

# Local Planning Panel

## 28 June 2023

Tenancy No. 70, 68-80 Erskine Street, Sydney  
D/2023/92

Applicant: RFA Architects

Owner: The Owners - Strata Plan No. 19563

Operator: City Touch

# proposal

- permanent continuation of the existing sex services premises use
- proposed hours of operation Mondays to Sundays inclusive:
  - base: 8.00am to 12.00 midnight; and
  - extended: 12.00 midnight to 4.00am the following day, subject to a 2-year trial

# recommendation

- approval subject to conditions

## delegation

- LPP delegation as development of a sensitive use - sex services premise (existing sex services premises use lapsed under previous consent)

## notification information


- exhibition period 27 February to 21 March 2023
- 90 owners and occupiers notified

## submissions

- no submissions received

site




 subject tenancy



site



 subject  
tenancy

site



subject  
tenancy



# site



between 97-105 Clarence St  
(left) and 68A Erskine St (right)



rear access to site from Kent St

# site context



surrounding commercial development viewed from Erskine St facing west



# site context



similar scale nearby sex services premise at No. 80 Erskine St  
located 25m from site (in operation since 2004)

# relevant history

- D/2003/669 (as modified)
  - 29 March 2004, consent granted for change of use of the premise to a new brothel (time limited to 5 years)
  - 22 June 2005, consent granted to continue brothel use for another 5 years (lapsed 22 June 2010), with approved trading until 12.00 midnight.
- D/2014/498 (as modified)
  - 2 December 2014, consent granted for continued use as a brothel (time limited to 5 years, lapsed on 27 November 2019). Base hours of operation between 8.00am to 1.00am with extended hours 1.00am to 3.00am on 1-year trial
  - 13 December 2016, consent granted for internal works. No amendments to approved hours of operation.

# relevant history

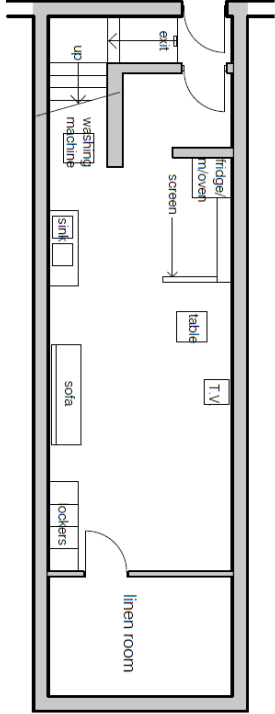
- existing use has continued operating despite cease date (in 2019) under D/2014/498 (as modified) and expiry of trial period for extended hours
- premise currently trading between 8.00am to 3.00am, Mondays to Sundays inclusive

# proposal

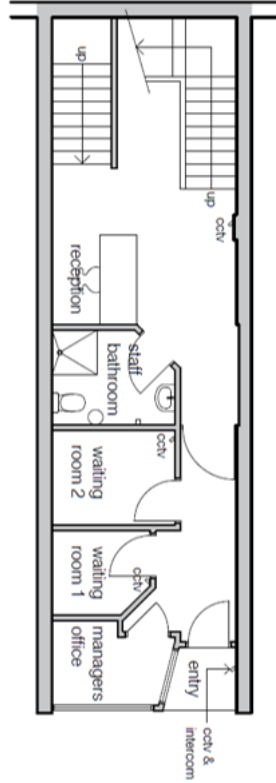
- permanent continuation of the existing sex services premises use
- proposed hours of operation Mondays to Sundays inclusive:
  - base: 8.00am to 12.00 midnight; and
  - extended: 12.00 midnight to 4.00am the following day, subject to a 2-year trial
- no physical works included or other amendments to existing management and operations



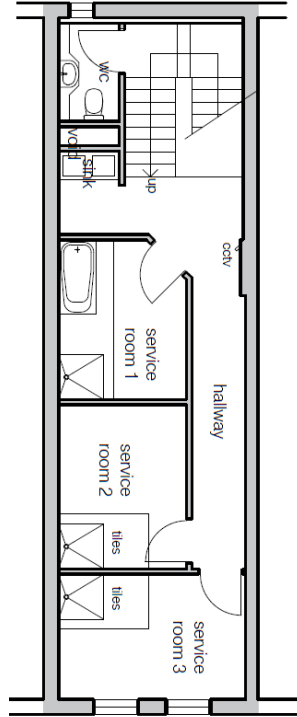
# existing floor plans



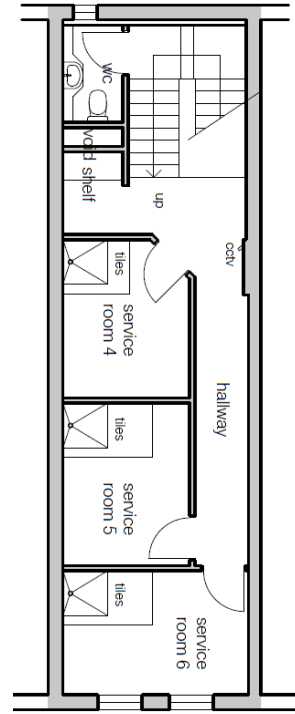
basement  
floor



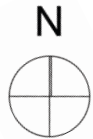
ground floor



first floor



second floor



# issues

- continuation of use on a permanent basis
- extended hours of operation

# hours of operation

	previously approved hours	proposed hours	Sydney DCP2012 hours	recommended hours
Monday to Sunday	<p>base: 8.00am – 1.00am</p> <p>extended: 1.00am – 3.00am (1-year trial lapsed 2 December 2015)</p>	<p>base: 8.00am – 12.00 midnight</p> <p>extended: 12.00midnight – 4.00am (2 year trial)</p>	<p>Category B indoor</p> <p>base: 6.00am – 2.00am</p> <p>extended: 24 hours subject to trial periods</p>	<p>base: 8.00am – 2.00am</p> <p>extended: 2.00am – 4.00am (subject to 1-year trial)</p>

# hours of operation

- existing use has been in operation for almost two decades since 2004.
- history of demonstrated good management with no substantiated complaints received since operation
- as modified, proposed hours are generally consistent with DCP hours, notwithstanding Section 3.15.4 Category A, B, C does not include sex services premise
- no comments received from NSW Police, which is taken to be no objection
- no submissions received during notification period
- recommended 1 year trial period for extended hours 2.00am to 4.00am, trial period will allow Council to review the management performance of the venue



# recommendation

- approval subject to conditions
- permanent continuation of use with amended hours of operation:
  - base: 8.00am to 2.00am the following day; and
  - extended: 2.00am to 4.00am, subject to a 1-year trial