



NSLPP MEETING HELD ON 01/05/24

Attachments:

1. Floor Plans
2. Plan of Management

ADDRESS/WARD: 340 Pacific Highway, Crows Nest

APPLICATION No: DA 338/23

PROPOSAL: Use of premises as sex service premises with operating hours 10am and 10pm 7 days a week.

PLANS REF:

Plan No.	Rev No.	Description	Prepared by	Dated
Sheet 1/1	B	Existing Ground Floor Plan Existing First Floor Plan	DJL Architectural Design PTY LTD	05.10.23

OWNER: Doal Pty Ltd

APPLICANT: Douglas Hor

AUTHOR: Damon Kenny, Executive Assessment Planner

DATE OF REPORT: 16 April 2024

DATE LODGED: 21 December 2023

RECOMMENDATION: Approval (Deferred Commencement)

EXECUTIVE SUMMARY

This development application seeks approval for the use of a premises as sex service premises with operating hours 10am and 10pm 7 days a week.

The application is reported to the North Sydney Local Planning Panel for determination as the proposal is sensitive development being development for the purpose of a sex service premises.

The proposed development was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory, subject to the satisfaction of recommended conditions of consent.

Notification of the proposal has attracted three (3) submissions, and the assessment of the proposal has considered the performance of the application against Council's planning requirements. Any substantive points raised by the submissions have been addressed/clarified in this report and dealt with condition of consent where relevant.

Subject to the satisfaction of conditions, it is considered that the proposal is acceptable as it will not result in any significant adverse impacts upon the locality. Having regard for the potential impacts upon the amenity of adjoining properties and the context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

Following this assessment and having regard to the provisions of S4.15(1) of the Environmental Planning & Assessment Act 1979, the application is recommended for **approval** for the reasons as set out in this report.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The application seeks consent for use the existing commercial building at the subject site for the purposes of erotic massage which is defined in the North Sydney Local Environmental Plan 2013 as a sex services premises.

The proposed operating hours are from 10am and 10pm 7 days a week.

No changes are required to the existing building as the site was operating under Development Consent 1270/84 for a health studio.

It is proposed to use the six (6) existing rooms for the purposes of erotic massage. The characteristics of each room are discussed below:

- Room 1, 2, 3, and 4 are located on the first floor and each contain a shower, spa bath and massage table.
- Room 5 and 6 are located on the ground floor and each contain a shower and massage table and room 5 also contains a spa.
- A staff waiting room / changeroom is located on the first floor on the north-eastern side of the building.
- A client waiting room located on the first floor.
- A reception area located at the top of the entry stairs.
- Separate male and female toilets with hand basins on the first floor and a unisex toilet on the ground floor.
- The manager's office is located on the ground floor.
- An existing laundry on the ground floor.
- Staff kitchen which contains a fridge, microwave oven, kitchen sink for the use of staff only.
- Storerooms are located on the ground floor and first floor.
- A garage space located off Nicholson Place on the ground floor. Client and staff enter and exit the site through the garage space into the main entry. There is a second door which is the exit door which discharges to the car parking area and out to Nicholson Place.



Figure 1: Site Plan (DJL Architectural Design PTY LTD)

STATUTORY CONTROLS

North Sydney LEP 2013 (the LEP)

- Zoning – MU1 Mixed Use
- Item of Heritage – No

- In Vicinity of Item of Heritage – Yes
- Conservation Area – No
- SEPP (Resilience and Hazards) 2021

POLICY CONTROLS

- North Sydney Development Control Plan (the DCP)
- North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF SITE & LOCALITY

The subject site 340 Pacific Highway, Crows Nest (lot C in DP 393414) is located on the south-western side of the Pacific Highway approximately 110m north-west of the intersection of Shirley Road and the Pacific Highway. Shirley Road intersects with the Pacific Highway opposite the intersection of Falcon Street and the Pacific Highway.

The site has an approximate frontage of 5m to the Pacific Highway and 5m to Nicholson Lane. The site has a depth of approximately 35m providing a total site area of approximately 175m². It is located in a row of attached two (2) storey shop top housing buildings that run from the intersection of the Pacific Highway and Shirley Street to three properties to the north-east of the site.

