of the most significant findings of the study was that sex services premises appear to have minimal amenity impacts on a neighbourhood. This was supported by the survey result that the majority of respondents were either unaware of sex services premises, or if aware, regarded them as having a neutral impact on the community.⁴⁶ Lack of awareness does not necessarily equate with lack of impact. An alternative explanation is that residents incorrectly attributed impacts caused by sex services premises to other businesses. However, in PCC this misattribution is unlikely, as most sex services premises were located in industrial premises, operating at different times from other businesses in the area. Thus, there are a lack of pubs and clubs for example to blame for the amenity impacts of sex services premises. This relative absence of amenity impacts is further supported by the way in which respondents found out about nearby sex services premises, particularly in PCC. These respondents were either told about it by neighbours, or read about it in newspapers (Table 2). In other words,

⁴⁴ Crofts, above n 27.

⁴⁵ Although, in keeping with our argument, it could also be argued that the law organises and expresses the types of concerns and issues that are regarded as relevant and irrelevant.

⁴⁶ The authors recognise that 'community' is a complex notion that can exclude and include particular people. With regard to planning law, particularly brothels legislation, this notion of community is shifting and contingent. Planning law might include those who live nearby a particular development, work in the area, visit an area, and/or adults who take children to a particular place. See, eg, the *Brothels Legislation Act 2007* (NSW). In this paper, we are using the term 'community' broadly to consider those who live and work in the geographical territory of the local government area. The focus of our research was primarily upon those who lived in the LGA.

they did not become aware of the sex service premise through amenity impacts.⁴⁷ The argument of minimal amenity impact is further supported by the finding that the longer a person had knowingly lived near a sex service premise the more likely they were to be neutral or positive about the business. Those who had known about a sex service premise for more than 3 years rated the effect of the business as 0.05 (mean value). This may not necessarily mean that sex services premises have minimal amenity impacts, as those who were particularly irritated by a nearby business may have moved away. But overall, the results suggests that those who have had the most experience of knowingly living nearby a sex service premise, tended to regard their effects in neutral or positive terms.

Accordingly, sex services premises appear to have a neutral impact in terms of the traditional concerns of planning for the majority of people living in the vicinity. This neutral impact could in part be a consequence of planning regulations. When submitting development applications, businesses of any kind, including sex services premises, must provide detail regarding parking, lighting, signage, noise restraint, impact on crime, security, as well as aspects such as occupational health and safety. Decision makers will also consider whether or not the proposed business is appropriately sited in terms of its zone and the land uses around it.⁴⁸ Councils and the LEC have been concerned to reduce visibility of sex services premises, through means such as limited signage, access to the business, screening through landscaping, and lighting.⁴⁹ The LEC has reiterated that brothels should not be 'prominent' in industrial zones, but should be discreet and there should be 'no overt indications that it is being used as a brothel'.⁵⁰ Council planners and the Land and Environment Court have demonstrated a preference for structural, rather than procedural, approaches to reduced amenity impacts. Examples of this include the use of tinted and double

⁴⁷ For further analysis of how subjects became aware of sex services premises see Jason Prior and Penny Crofts, 'The effects of sex premises on neighbourhoods: residents, local planning and the geographies of a controversial land use' (2012) 68 *New Zealand Geographer* 130-40.

⁴⁸ *Martyn v Hornsby Shire Council* [2004] NSWLEC 614.

⁴⁹ *Joseph Vassallo v Blacktown City Council* [2004] NSWLEC 65 [15].

