

Resolution of Local Planning Panel

25 September 2024

Item 4

Development Application: 68-80 Erskine Street, Sydney - D/2024/395

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted deferred commencement consent to Development Application Number D/2024/395, subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

PART A

CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING

(A) The consent is not to operate until the following conditions are satisfied:

1) DETAILED FLOOR PLANS

The following is to be submitted to and approved by Council's Area Planning Manager:

- a) A set of detailed floor plans documenting the internal layout of the premises and showing the facilities required by the approved Plan of Management.***
- b) The plans shall amend the layout of the premises so that the ground floor staff room becomes an accessible service room, with a staff room to be relocated elsewhere within the premises.***
- c) Where any works are required to satisfy the above conditions the following is to be provided to Council:***
 - i) a Section 60 approval under the Heritage Act is obtained if required; or***
 - ii) details demonstrating the works are within the Standard Exemptions that apply to the site.***

Reason

To ensure the accurate record of the internal layout of the premises, to provide adequate provision for people with mobility issues, and to ensure the any required approval under the Heritage Act is obtained.

2) UPDATED PLAN OF MANAGEMENT

- a) The Plan of Management is to be updated to include under Section 2.6 a commitment to provide assistance into the premises to people with mobility issues.**
- b) The updated Plan of Management is to be submitted to and approved by Council's Area Planning Manager.**

Reason

To require an updated Plan of Management which provides adequate provision for people with mobility issues.

- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.**
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.**
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is in Operation).**

PART B

CONDITIONS OF CONSENT (ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that compliance with the conditions contained in Part A above have been satisfied, the consent will become operative subject to the following conditions and any other relevant conditions that may arise as a result of compliance with Part A.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/395 dated 23 May 2024 *and the plans submitted and approved under Deferred Commencement Condition 1* and the following drawings prepared by RFA Architects:**

Drawing Number	Drawing Name	Date
A2101—Rev 2	As-Built Floor Plans	21/08/2024
A2102—Rev 2	As-Built Floor Plans	21/08/2024
A3001—Rev 1	As-Built Street Elevation	26/06/2024

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(5) PHYSICAL WORKS

No approval or consent is granted for any physical works to the building, with the exception of the installation of CCTV, and duress alarms in work rooms **and any works required to satisfy the deferred commencement conditions.**

Reason

To ensure all parties are aware that no physical works are approved or granted as part of this consent **unless required by condition.**

(12) PLAN OF MANAGEMENT – SEX SERVICES PREMISES

The operation of the premises must be conducted in accordance with ~~the~~ a Plan of Management **approved under Deferred Commencement Condition 2** (Council ref: 2024/384858) that has been approved by Council. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, or change of ownership or management, then the plan of management must be appropriately reviewed and submitted to and approved by Council.

Reason

To ensure appropriate management of the premises.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the objectives of the SP5 Metropolitan Centre Zone.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and subject to conditions, will not create adverse amenity impacts nor cause disturbance in the neighbourhood.

- (C) The proposal is consistent with the relevant objectives of the Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the permissible hours of operation of Section 3.15.4 of Sydney Development Control Plan 2012 and accords with Section 4.4.6 of Sydney Development Control Plan 2012 for sex services premises, subject to conditions.
- (E) Subject to the recommended conditions of consent, the proposed development will maintain the existing level of amenity the site locality and will not result in additional adverse environmental impacts to adjoining sites. Conditions of consent are recommended to ensure the use continues to be managed in appropriate manner in accordance with safe practices and the procedures outlined within the endorsed Plan of Management.
- (F) Deferred Commencement consent was granted as the use should not commence before:
 - (i) additional detail is shown on the floor plans; and
 - (ii) adequate amendments are made to address the issue of reduced mobility access to the premises.
- (G) Part A was inserted to specify the conditions to be satisfied prior to the consent operating, necessitating the proposed Conditions of Consent to be renamed Part B. The Conditions of Consent shown at Part B apply once the consent is in operation, being conditions to be satisfied after activation of the consent.
- (H) Conditions 1, 5 and 12 of Part B were modified as a consequence of the consent being made a deferred commencement consent.

Carried unanimously.

D/2024/395