The subject site is constructed of brick and contains two feature turrets on the parapet. The ground floor frontage to the Pacific Highway contains a door and windows, however the windows are covered by a Bottlemart Cutty Cellars sign advertising the property next door. The First Floor contains windows and unlike many of the other shop top housing developments along this section of the road does not contain a first floor balcony.

The building occupies the entire site. The rear boundary is formed by Nicholson Place. At Ground Level on the Nicholson Place frontage there is a carparking space and the main pedestrian entry to the current sex services premises use of the building

On the opposite side of the Pacific Highway, existing buildings are predominantly two (2) storey shop top housing however the quality of the architecture is lower than on the side of the subject site. The uses of these existing buildings are similar to those on the north western side which includes restaurants, furniture shops, craft shops, pet grooming, flooring and house accessory businesses. Directly opposite the subject site approximately 50m to the south east is the Pacific Swim School. A remedial massage premises operates adjacent to the Pacific Swim School. At the corner of the Pacific Highway and Oxley Street is the location of the Crows Nest Metro Railway Station which is currently under construction.

To the rear of the site on the opposite side of Nicholson Lane is accommodation operated by NSW Health and known as the Crows Nest Mental Hospital and below this is the Nicholson Street carpark.



Figure 2: Site location (hatched in red)(IFM).

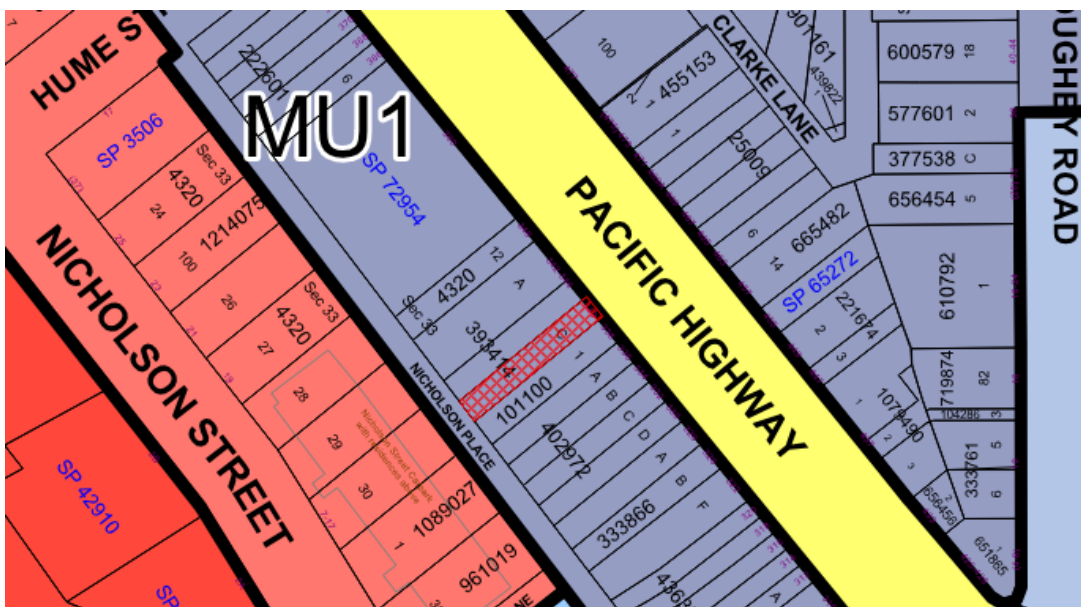


Figure 3. NSLEP Site (hatched in red) is zoned MU1 Mixed Use(IFM).

RELEVANT HISTORY

Development Control Order

North Sydney Council issued a Development Control Order, Brothel Closure Order to the owners of the building on 12 July 2023. Council has agreed not to take any further action in relation to this Development Control Order until such time as the development application has been determined.

Current Use of the Building

North Sydney Council granted Development Consent on 29 January 1985 for Development Application 1270/84 (DA 1270/84) for the use of the first floor as a health studio and the ground floor as a laundry.

North Sydney Council granted a Building Certificate (C173.92) for a Building Application No. 90/265 that approved works including installation of spas and showers for the approved use. There has not been any structural internal changes to the building since.

The site has been occupied by the Up Market Bath House since the early 1990s and has been operating as an erotic massage sex services premises business.