⁵⁰ *Ibid* [17].

glazed windows rather than dependence upon blinds to reduce the visibility of the work in a sex services premises.⁵¹

Thus, it could be argued that the regulatory regimes in PCC and COS achieve their ends of minimal negative amenity impacts from sex services premises – albeit through different approaches. Yet the regulatory regimes of PCC and COS are different, and the motives behind application and development of these regimes are so different, that one would expect different outcomes in terms of amenity impacts if the law had any influence at all.⁵² Several arguments can be made here. First, in COS, sex services premises are located in many more zones than PCC, including mixed residential zones, while in PCC brothels are primarily restricted to commercial and industrial zones. The relative lack of negative impact overall to the residents of COS can be regarded as a demonstration that their regulatory regime is particularly effective, and that PCC is overly cautious and restrictive in its regime. This suggests that the historical construction of sex services premises as inherently disorderly and unlawful is misplaced, and these types of businesses are capable of meeting the assumptions and needs of an orderly city.

Second, the survey results emphasise that there are different levels of law and regulation operating here. It is very difficult for sex services premises to receive authorisation directly from PCC – the council has voted to ban brothels from the LGAs.⁵³ However, owners can appeal these decisions to the LEC, which must not only take into account the local planning regime, but also *state* legislation and regulations. That is, local regulations are not the sole means by which planning decisions are made with regard to sex services premises. The decisions by the LEC have been important particularly in PCC. The majority of authorised sex services

⁵¹ *Fang Lin v Sydney City Council* [2005] NSWLEC 95.

⁵² Scoular, above n 42.

⁵³ Lim, above n 31.

premises in PCC have received authorisation via the LEC.⁵⁴ Thus where a council has (deemed) rejected a sex service premise development application, the LEC may then have provided authorisation applying the overarching concerns of planning. That is, the LEC has required hard and fast evidence of negative impacts, and has been sceptical of overly restrictive council regulation of sex services premises.⁵⁵ Thus, even though PCC may have sought to prevent these businesses operating in the LGA, the LEC has granted authorisation where the business is likely to have minimal negative amenity impact. This is a reminder of the different levels of regulation that may be operating in any one area, thus there is the potential for a negative and restrictive approach to sex services premises in a local area to be neutralised by the application of state law.⁵⁶

B *Intangible Effects: Law, Regulation and Morality*

Despite the result that the majority of respondents either did not know about a nearby sex services premises, or if they did know about it, regarded it as having a neutral impact, there was a big difference in how respondents regarded sex services premises depending on their LGA. PCC residents were much *less* likely to know about a nearby sex service premise, but much *more* likely to be unhappy about the business if they knew about it. In contrast, COS residents were much *more* aware of nearby sex services premises, but much *less* concerned about them. This suggests that while sex services premises had minimal amenity impacts across LGAs, there were attitudinal differences dependent on the area in which a respondent lived.

⁵⁴ See, eg, *Boers v Parramatta City Council* [2010] NSWLEC 1071; *Davis v Parramatta City Council* [2005] NSWLEC 474; *Wei v Parramatta City Council* [2008] NSWLEC 1157; *Wei v Parramatta City Council* [2010] NSWLEC 1107.

⁵⁵ Crofts, above n 27.

⁵⁶ This can be compared with the regulation of brothels in the state of Nevada, which is primarily localised and differs greatly from jurisdiction to jurisdiction; Barbara G Brents and Kathryn Hausbeck, 'Marketing Sex: US Legal Brothels and Late Capitalist Consumption' (2007) 10(4) *Sexualities* 425-39.

This might in part be influenced by the different expectations of residents. Inner city residents, particularly in the COS LGA, would have moved into, or lived in, the area with the knowledge that this was (historically) a red light district. This was indicated in unprompted comments made in our survey, as several residents noted:

I grew up in Sydney so already knew of its existence.

It's a well known [commercial sex industry premise] in Kings Cross.

Residents may have moved into the area for the excitement and mix of the city. In contrast, PCC is arguably made up of more conservative, family oriented 'suburbs'. However, these differences are more apparent than real. Both LGAs contain a 'city' and suburban areas. In addition, the argument that those who moved into COS knew about sex services premises, while in PCC sex services premises are a relatively new business type is also not correct. Sex services premises have been operating with authorisation since 1995, and without authorisation prior to that time. Lack of knowledge thus cannot be explained by only a recent arrival of sex services premises in PCC.

