


## **SEX WORK IS WORK**

Information for Sex Workers on Planning Law and  
Local Councils

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## Sex work is work!

The implementation of the *Sex Work Decriminalisation Act 2022* means that everywhere in so-called Victoria, all sex work is recognised as work. Indoor sex work businesses, such as brothels, massage parlours, independent and private sex work incalls have the same rights and responsibilities as other businesses in Victoria, and local councils cannot undermine decriminalisation ([Sex Work Decriminalisation Act 2022 s3](#)).

However, this is new territory for sex workers and local councils alike, and sex workers continue to face stigma and discrimination from some members of the community. Enquiries with local councils are not confidential - if you have questions about zoning requirements, permits or home-based businesses in your local council area, we suggest meeting with a peer educator at Vixen for advice, they can make inquiries to council to protect your anonymity.

## Information for independent/private sex workers and small sex worker collectives

**Independent, private sex workers and sex worker collectives can work from home** - Sex workers can operate as a “home-based business” without a permit in residential locations.

- In Victoria, a “home-based business” is permitted if:
  - The person conducting the businesses uses the dwelling as their ‘principal place of residence’ (i.e. the premises is the business-owner’s home)
  - The person who lives at the residence and up to two other people who do not live there work in the home-based business at any one time
  - The floor area used by the business (including any storage) does not exceed 100 square metres, or one-third of the floor area, whichever is less.
  - The business does not use more of any utility (e.g. electricity) than would be required for normal domestic use.

- The business does not adversely affect the amenity of the neighbourhood in any way, including:
  - The appearance of any building
  - The parking of motor vehicles
  - The hours of operation
  - Emissions from the site (e.g. sounds, smells, lights).
- Home-based businesses that do not meet these requirements (e.g. a home-based business with 3 or more workers who do not live there) may seek a permit from Council to operate.
- While the rules for home-based businesses are mostly standard across Victoria, your area may be slightly different. The rules can be found in clause 52.11 of each local planning scheme, and you can find your local planning scheme on the [Victorian Planning Schemes](#) database.
- **Landlords and building management organisations:** Some landlords and bodies corporate/strata organisations prohibit home-based businesses. This information can be found in the tenancy agreement or strata rules. However, they cannot discriminate against sex work home-based businesses if other types of home-based businesses are permitted. Unless specified in your tenancy agreement or strata rules, you **do not** have to disclose your sex work to your landlord or body corporate/strata organisation. If you feel you have been treated unfairly by your landlord or body corporate/strata organisation, please contact Vixen.
- **Home-based business regulations do not apply to hotels, boarding houses or short-stay accommodation** (e.g. AirBnB), or other kinds of indoor venues where sex workers may operate (e.g. saunas or bathhouses). Whether or not you are able to do sex work from these kinds of premises depends on the terms and conditions set by the venue. Some may prohibit guests from conducting any kind of business from the premises, however, they cannot discriminate against sex work or sex workers. If you feel you have been treated unfairly by a short-term accommodation provider or other venue, please contact Vixen.

Breaking these rules is **not a crime and police have no enforcement role.**

However, local councils, landlords, real estate agents, body corps/strata organisations can enforce these rules. Your rights are outlined by the Victorian Government in their published information on [evictions](#), [discrimination by landlords](#) and [responding to planning disputes](#). If you receive a notice of compliant, eviction letter, notice to vacate, or a planning notice in relation to your sex work or sex work business, you should contact Vixen for advice and support to be linked into more information.

## Information for sex work businesses

### Sex services premises

**Brothels and massage shops are classified as ‘sex services premises’ under planning/zoning instruments, and are permitted to operate in many locations across Victoria.**

