

Resolution of Local Planning Panel

10 June 2026

Item 4

Development Application: 41 and 43 Albion Street, Surry Hills - D/2026/262

The Panel granted consent to Development Application Number D/2026/262 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~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- a) Indicate that rooms not shown as client rooms in the approved drawing are not to be used for client rooms or servicing.
- b) ***Remove showers from rooms not approved to be used as client rooms or a staff shower room.***
- c) ***Indicate on the plans a clear path of travel and access from the rear of the site into the accessible room, as well as an accessible shower and water closet facility.***
- d) Indicate the ground floor enclosed area is only used for car parking and waste storage as required by Condition 22 (Waste Infrastructure – Commercial) of this consent.
- e) Detail the staff facilities required by Condition 15 (Sex Services Premises Staff Facilities) of this consent.
- f) Detail the waste storage area required by Condition 22 (Waste Infrastructure – Commercial) of this consent to be located within the ground floor enclosed area.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(5) MODIFICATION OF DEVELOPMENT CONSENT D/1999/303

Development consent D/1999/303 (as modified) must be modified pursuant to section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979 as detailed below:

- a) Condition (1) 'Approved Development' of the existing base development consent D/1999/303 (as modified) must be modified to include the following text: *"and as altered under development consent D/2026/262"*.
- b) The wording of condition (2) 'PLAN OF MANAGEMENT' is to read as:

(2) PLAN OF MANAGEMENT

The operation of the premises must be conducted in accordance with the Plan of Management that has been approved by Council (under this consent and/or D/2026/262). The Plan of Management can be revised at any time through the submission of a Section 4.55 modification application.

Reason

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

- (c) The wording of condition (5) 'SCOPE OF CONSENT' is to read as:

(5) SCOPE OF CONSENT

This approval is based on the following:

- (a) No more than eight sex workers employed on the site at any one time.
 - (b) Six client service rooms.
 - (c) Or, if operating consent D/2026/262, no more than twelve sex workers, and 8 client service rooms.
- (d) Condition (7) 'RESTRICTIONS ON REAR ACCESS' is to read as:

(7) RESTRICTIONS ON REAR ACCESS

The rear access shall be used by staff only between the hours of 10.00pm and 10.00am. Customers shall use the front access only and there shall be no waiting by customers at the rear of the ground floor level.

Or, if operating development consent D/2026/262, the premises is not to be accessed by the rear lane unless by a patron with accessibility requirements who intends to use the accessible client room on the ground floor.

(e) Condition (30) 'MANAGEMENT AND OPERATION OF SEX SERVICE PREMISES' is to read as:

(30) 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) Separate receptacles with fitting lids must be provided for the storage of used and clean linen.
- d) 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.
- e) Used linen must be stored separately to clean linen and if laundering is carried out on site, adequate, sealable receptacles are to be used.
- f) All mattresses used for sex must be fitted with washable mattress covers. It is recommended that covers are made from a water proof material. Mattresses with minimal linen cover must be water proof. 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.
- g) 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 at all times.
- h) 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.
- i) All hazardous waste including sharps waste must be stored in an appropriate container and disposed of in accordance with the Department of Environment and Conservation's requirements. A sharps container is to be provided and kept on the premises at all times. The container(s) are to comply with the requirements of AS 4261:1994 and/or AS 4031:1992.
- j) 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.

k) 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 thereof must be provided. Each room in which sex services are provided is to have direct access to these sanitary facilities.~~

l) Adequate waste disposal facilities must be provided for the disposal of used condoms, soiled paper and other waste products of sexual activity in all rooms, cubicles, booths or the like where sexual activity occurs.

Note 1: Adequate waste disposal facilities are defined as water-proof waste bins fitted with removable plastic liners.

Note 2: Waste bins must be attached in a permanent and convenient position above the floor of the booth or cubicle.

m) Condoms are to be worn for any sexual service provided by a sex worker.

Note: to activate this condition, written notice must be given to the Area Planning Manager prior to the commencement of the amended trading hours. The notice must contain all information listed under section 67(2) of the [Environmental Planning and Assessment Regulation 2021](#).

Reason

To update the existing operational sex services premises consent.

Reasons for Decision

The application was approved for the following reasons:

- (A) The site is located within a locality that provides a broad mix of commercial uses. The development is consistent with the objectives of the MU1 Mixed Use Zone in that it provides for a diversity of business land uses and in accordance with an submitted plan of management, minimises conflict between the site and land uses within the adjoining R1 General Residential zone. The plan of management ensures the use continues to be managed in an appropriate manner in accordance safe practices and the procedures.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 including Clause 7.21 (Location of Sex Services Premises), and, subject to conditions, will not create adverse amenity impacts nor cause disturbance in the neighbourhood.
- (C) The proposed development intends to utilise an existing 'primary' entry to the premises from Albion Street and proposes to limit the use of the rear lane for access as an accessible entry and client room for patrons with accessibility requirements.

- (D) The proposal is generally consistent with the objectives of section 4.4.6 Sex industry premises and adult entertainment in the Sydney Development Control Plan 2012 for sex services premises.
- (E) The proposed development does not seek to increase the approved hours of operation for the premises at No.43 Albion Street, noting this part of the subject site has been used as a sex services premises since 1996. No complaints have been logged in the City's records system during the previous 5 years.
- (F) Subject to the recommended conditions of consent, the proposed development will maintain an acceptable level of residential amenity for the locality.
- (G) Condition 2(b) was added to ensure showers are only present in staff facilities and client servicing rooms.
- (H) Condition 2(c) was added to ensure equitable and dignified entry is available to the accessible client servicing room.
- (I) Condition 5 was amended to avoid any conflict between consents for D/1999/303/C and this application.

Carried unanimously.

D/2026/262