

Local Councils

SWOP: Legal Facts Sheet

No. 3: Local Councils and the sex industry

1. What role do local councils have in the sex industry?

Local councils are responsible for regulating sex services premises in their area. Sex services premises must comply with the local council's planning policies and may need to apply to council for permission (consent) to operate the business. They apply by lodging a development application (DA).

Councils focus on:

- the type of premises
- the operation of the premises
- the impact on the local amenity, on the building, on its location and on the health and safety of staff.

2. Who works in the council?

Councils consist of:

- elected councillors, such as the mayor, who make final decisions about 'brothel planning policies' and DAs, and
- council staff such as:
 - + town planners
 - + health inspectors
 - + fire safety inspectors
 - + rangers or compliance officers who investigate complaints, land uses, and compliance.

3. Council planning policies for 'brothels' or sex services premises

Planning regulations for the local sex industry may

be found within Local Environment Plans (LEP) or Development Control Plans (DCP). Some councils have specific planning policies for sex services premises, and others use the same policies for all commercial business.

Council planning policies usually identify the:

- types of sex industry business covered by the policy
- zones where they can be established—such as commercial or industrial zones
- zones where they cannot be established—such as residential zones
- building, design, and health and safety regulations
- how to get council permission to operate, if necessary.

4. How to find out if your workplace is affected by the local council's planning policies

To find out if your premises is affected by the local council's planning policies you can:

- read the relevant planning policies—Local Environment Plans and Development Control Plans are available on council websites or, at a small cost, from the planning department of the local council
- ask council planning officers about the existing consent for premises or the policies that apply over the phone, by mail, email or by appointment—do this with care as the staff may be required to act on information you share with them about unauthorised or illegal premises



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- get advice from professional town planners about whether your business is lawful, or can become lawful, in a particular building or location in that local council area.

NOTE: *The council can use any information you give them as evidence against the business.*

For more information on your legal rights and responsibilities, grab a copy of SWOP's Sex Industry Legal Kit (currently available only in English).

5. Approval (consent) status of brothels

The consent status of sex services premises can be classified by councils as:

- approved ('legal')—operating with consent as sex services premises
- unauthorised—operating without consent, but may be permissible in that location
- being assessed—awaiting outcome of a DA
- prohibited—operating without consent and not permissible in the zone or location
- permissible without an application.

You can download a copy from:
swop.org.au OR
phone (02) 9206 2166 | 1800 622 902 (free call)
and speak to a SWOP staff member.

6. Where sex services premises can generally operate

Not every local council is 'brothel friendly'. Their planning policies may limit where brothels can be located and how they can operate more than for similar types of businesses. Councils often say sex services premises can only operate in industrial zones and sometimes in commercial zones. In most councils they are not allowed to operate in residential zones.

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