

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1**  
**CONDITIONS OF CONSENT**  
**PART A – GENERAL**

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2023/92 and the following as built drawings prepared by RFA Architects:

Drawing Number	Drawing Name	Date
A1000	As-Built Site Plan	15 September 2022
A2101	As-Built Floor Plans	15 September 2022
A2102	As-Built Floor Plans	15 September 2022
A3001	As-Built Street Elevation	15 September 2022

and as amended by the conditions of this consent.

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

**Reason**

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

**(2) APPROVED USE**

The premise as shown in the approved as built plans referenced in Condition (1) above is approved as a sex services premises as defined in the *Sydney Local Environmental Plan 2012 and Section 4.4.6 of Sydney Development Control Plan 2012*.

The premise must not be used for any other land use or as another type of sex services premises or adult entertainment premises as defined in *Section 4.4.6 of Sydney Development Control Plan 2012*.

**Reason**

To restrict the use of the premises.

**(3) PHYSICAL WORKS**

No approval or consent is granted or implied for any physical works to the premise.

**Reason**

To ensure all parties are aware that no physical works are approved or granted as part of this consent.

**(4) HOURS OF OPERATION - SENSITIVE USES**

The hours of operation are regulated as follows:

- (a) The hours of operation of the premise must be restricted to between 8.00am and 2.00am the following day, Mondays to Sundays inclusive.
- (b) Notwithstanding (a) above, the use may operate between 2.00am and 4.00am for a trial period of one (1) year from the date of this consent. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to [liquor@cityofsydney.nsw.gov.au](mailto:liquor@cityofsydney.nsw.gov.au).
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by the Police.

**Reason**

To ensure the premises operates within the approved hours of operation.

**(5) MANAGEMENT OF PREMISES**

- (a) No more than 6 sex working rooms shall be provided at the premises.
- (b) No more than 6 sex workers, 1 receptionist and 1 manager and 1 security person shall be on the site at any one time.
- (c) No display or soliciting shall take place outside the premises.
- (d) Clients are required to wait inside the building and are not permitted to wait outside the premises or in passageways associated with the premises.

**Reason**

To ensure appropriate operation of the premises.

**(6) SYDNEY DCP COMPLIANCE**

The premises must comply with the health provisions contained in *Section 4.4.6 of Sydney Development Control Plan 2012*.

**Reason**

To ensure relevant health provisions are complied with.

**PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

There are no conditions relevant to Part B.

## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

There are no conditions relevant to Part C.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

There are no conditions relevant to Part D.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(7) SEX SERVICE PREMISES DATABASE**

Prior to the issue of any Occupation Certificate, Councils Health and Building Unit must be renotified that the premises is being used for the purposes of a 'sex service premises' and the business registered on Council's database. The premises will then be subject to Council inspection.

#### **Reason**

To ensure the premises is registered on Council's database to allow appropriate inspections.

### **(8) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

#### **Reason**

To ensure that waste and recycling is appropriately managed.



## **PART F – OCCUPATION AND ONGOING USE**

### **(9) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building under this consent.

#### **Reason**

To ensure the site is authorised for occupation.

### **(10) PLAN OF MANAGEMENT – SEX SERVICES PREMISES**

The use must always be operated and managed in accordance with the Plan of Management (as amended by Condition 3 of this consent), prepared by ABC Planning Pty Ltd and in consultation with Urban Realists Planning and Health Consultants dated November 2013, that has been approved by Council (Council Reference: 2023/080188).

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, then the plan of management must be appropriately reviewed and submitted to and approved by Council.

In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

#### **Reason**

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

### **(11) NO FOOD FOR SALE**

No food is to be prepared, cooked or supplied onsite for the purposes for sale to clients.

#### **Reason**

To ensure no food is prepared, cooked or sold to clients on the premises.

### **(12) LIQUOR**

At no times is liquor, or any product purported to be or contain liquor, is to be served, supplied or sold on the premises.

### **Reason**

To no liquor is severed, supplied or sold on the premises.

### **(13) DISCRETION**

- (a) The premises must not display sex-related products, sex workers, performers, or nude or semi-dressed staff from windows, doors or outside of their premises.
- (b) The interior of the premises must not be visible from any place in the public domain.
- (c) Where the interior of an adult entertainment or sex industry premises maybe visible from neighbouring buildings, adequate measures should be taken to screen the interior of the building, for example using blinds, screens etc.

### **Reason**

To ensure appropriate discretion for the premises and not attract undue attention to the sensitive use within the site locality.

### **(14) 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.

### **Reason**

To protect the health and safety of sex workers.

## **(15) SEX SERVICE PREMISES STAFF FACILITIES**

Staff facilities must be provided within the premises, in an area which is not accessible by clients and is adjacent to and accessible from work areas. The facilities must have controlled access and appropriate facilities including: a rest area with seating; fully equipped bathroom (shower, toilet and hand basin); sink with running water, water boiling facilities and fridge; food and drink preparation areas; staff lockers and health information noticeboard.

### **Reason**

To ensure appropriate staff facilities are provided on the premises.