Current Application

Date	Action
21 December 2023	Development Application lodged
16 January 2024	DA notified, for 14 days (until 09/02/2024)

EXTERNAL REFERRALS

NSW POLICE

The proposed development was referred to NSW Police who provided the following recommendations:

- 1. The site will need to be clearly identified through a building name or street number and be visible from the street. This will enable all emergency services to locate the premises.*
- 2. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.*
- 3. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.*
- 4. All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector.*
- 5. An intercom system should be incorporated into the surveillance system to enable visitors to the business to communicate with staff prior to being admitted during the hours of darkness or when the reception area is unattended. Intercom facilities should also be installed in each service room to allow communication between staff members and reception.*

6. *The main waiting/reception room should be arranged so as to clearly designate areas that are for use of staff only and areas that may be used for patrons. A reception desk or counter should be placed near the front entrance, allowing staff to further observe and assess patrons entering the room as well as those in the waiting area. The counter should be of a suitable width and height to provide protection for staff.*
7. *Access control treatments should be installed within the premises to restrict, encourage and control access into and throughout the building. A security door should be installed to control access into the waiting/reception area.*
8. *An efficient and secure Cash Collection and Storage system should be implemented to minimise the risk of robbery offences. It should consist of either a cash register or cash drawer and a safe designed and installed to the Australian Standards – Safes and Vaults. The safe should be anchored to prevent easy removal and should also incorporate both drop chute and time delay facilities to enable staff to deposit money into the safe without having to access it. The safe should be installed in an area away from public view where access is limited.*
9. *Install a monitored intruder alarm system which has been designed and installed to the Australian Standard to enhance the physical security of your business. Consideration should also be given to incorporating a duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery or an assault. NB Duress devices should only be used when it is safe to do so. Light Emitting Diodes (LEDs) within the detectors should be deactivated to avoid offenders being able to test the range of the system. The system should be tested on a regular basis to ensure that it is operating effectively. Staff should be trained in the correct use of the system.*
10. *An emergency control and evacuation plan should be implemented within the business. Management and staff should be trained in the execution of the plan in emergency situations.*
11. *Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. “This site is under 24-hour video surveillance”.*
12. *Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.*
13. *Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.*
14. *The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.*

Planner's Comment

Conditions of consent have been provided to address the above matters where relevant.

INTERNAL REFERRALS

ENVIRONMENTAL HEALTH

The proposed development was referred to Council's Environmental health Officer who raised no objection to the proposal subject to conditions of consent.

BUILDING COMPLIANCE

The proposed development was referred to Council's Senior Building Surveyor who provided the following comments:

The Development Application seeks approval for the change of use of the First-Floor of an existing 2 storey commercial premises for use as a sex services premises. No physical building works are proposed.

The building is classified by the NCC – BCA as a class 6 building of type B construction. A search of Council's records revealed no recent Annual Fire Safety Statement has been submitted for the Property and therefore the premises has been referred to Council's Fire Safety Officer for consideration of Fire Safety Upgrade Order and also registration on Council's Annual Fire Safety Statement Register. This will not affect the DA determination.

As no physical building works are currently proposed there is no "affected part" of the building therefore the requirements of the Disability (Access to Premises – Buildings) Standards 2010 are not required to be considered.

The DA application is not accompanied by a BCA Compliance Report and given there is no AFSS on Council record, Council is unable to determine in mandatory Category 1 Fire Safety Measures are existing within the building therefore to enable further comment a BCA Compliance Statement pursuant to Clause 62 of the Environmental Planning & Assessment Regulations 2021 prepared by a suitable qualified Building Surveyor should be provided as should the report identify all required Category 1 fire safety measures are not installed this will likely trigger the need for the application to include building works.

Planner's Comment

Clause 62 of the *Environmental Planning and Assessment Regulation 2021* states:

62 Consideration of fire safety

- (1) *This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*

- (2) *The consent authority must—*
 - (a) *consider whether the fire protection and structural capacity of the building will be appropriate to the building’s proposed use, and*
 - (b) *not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building’s proposed use.*
- (3) *Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

Conditions are proposed to ensure the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building’s proposed use.

SUBMISSIONS

Original proposal

On 16 January 2024, Council notified adjoining properties and the Wollstonecraft Precinct of the proposed development seeking comment between 26 January 2024 and 9 February 2024. Council received three (3) submissions. These submissions are addressed towards the end of this report.

CONSIDERATION

Relevant matters of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) are considered below.