This research goes toward an argument that this attitudinal difference is in part constituted by the regulatory approach adopted by the difference councils. PCC and COS have adopted very different regulatory approaches *and* rhetoric to the regulation of sex services premises. COS constitutes sex services premises as part of the local area, assumes and assists legality, and is primarily concerned to reduce negative amenity impacts.⁵⁷ In contrast, PCC has been overtly negative about having sex services premises in the LGA, culminating in the 2010 vote to ban brothels.⁵⁸ The Council regularly reports on inspections and closures of authorised and

⁵⁷ Crofts, above n 7.

⁵⁸ Lim, above n 31.

unauthorised brothels, supported by regular media releases, such as council arguments that brothel developments ‘encourage overspill of sleazy enterprise’ and should be ‘quarantined’.⁵⁹ Although a full study was not undertaken as part of this research, local media reports report, reflect and reinforce PCC representation and regulation of brothels.⁶⁰ The Council thus regulates and constitutes sex services premises as unlawful and disorderly subjects.⁶¹

The attitudinal differences can be framed in terms of the law’s relationship with morality. Classic jurisprudence has framed this in oppositional terms of whether the law should or should not regulate morality. Debates about the law’s relationship with morality have frequently revolved around sex and sexuality.⁶² For example, the Hart Devlin debate was stimulated by the *Report of the Committee on Homosexual Offences and Prostitution*. In this debate, the relation between law and morality tends to be presented in stark opposing terms, that is, either the law regulates morality and the immorality of conduct supplies a sufficient reason for criminalisation,⁶³ or morality

⁵⁹ *Mark Makhoul v Parramatta City Council* [2006] NSWLEC 567.

⁶⁰ Articles in the *Parramatta Advertiser* are consistent with PCC representations of brothels as disorderly and undesirable. See, eg, “‘Pendle Hill brothel fails trial’: PENDLE Hill residents will be spared some sleaze with a troublesome brothel likely to close ...’ *Parramatta Advertiser* (online), 17 November 2011; ‘Arrows club, Rydalmere, faces fight with Parramatta City Council’ *Parramatta Advertiser* (online), 3 March 2011; “‘Brothel wins its appeal’: The Land and Environment Court has given the go-ahead for expansion of a brothel in Rydalmere despite it having been rejected by Parramatta Council and objected to by police, a priest and a school’ *Parramatta Advertiser* (online), 19 May 2010; “‘When sleaze and God collide’: Brothels and places of worship developments are now on Parramatta Council’s hit-list after Monday night’s amazing council meeting’ *Parramatta Advertiser* (online), 20 October 2010; “‘Pendle Hill red-light fears’: A proposed brothel in Nirvana St, Pendle Hill, with the capacity to earn between \$30,000 and \$48,000 a day, was a high crime risk, Parramatta Council strategic crime and corruption officer Nicholas Mamouzelos said’ *Parramatta Advertiser* (online), 10 August 2009. All of these articles can be found at the following link: <http://parramattaadvertiser.whereilive.com.au/search/?q=parramatta+brothel&x=0&y=0>.

⁶¹ Crofts, above n 7.

⁶² Ibid; Carl Stychin, *Law’s Desire: Sexuality and the Limits of Justice* (Routledge, 1995).

