

**Submission
No 124**

INQUIRY INTO THE REGULATION OF BROTHELS

Organisation: Shoalhaven City Council
Name: Mr Gordon Clark
Position: Strategic Planning Manager
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Select Committee on the Regulation of Brothels
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

By email only: ROBInquiry@parliament.nsw.gov.au

Dear Mr Alister Henskens SC, MP

Submission - Inquiry into the Regulation of Brothels

Council welcomes the opportunity to provide a submission to the Inquiry into the Regulation of Brothels in New South Wales.

Brothels are currently permitted with consent in the B3 Commercial Core zone (limited to Nowra and Ulladulla CBDs) in Shoalhaven as long as they comply with the necessary controls and requirements outlined in the Shoalhaven Local Environmental Plan 2014 and other regulations. We do not currently have any legal brothels operating in the City. The undertaking of sex services as a home occupation (sex services) is currently prohibited in all zones across Shoalhaven.

The Shoalhaven Development Control Plan 2014 contains Chapter G24: Restricted and Sex Services Premises which provides guidelines for the location, design and operation of sex services premises. The chapter is available on [Council's website](#).

Problems and issues have arisen, however, in relation to 'unlawful brothels' operating without approval in locations which may cause land use conflicts, public health concerns and adverse amenity impacts, including in areas frequented by children.

The burden of proof currently rests with Council to gather evidence to prove that identified premises are being used for the purpose of a brothel. Current legislation limits the use of circumstantial evidence to prove a premises is being used for the purpose of a brothel under the Restricted Premises Act. This essentially requires Council to employ a private investigator to engage in sexual activity on multiple occasions to prove the premises is operating as a brothel. The use of private investigators is resource intensive and costly, and in relation to unlawful brothels, also raises other issues such as possible sex with minors.

Legislative and/or regulatory changes are needed to provide for an increased broadness and availability of the use of circumstantial evidence to prove that unregulated, unlawful brothels are operating and to make it easier to uphold NSW law in relation to unlawful brothels. Council would welcome any positive changes or improvements in this regard.

If you need further information about this matter, please contact Steven Horvath, Planning & Development Services Group on [REDACTED] Please quote Council's reference 1379E (D15/225479).

Yours faithfully

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Gordon Clark
Strategic Planning Manager

19 August 2015