SEPP (Resilience and Hazards) 2021

The provisions of this policy require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The site is currently used for commercial purposes, and evidently has not been zoned or used for industrial, agricultural or defence purposes at any times in the lands recent history. In the circumstances, there is no evidence to suggest that the land is likely to be contaminated to the extent that would render it unsuitable for continued residential use. Council can be satisfied the policy can be complied with subject to conditions and consent accordingly granted.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Aims of Plan

The development application has been assessed against the aims of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and is considered to be satisfactory with respect to the relevant aims of the Plan.

2. Permissibility

The site is zoned MU1 Mixed Use under the provisions of the NSLEP 2013. Development for the purposes of *sex service premises* is permissible with the consent of Council in the MU1 Mixed Use zone.

2. Objectives of the zone

Clause 2.3 of NSLEP 2013 specifies that the consent authority must have regard to the objectives for the development in a zone when determining a development application.

The objectives of the MU1 Mixed Use zone are:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*

Comment:

The business employs up to 15 people on site which is consistent with this zone objective. The business also generates employment for contract cleaners, external laundries and supplies of products necessary for the operation of the business. Sex service premises are permissible in the MU1 zone and contributes to the diversity of business opportunities in the Crows Nest town centre.

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

Comment:

This development application does not propose any alterations to the structure of the existing building. The ground floor section of the business facing Pacific Highway functions as a laundry space and presents itself as a commercial laundry.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment:

The subject site is delineated from the R3 Residential zone to the southwest by Nicholson Place. This alley serves as the rear entrance for commercial properties along Pacific Highway, featuring several small loading docks, parking areas, and access points for these buildings. Nicholson Place also experiences a significant volume of pedestrian traffic as it connects the Nicholson Street public carpark to the restaurants nearby on Pacific Highway. The primary pedestrian entrance for the business is located off Nicholson Place.

To address potential noise concerns for the land zoned R3 to the southwest, an Acoustic Assessment Report was conducted by Rodney Stevens Acoustics. As noted earlier this use is currently in place without authorization and the report is based on that current operation. This report evaluated the anticipated noise levels under the worst-case operational scenario. It found that the maximum noise level at the nearest sensitive residential areas, including the land at the rear of the site, was an LAeq of 37 dB(A), which is well below the acceptable threshold of 65 dB(A) for that time period. Therefore, it is concluded that there will be no detrimental acoustic impacts on the residentially zoned land to the southwest, currently occupied by a NSW Government-operated Mental Health Facility. This facility lacks vehicular access to Nicholson Lane, thus negating any potential traffic issues. Additionally, a masonry wall and fencing along the boundary with Nicholson Lane provide a physical barrier between the Mental Health Facility and the lane.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comment:

Given the sensitive nature of this use there are no components of the sex services premises that are visible from ground level at the Pacific Highway or Nicholson Lane. From the Pacific Highway the premises currently presents as a commercial laundry and this will be maintained.

- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*

Comment:

The proposal does not seek to make any alterations to the existing commercial building which is part of a shop top housing style development along the Pacific Highway. As previously discussed, the Acoustic Assessment Report prepared by Rodney Stevens Acoustics submitted with the application demonstrates that there are no adverse acoustic impacts on surrounding properties and it will not adversely affect the residential amenity of the properties to the south west or any future shop top housing development in the locality.

- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

Comment:

Sex service premises are encouraged to be located on the first floor. This business has been operating on the site since the early 1990's and this application seeks to formally obtain development consent for a sex services premises as the existing business has been operating in breach of the existing approval for a health studio. Therefore, there will be no change to the non-residential uses on the site.

Part 4 – Principal Development Standards

There are no principal development standards applicable to the proposed use of the building.

3. Heritage Conservation

The subject site bounds local heritage items and local heritage items are within close proximity to the development site. As there are no works proposed the proposed development is not expected to negatively impact these items.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed development has been assessed against the relevant objectives and controls under the NSDCP 2013. An assessment has been carried out below:

Part B Section 6 – Sex Services and Restricted Premises		
Control	Compliance	Comments
6.1.1 General Objectives		
<p>“O1 Ensure that sex services and restricted premises are designed, located and operated in a manner that avoids adverse impacts on the amenity of the surround area and its residents and visitors: and</p> <p>O2 Protect workers and customers of such businesses.”</p>	Yes	<p>The Acoustic Assessment Report prepared by Rodney Stevens Acoustics submitted with this application demonstrates that the use will not have any adverse impacts on surrounding properties in terms of noise. The Plan of Management submitted with the application provides the guidelines to ensure that the amenity of the surrounding properties is maintained and to protect the safety and health of employees and clients.</p>
6.2 Location Requirements		
<p>“P1 New sex services and restricted premises must not be located:</p> <p>(a) Within 500m from the existing sex services or restricted premises; and</p> <p>(b) Within 100 metres from or within a direct line of sight of a place of worship, hospital, school (including a preschool), childcare centre or other place frequented by children for recreational, cultural or similar activities, or community facilities; and</p> <p>(c) On land that is directly adjacent to land zoned R2 - Low Density Residential, R3 Medium Density Residential, R4 – High Density Residential, SP2 – Infrastructure (educational establishment), RE1 Public Recreative or RE2 Private Recreation.”</p>	Yes – merit assessment	<p>A search of Council records has been undertaken to determine if there are any other sex services premises within 500 metres of the site. The results indicated that there are two (2) sex service premises approved by Council in Crows News. There is an existing approved brothel at 81A Willoughby Road (DA 39/2006) which is approximately 470 metres indirect walk to the subject site. The second is at 6 Alexander Street, Crows Nest (DA 385/2005) which is approximately 220 metres to the south-east.</p> <p>Although the establishment at 81A Willoughby Road is within 500 meters of this site, there is no visual or physical connection between the two locations. These two sex service premises have been operational for the last 18 years without contributing to the creation of a red-light district or causing any negative impacts on local amenities.</p> <p>The Pacific Swim School is situated diagonally opposite the subject site at 449 Pacific Highway, Crows Nest. The swimming facilities are indoors, and they cannot be seen from the subject site. There are no preschools, schools, or churches within the visual vicinity of the subject site. To prevent any potential adverse effects on the Pacific Swim School, it is advised that a condition of consent be implemented requiring the first-floor windows of the staff room to be screened, blocking views from the swim school and any other properties across the Pacific Highway.</p> <p>The site is not immediately adjacent to residentially zoned land. However, land zoned R3 Medium Density to the southwest is separated by Nicholson Lane. There is a first-floor window facing Nicholson Lane, and it is also subject to a condition requiring screening to block views into and out of the property.</p>

<p>“P2 Locate sex services and restricted premises out of clear visibility from bus stops, regularly used by school buses or school children.”</p>	<p>Yes – merit assessment</p>	<p>A bus stop is located approximately 40 meters southeast of the subject site. There is no direct line of sight from the bus stop to the sex services premises; any potential view to the first-floor location of the premises is obstructed by awnings extending over the sidewalk. The ground floor frontage of the premises on Pacific Highway is utilized solely as the business's laundry area.</p> <p>Consequently, no sensitive areas of the sex services operation are visually exposed directly to the ground level of Pacific Highway.</p>
<p>“P3 Sex services and restricted services must not be located on the ground floor or street level of the building within which it is located, excluding any access there to.”</p>	<p>Yes – merit assessment</p>	<p>The pedestrian entry into the sex services premises is via Nicholson Place at the rear of the site and there is no access to the site via the Pacific Highway. Whilst the business does occupy both ground floor and first floor areas of the building, the ground level component that addresses the Pacific Highway is the laundry space.</p>
<p>“P4 Despite P3 above, Council may grant consent to a sex services or a restricted premises on the ground floor or street level of a building, but only where it can be demonstrated that: (a) The premises does not have a direct frontage to a public street, excluding any rear lane way; (b) The premises does not contain any windows to a public street, excluding any rear lane way; and (c) It is not located adjacent to any shop front, arcades or thoroughfares generally used by the public and locations of high pedestrian access.”</p>	<p>Yes – merit assessment</p>	<p>As mentioned above, the only ground-floor aspect of the sex services premises facing Pacific Highway is the laundry area, which operates as a commercial laundry and is staffed either by the receptionist or contract laundry personnel. Thus, a passerby on Pacific Highway would not be able to discern the nature of the sex services being provided inside the premises from this vantage point.</p> <p>The property does not have direct street frontage, except for Nicholson Lane, aligning with point (a). There is a window on the Pacific Highway side that opens to the laundry area. Although this window does not overlook any sensitive land uses, the Council might consider requiring that this window be tinted. However, one could argue that maintaining a clear window better represents the commercial laundry aspect to the street, rather than tinted windows which might raise suspicions about the nature of the activities inside.</p> <p>While the window is adjacent to other businesses, including restaurants, there is no direct visibility from these establishments into any internal areas of the site, except for the laundry space.</p> <p>Therefore, the only visible part of the sex services operations from the ground floor is the laundry area.</p>
<p>“P5 Sex services and restricted premises must not be located in an area where there is evidence of crime and drug use. To determine if crime in a locality is an issue, Council may refer the application to the NSW Police for comment.”</p>	<p>Yes</p>	<p>The application was referred to NSW Police, it was not identified that the site is located within an area with evidence of crime and drug use.</p> <p>Recommendations were provided which have been incorporated in conditions of consent where relevant.</p>
<p>6.3 External Design of Premises</p>		
<p>“P1 Provide access to sex services and restricted premises directly from well lit roads or carparking areas, so that access is not obtained through public portions of buildings.”</p>	<p>Yes</p>	<p>Pedestrian access to the site is via Nicholson Lane, which is well-lit by streetlights. The sex services premises occupies the entire building located at 340 Pacific Highway, and as such, entry is exclusively through the rear via Nicholson Lane. This provides direct access up to the first-floor reception without traversing any other properties or shared public areas.</p>