⁶³ Devlin, above n 18.

is a private matter that should not be the subject of criminal law unless it harms others.⁶⁴ Many have since expressed distaste for the influence of some aspects of moral and religious precepts upon law historically and in the present, and a concern that a morally informed law may support enactment of repressive and discriminatory offences.⁶⁵ Others have argued that morality has a place in law.⁶⁶

Yet the relationship between law and morality is more complex than suggested by the framing of the oppositional question of whether or not the law should regulate morality. This debate assumes morality is a prior state of affairs to which the law responds. However, the authors would argue that morality is not a natural concept that exists out there, awaiting discovery. Positive morality changes from time to time and place to place. Moreover, the form of the law will affect, reflect and reinforce perceptions of the morality of a particular practice or behaviour. For example, analyses of drug laws in different jurisdictions have argued that a change in the legal status of drug laws leads people to think of an activity as immoral even though they had not thought so previously.⁶⁷ Immoral connotations in relation to illicit drugs developed through a process of social stigmatisation of drug users, by shifting from regulation by the free market, to doctors, and then by police and criminal justice agencies.

⁶⁴ Hart was concerned that using the criminal law to enforce common morality would significantly undermine individual freedom. Hart's view of the intersection of law and morality is more complex especially due to the post scriptum, expressing his pragmatic acceptance of a minimum moral content of law: Hart, above n 19.

⁶⁵ Nicholas Bamforth, *Sexuality, Morals and Justice* (Cassell, 1997); Basil Donovan et al, 'Improving the health of sex workers in NSW: maintaining success' (2010) 21(3-4) *NSW Public Health Bulletin* 74-7; Barbara Sullivan, 'When (Some) Prostitution is Legal: The Impact of Law Reform on Sex Work in Australia' (2010) 37(1) *Journal of Law & Society* 85-104; Ronald Weitzer, 'The social construction of sex trafficking: ideology and institutionalization of a moral crusade' (2007) 35 *Politics and Society* 447-75.

⁶⁶ Arlie Loughnan, 'Drink Spiking and Rock Throwing' (2010) 35 *Alternative Law Journal* 18-21.

⁶⁷ Troy Duster, *The Legislation of Morality* (Free Press, 1970); Desmond Manderson, *From Mr Sin to Mr Big* (Oxford University Press, 1993).

While the Duster and Manderson studies were concerned with the gradual criminalisation of subject/s that had previously been legal, our study is concerned with the transition of a formerly illegal subject toward legality. The results of our survey provide an indication that law and regulation contribute to how a subject is perceived – whether it is perceived as a lawful subject or a disorderly subject. The notion of linking perceptions of behaviour with the reach and boundaries of law was proposed by Devlin, who argued that the law should only regulate those behaviours that fall beyond the limits of social tolerance and therefore threaten the moral integrity of society. The law would determine the limits of social toleration if the thing itself engendered a feeling of disgust in the majority:

I do not think one can ignore disgust if it is deeply felt and not manufactured. Its presence is a good indication that the boundaries of toleration are being reached... No society can do without intolerance, indignation and disgust; they are the forces behind the moral law, and indeed it can be argued that if they or something like them are not present, the feelings of society cannot be weighty enough to deprive the individual of freedom of choice.⁶⁸

Thus Devlin relied on the ‘disgust’ among ‘reasonable’ and ‘right-minded’ people to provide an indication that a practice ought to be regulated by law.

The survey results suggest that rather than the unidirectional model proposed by Devlin whereby moral disgust should inform, shape and construct the law, instead law and regulation are powerful discourses that organise and express individual and social responses to sex services premises. In COS, sex services premises are brought into an existing framework of rights and responsibilities. Regarding and regulating sex services premises as lawful subjects appears to impact not only these businesses, their workers and clients,⁶⁹ but can also contribute to the attitudes of residents in the area. In regulating

⁶⁸ Devlin, above n 18.

⁶⁹ Crofts and Prior, ‘Oscillations in the Regulation of the sex industry in New South Wales, Australia: Disorderly or Pragmatic?’, above n 20.

sex services premises as ordinary businesses COS provides a framework and language for how residents can regard and evaluate sex services premises.⁷⁰ That is, residents are encouraged and required (if they wish to be heard) to evaluate and speak of sex services premises in pragmatic planning terms. In other words, residents must consider how sex services premises affect amenity. Arguments about the perceived im/morality of sex services premises are irrelevant within the rhetoric and planning regime of COS.