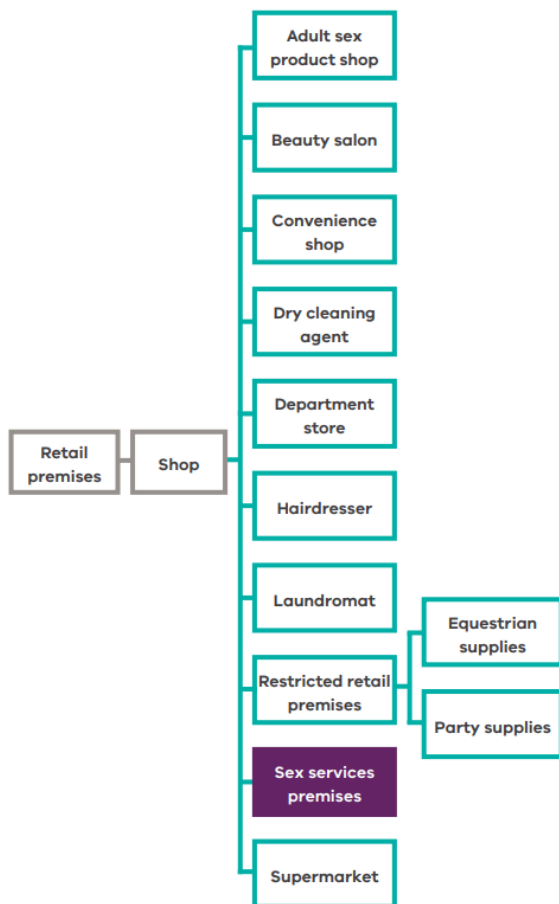
Planning controls are local council regulations. Non-compliance is not a criminal offence - you cannot be charged with a crime for operating outside of local planning regulations

Your neighbours and the businesses around you have a right to quiet use of their location, without noise, rubbish, smells, lighting or other impacts. If a neighbour complains, it is usually to the local council.

If you receive a complaint, or do not comply with the local council regulations, the council, your landlord or the relevant strata organisation or body corporate may try to evict you. Your rights are outlined by the Victorian Government in their published information on [evictions](#), [discrimination by](#)

[landlords](#) and [responding to planning disputes](#). If you receive a notice of compliant, an eviction letter, notice to vacate letter or a planning notice in relation to your sex work or sex work business, you should contact Vixen for advice and support to be linked into more information.

Figure 1: Revised nesting diagram for clause 73.04.



- Brothels and erotic massage premises are defined as **‘sex services premises’** and are treated the same way as other shops.
  - Live entertainment (stripping and peep shows), swingers clubs, porn, bathhouses, street based sex work and camming are not included in ‘sex services premises’.
  - If a planning scheme contains a reference to **shop or retail premises**, this automatically includes sex services premises, unless specifically stated otherwise. This means that wherever a shop is permitted, a sex services premises will usually also be permitted and will be subject to the same conditions and requirements as other kinds of ‘shops’.
  - Shop sign rules (clause 52.05 in planning schemes) are the same for all businesses, including sex services premises. Signs must be appropriate for a general

audience.

- Generally, a **planning permit is required to develop land for a shop** (i.e. to construct a building or carry out major renovations). This means that a permit is needed before land is developed for a sex services premises (see [Amendment VC217: Decriminalising sex work](#) - Planning Advisory Note 79, June 2022)

## Sex services premises on main roads in metro Melbourne

- **Sex services premises on main roads in metro Melbourne (called ‘commercial one’ zones, also known as C1Z) are like any other shop, can usually operate without special permission, and do not require a permit.**
- ‘Commercial one’ zone covers most ‘high streets’ in these 31 metro councils: City of Wyndham, Melton, Hume, Whittlesea, Nilumbik Shire, Yarra Ranges Shire, Cardinia Shire, City of Hobsons Bay, Brinbank, Maribyrnong, Moonee Valley, Port Phillip, Melbourne, Merri-bek, Stonnington, Yarra, Darebin, Bayside, Glen Eira, Boroondara, Banyule, Kingston, Monash, Whitehorse, Manningham, Greater Dandenong, Knox, Maroondah, Frankston, Casey and Mornington Peninsula Shire. These councils account for around 4.8 million people, or about 70% of Victorians
- Local councils cannot require separation distances (e.g. from other sex services premises or schools) and cannot amend their planning schemes to treat sex services premises differently from other kinds of ‘shops’

## Sex services premises in other commercial locations

- Sex services premises may also operate **with a permit** in most other commercial locations, including commercial 1 (C1Z) outside of metropolitan Melbourne, commercial 2 (C2Z), mixed use (MUZ), and township (TZ) zones.

## Sex services premises in other locations (e.g. residential zones)

- If there are no other shops around, brothels and massage shops are probably also not permitted. Sex services premises are not permitted in low density residential zones (LDRZ), general residential zones (GRZ, R1Z, R2Z or R3Z), neighbourhood residential zones (NRZ) and all rural zones.

*This regulation is new to Victoria and began on 1 Dec 2023 - check out the Vixen website for ongoing updates and information. Vixen is collecting information on how the changes to planning rules are impacting sex workers in Victoria - if you have an experience with a landlord, strata organisation/body corporate or local council (good or bad) please get in touch with us.*