

Resolution of Local Planning Panel

5 June 2019

Item 6

Development Application: 382A Pitt Street, Sydney - D/2019/274

The Panel granted consent to Development Application No. D/2019/274 subject to the conditions set out in [Attachment A](#) to the subject report, subject to the following amendments (additions shown in *bold italics* and deleted text shown in ~~strikethrough~~);

(12) SEX INDUSTRY PREMISES – LIGHTING

- (a) All workrooms in sex service premises must be provided with an adequate level of lighting to allow sex workers to conduct health checks of their clients for any visible signs of sexually transmitted diseases, and/or a lamp is to be provided specifically for this.
- ~~(b) All sex on premises cubicles, booths and sexual activity areas must be fitted with a local lighting system that achieves an adequate level of luminance for the purpose of allowing patrons to conduct examination of each other for visible evidence of sexual transmitted disease and to assist safe sexual practices. User adjustable dimmer switches may be installed to achieve this.~~
- (c) All sex on premises cubicles, booths and sexual activity areas must be fitted with lighting that achieves a minimum luminance of 80lx for the purpose of spot cleaning. This must be achieved either through the provision of a separate zoned lighting system or incorporated into the design of the local lighting system for sexual transmitted infection examination by patrons.
- (d) The premises must be capable of being illuminated with an adequate level of lighting so that the premises can be thoroughly cleaned ~~when patrons are not on the premises~~ **when closed for business**.

(13) SEX ON PREMISES VENUE SERVICES PREMISES – CLEANING

- ~~(a) The premises, including any booths, cubicles, walls, floors and 'glory holes' must be constructed of durable, impervious materials with smooth finishes that are able to be cleaned easily.~~

- (b) A cleaning register is to be kept on the premises at all times and must be available for inspection by authorised officers on demand. The register must include but not be restricted to: date/time of all cleaning activities; printed name and signature of the employee(s) conducting the cleaning; and notation of specific areas requiring spot cleaning attention.
- (c) Spot cleaning must be conducted on as a minimum hourly **daily** basis or more frequently if needed and during peak periods.
- ~~(d) There must be a minimum of 2 staff available at all times at the premises so as cleaning and security can be maintained.~~

(14) SEX SERVICES PREMISES – SHARPS WASTE DISPOSAL EQUIPMENT

At least one sharps container of ~~a one litre or more capacity~~ is to be provided ***in all sanitary facilities*** and kept on premises at all times for use by clients or staff as required.

The container(s) are to comply with the requirements of AS4261:1994 and/or AS4031:1992 and be disposed of in accordance with the Department of Environment and Conservation's requirements.

(30) AIR CONDITIONING CONDENSERS

The two existing air-conditioning condensers and associated wiring above the awning of the site, shall be relocated to a non-visible location of the building, when viewed from Pitt Street. Amended details are to be submitted prior to the Occupation Certificate being issued.

Reasons for Decision

The application is approved for the following reasons:

- (A) The use is permissible with consent in the B8 Metropolitan Centre zone.
- (B) The hours and number of working rooms are reduced from the previous use as a sex industry premises (restricted premises).
- (C) The proposed use as a sex services premises is considered to be in keeping with the character of the area given its broad mix of commercial uses.
- (D) The Plan of Management adequately addresses the operational, safety and security requirements of the premises.
- (E) It is not considered that the proposal will result in any significant amenity impacts.
- (F) The Panel supported amendments made to Conditions 12, 13 and 14 as proposed by Council staff. A further amendment to Condition 12 was made at the Panel meeting in response to a submission made by the applicant seeking the deletion of Condition 12(b) related to lighting.
- (G) Condition 30 was added to require the removal of the existing air condenser units on the front façade of the building fronting Pitt Street at first floor level. The units are visually intrusive and the relocation of the units will improve the appearance of the building and streetscape of Pitt Street.

Carried unanimously.

D/2019/274