In contrast, PCC has sustained the historical notion of brothels as inherently unlawful and disorderly which is reflected and reinforced in the attitudes of those who live in the vicinity of sex services premises. Our research suggests that sex services premises have a minimal or neutral amenity impact. However, PCC residents have sustained a negative perception of sex services premises. These businesses are not evaluated in terms of pragmatic planning concerns, but rather in accordance with PCC notion of brothels as inherently unlawful and disorderly. Studies of disgust provide some indication as to why PCC residents may be so opposed to sex services premises despite their lack of negative amenity impact. Disgust protects not only the body, but also the soul. We use the language of disgust to express deep moral outrage.⁷¹ Disgust studies have highlighted the uncanniness and power of matter out of place. For example, we might admire someone's beautiful hair, but if it is in our soup it is out of place and disgusting, and contaminates the whole bowl of soup. Pollution structures appear to have almost magical properties in their ability to contaminate and taint. Thus, most people would refuse to eat from a pet bowl, even if the pet bowl has been thoroughly washed. If we discover that we have mistakenly eaten from a pet bowl, we will feel not just distaste, but a sense of contamination or pollution that will not be easily cleaned away. The rhetoric and regulations of PCC organises and expresses sex services premises as matter out of place – inherently disorderly, unlawful and immoral. Accordingly, sex services premises are constructed as morally disgusting businesses with the potential to

⁷⁰ Robert Cover, 'Nomos and Narrative' (1983) 97 *Harvard Law Review* 4.

⁷¹ Devlin, above n 18; William Miller, *The Anatomy of Disgust* (Harvard University Press, 1997).

contaminate individuals and the community. There is no need here to point to amenity impacts. Rather, it is enough to know about sex services premises, or worse still, to see them, for the magical effects of disgust to lead residents to require and beseech council to remove this type of business from PCC. Council expresses and organises sex services premises as immoral businesses that should not be in the local government area, which in turn reflects and reinforces community attitudes.

The survey results are not clear about whether or not councils are simply reflecting existing attitudes about sex services premises. PCC citizens may be more conservative and opposed to sex services premises, while COS residents may be less concerned before they move to the area. Even if this argument as to pre-existing pro/anti stances to sex services premises is accepted, it would be difficult to make this argument for all residents. Rather, the pragmatic approach of COS reflects and reinforces a pragmatic approach by residents. This strong, pragmatic, harm minimisation approach delivers a message that sex services premises are a fact of life in the city. In contrast, PCC communicates and organises a regard and regulation of brothels which in turns constitutes and is constituted by community attitudes.

In addition, this research also emphasises the need to move beyond a focus upon statute and legislation in studies about the relationship between law and morality. The regulation of the sex industry in NSW is complex. While the *Disorderly Houses Amendment Act 1995* (NSW) permits sex services premises to operate as legitimate businesses, the responsibility of regulation devolved to local councils through their planning powers. However, local council planning is not entirely unrestricted and planning powers must be in accordance with state legislation, and planning decisions can be appealed to the Land and Environment Court. This complex amalgam of state and local legislation, regulation and judgment highlights that sex services premises are not solely regulated by the state government. The state is not univocal and does

not have control over meaning.⁷² The very different approaches (excluding prohibition) adopted by PCC and SOC are both available under the legislation of the state government.⁷³ Our analysis suggests that the choices made in different regulatory approaches by PCC and SOC reflects and reinforces the attitudes of people living within the local government area.

