

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.

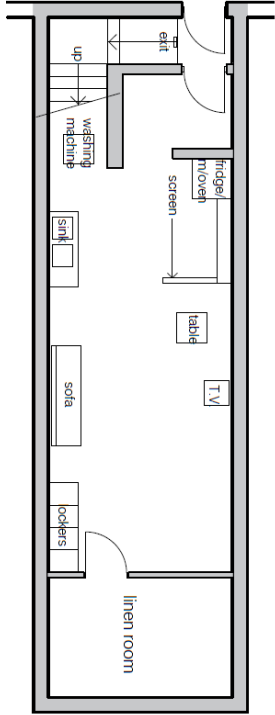
relevant history

- 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

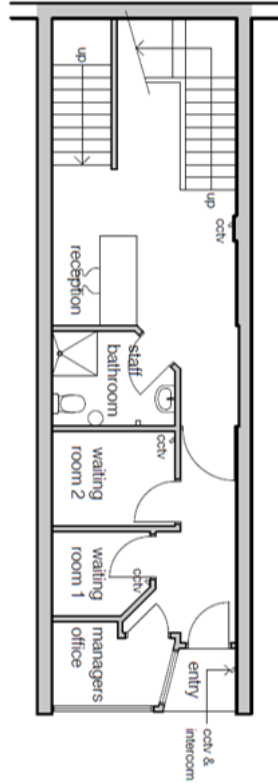
proposal

- 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

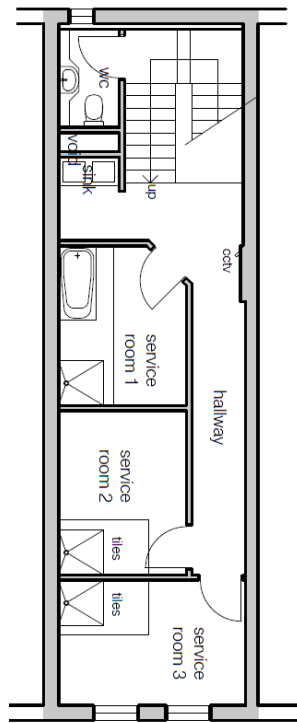
existing floor plans



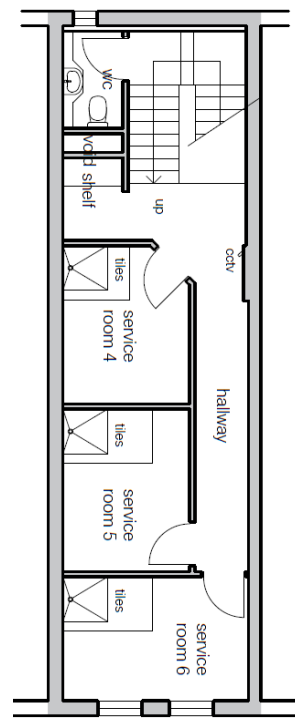
basement floor



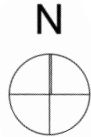
ground floor



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