## **(16) MANAGEMENT AND OPERATION OF SEX SERVICE PREMISES**

- (a) The premises must be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.
- (b) Clean linen and towels must be provided for the use of each client.
- (c) All linen, towelling and other bed coverings which come into contact with clients must be changed immediately after each use. While the premises are operating, coverings used on beds, furnishings or the like must be regularly changed.
- (d) Used linen must be stored separately to clean linen and if laundering is carried out on site, adequate, sealable receptacles are to be used.
- (e) All mattresses used for sex must be fitted with washable mattress covers. It is recommended that covers are made from a water proof material. While the premises is operating all coverings used on beds, furnishing or the like that are visibly stained with body fluids must be immediately changed.
- (f) Evidence of a commercial contract to launder linen must be provided to Council upon request. Alternatively a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed on the premises and provided with hot water reaching 70 degrees Celsius at all times.
- (g) An adequate supply of condoms (in a variety of three sizes), dental dams and water based lubricant must be supplied free of charge for sex workers and their clients.
- (h) The premises must be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the building/spaces to enable safe use and movement of occupants in accordance with Part F4 of the BCA.
- (i) Adequate sanitary facilities must be provided for the use of both sex workers and clients. Each room in which sex services are provided should contain its own sanitary facilities including a toilet, shower and

hand basin. Alternatively in existing terrace semi detached or similar buildings, one bathroom with full facilities every three workrooms or part there of must be provided. Each room in which sex services are provided is to have direct access to these sanitary facilities.

- (j) Condoms are to be worn for any sexual service provided by a sex worker.
- (k) Adequate waste disposal procedures or facilities must be provided for the disposal of used condoms, soiled paper and other waste products of sexual activity for all work rooms.

**Reason**

To ensure appropriate management and operation of the premise.

**(17) SEX INDUSTRY SEXUAL HEALTH INFORMATION**

- (a) Current written information such as pamphlets, brochures, and notice board displays, in a variety of languages including all those spoken by staff, on sexually transmitted infectious diseases and occupational health and safety material must be made available and easily accessible to all sex workers and clients.
- (b) All sex workers must receive appropriate induction, be adequately trained and continually be provided with updated information about how to examine clients for any visible evidence of sexually transmitted diseases. Examination of clients must be conducted before any sexual contact.
- (c) A staff notice board specifically for occupational health and safety information, sexually transmitted infection information and contact details for health service providers must be provided in the staff room.

**Reason**

To ensure current sex health information is readily available at the premises for sex workers and clients.

**(18) HEALTH SERVICES ACCESS**

The proprietor must give access to health service providers to provide information and educational activities on disease transmission issues and any other issues.

**Reason**

To ensure access to health service providers is provided.

**(19) RESTRICTED PREMISES CLEANING**

- (a) All booths and/or cubicles must be cleaned on a daily basis and should also be assessed for cleanliness after each use with spot cleaning occurring as necessary and as frequently as possible.
- (b) The viewing screen installation(s) is/are to be fitted so as body fluid does not accumulate and easy cleaning can occur.

**Reason**

To ensure adequate cleaning is undertaken within the premises.

**(20) SEX INDUSTRY CLEANING**

All performance/ working rooms must be cleaned on a daily basis and should also be assessed for cleaning after every performance/ service with spot cleaning occurring as necessary and as frequently as possible.

**Reason**

To ensure all performance areas are cleaned appropriately.

**(21) SEX ON PREMISES VENUE - 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 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.

**Reason**

To ensure adequate cleaning is undertaken within the premises.

**(22) SEX SERVICE PREMISES - SHARPS WASTE DISPOSAL EQUIPMENT**

A least one sharps container of a one litre or more capacity is to be provided 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.

**Reason**

To ensure sharps waste can be disposed of appropriately.

**(23) NSW POLICE BIZKEY DATABASE**

The business is to register the key holder details with the NSW Police Bizkey secure database. Should an incident occur on the property outside of hours, the Police are then able to contact the correct person to advise and assist in re-securing the property (if required).

**Reason**

To provide the NSW Police with current contact information in the event of an incident outside of operating hours.

**(24) NO SPRUICKING NOISE**

No persons (such as those commonly known as spruickers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(25) NO SPEAKERS OR MUSIC OUTSIDE**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(26) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;

- (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and
  - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) A quality visual monitor shall be installed on each level of the premise to display clear live security CCTV footage of that area, to staff.
  - (c) A quality visual monitor shall be located at the principal entrance alerting patrons to the use of CCTV facilities.
  - (d) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
  - (e) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
  - (f) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
  - (g) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
  - (h) All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
  - (i) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating

there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

- (j) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(27) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full and current copy of all current development consents for the operation of the sex services premises including the endorsed Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

**Reason**

To ensure all relevant approved documents are available on-site upon request.

**(28) NOISE - ENTERTAINMENT**

- (a) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the background noise level ( $L_{A90, 15 \text{ minute}}$ ) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the  $L_{Aeq, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
  - (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band,



the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Zeq, 15 \text{ minute}}$  noise criteria level.

- (d) Notwithstanding (b) above, the  $L_{A1, 15 \text{ minute}}$  noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (i) The existing internal  $L_{A90, 15 \text{ minute}}$  (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation.  
Or,
  - (ii) If the  $L_{Z90, 15 \text{ minute}}$  minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level ( $L_p$ ) of the Tf curve in that octave band shall become that octave's  $L_{Z1, 15 \text{ minute}}$  noise criteria level.

Note:  $L_{eq}$ ,  $L_{01}$ , and  $L_{90}$ , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal  $L_{A90}$  level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External  $L_{A90}$  levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

#### **Reason**

To protect the acoustic amenity of surrounding properties.

### **(29) WASTE AND RECYCLING MANAGEMENT - GENERAL**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(30) NEIGHBOURHOOD AMENITY**

- (a) Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

- (b) The management/operator must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of development consent of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>