In addition, the research has demonstrated that law and regulations are not the only shaper of attitudes towards sex services premises. Those who have knowingly lived near a sex service premise for more than 3 years regard these businesses in positive or neutral terms, regardless of whether they live in COS or PCC. This shows that experiences can also influence attitudes, which is also in accordance with disgust studies. Our perceptions of anomaly can change through prolonged contact. We tend to avoid opportunities that would provide the extinction of characterisation of disorder. We may view disorderly objects at a distance, but we rarely allow close contact with these items. However, the longer we are in contact with the disorderly, the more our fears and disgust can weaken by extinction or adaptation. Douglas has argued that when we react to ambiguity and uncertainty with fear, what is actually feared is the individual's or society's own instability. This is because ambiguity and uncertainty highlight the potential to disrupt cherished systems of order.⁷⁴ Conceptual systems can change on either a personal or social level (hence the danger of polluters). This suggests that long-term treatment of sex services premises as legitimate businesses will also assist in overcoming the response to brothels as disgusting, whether in COS through council policies, or through the enforcement by the LEC of a pragmatic planning approach in PCC.

Studies of disgust provide some indication of the various means by which moral attitudes may be changed by taking the

⁷² Cover, above n 70.

⁷³ Crofts, above n 7.

⁷⁴ Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (Routledge, 1966/2002).

characteristics of disorder seriously.⁷⁵ Ideational factors are important to feelings of disorder and fears of pollution. This may be because pollution fears require some cognitive sophistication due to the idea of contamination. Contamination implies some conception of invisible entities that are the vehicles of contamination, the idea that appearance is distinct from reality.⁷⁶ Additionally, perceptions of disorder change over time and across societies. *Purity and Danger* is devoted to detailing the various taboo structures in different cultures.⁷⁷ The importance of ideational factors to perceptions of disorder means that there is potential to shift contamination fears on a cognitive level. This suggests that challenging conceptions about brothels on a cognitive level could assist in diminishing perceptions of disorder that some feel with regard to the sex industry. This could include unpicking negative stereotypes through evidence or experience. For example, our study undermines the perception that sex services premises are inherently disorderly and will disrupt the amenity of communities.

This augments Linz et al argument that studies from the 1970s should not be relied upon to justify exclusion in contemporary society.⁷⁸ They argue that adult nightclubs have been subjected to municipal zoning restrictions and other regulations, and in the process, have ‘evolved more closely into legitimate businesses’. These clubs are no longer regarded as locations where potential offenders gather to prey on targets in the absence of crime suppressors. This notion of evolution is thus applicable not only to the operation of businesses which were previously illegal but have transitioned to legality, but how these businesses are perceived by neighbours and potential offenders.

⁷⁵ Dan Kahan, ‘The Progressive Appropriation of Disgust’ in Susan Bandes (ed), *The Passions of Law* (NYU Press, 1999).

⁷⁶ Paul Rozin, Jonathan Haidt and Clark McCauley, ‘Disgust’ in Michael Lewis and Jeannette Haviland-Jones (eds), *Handbook of Emotions* (Guildford Press, 2000).

⁷⁷ Douglas, above n 74.

⁷⁸ Linz, Land, and Williams, above n 15.

V CONCLUSION

The survey results suggest that sex services premises can be good neighbours. In planning terms, these types of businesses tend to have a minimal or neutral amenity impact. This suggests that pragmatic planning approaches that evaluate the location and operation of sex services premises in terms of their potential amenity impacts can be an effective way of regulating and regarding these businesses. This planning approach is important, not only in terms of the potential amenity impacts of sex services premises, but how these businesses are regarded by the community. Law and regulation are powerful discourses that organise and express how sex services premises can and should be evaluated. In COS, the council has been clear that sex services premises are to be regarded and evaluated in the same way as other businesses, educating and structuring community attitudes toward sex services premises. The relevant frame of reference in COS has been shifted and reduced to planning concerns. In contrast, PCC has retained the historical regard of sex services premises as inherently disorderly and unlawful, and this in turn is expressed by residents' dismay at the placement of sex services premises in the community despite the absence of amenity impacts. The study suggests that a pragmatic planning approach to sex services premises is effective, not only in terms of amenity impacts, but also in community attitudes.