<p>“P2 Any landscaping that is proposed must not obstruct the visibility from the public areas of entrances and exits to ensure the safety of all staff and visitors to the premises.”</p>	<p>N/A</p>	<p>There is no landscaping on the site nor any landscaping proposed.</p>
<p>“P3 Sex services and restricted premises must not display sex-related products, sex workers, performers, or nude or semi dressed staff from the windows, doors or outside of their premises.”</p>		<p>The sex services premises does not have any advertising signs or displays. It is recommended that windows on the first floor be screened to prevent views into the premises. Accordingly, there is no visibility into the business.</p>
<p>“P4 The interior of sex services and restricted premises must not be visible from any place in the public domain.”</p>	<p>Yes</p>	<p>As discussed above conditions are recommended to provide screening to windows.</p>
<p>“P5 Ensure that the external appearance of sex services and restricted premises respects the character of the streetscape and not be such that the premise becomes a prominent feature in the street.”</p>	<p>Yes</p>	<p>There are no external signs or advertisements on the building that indicate its use as a sex services premises from either Pacific Highway or Nicholson Place.</p>
<p>“P6 Avoid designs and locations that might encourage people to wait outside the sex services or restricted premises.”</p>	<p>Yes</p>	<p>The documentation provided with the application informs that clients are advised to proceed directly to the reception area upon entering the premises, where a waiting room is available. Additionally, the consultation rooms double as waiting areas. It is not customary for clients of this sex services premises to wait outside in Nicholson Place. Bookings are recommended, and the majority of clients schedule appointments in advance, resulting in a low percentage of walk-in clients. This high rate of pre-booked appointments helps to minimize waiting times and potential gathering in the lane.</p>
<p>6.4 Internal Design of Premises</p>		
<p>“P1 Provide internal reception / waiting areas (except for premises that provide retail services only to prevent clients from loitering outside.”</p>	<p>Yes</p>	<p>As discussed above, an internal reception area and a client waiting room is provided, in addition the massage rooms are also used as a waiting area for clients if necessary.</p>
<p>“P2 Design internal areas to minimise alcoves and entrapment spaces.”</p>	<p>Yes</p>	<p>The rear entrance to the premises from Nicholson Place is through the staff car park and up the stairs to the reception room. Clients leave the first floor using a different staircase and follow the corridor to a separate exit door, which ensures that incoming and outgoing clients do not cross paths at the entrance and exit of the premises.</p>
<p>“P3 Provide adequate safety and surveillance system.”</p>	<p>Yes</p>	<p>The Plan of Management submitted with the application provides the safety requirements and health requirements for staff and clients. Conditions are imposed requiring amendments to the plan of management to ensure safety and surveillance.</p>
<p>6.6 Safety and Security Provisions</p>		
<p>“P1 Measures should be incorporated to safeguard workers, clients and the general public, including security doors, lighting access ways and carparking areas.”</p>	<p>Yes</p>	<p>A Plan of Management has been developed that focuses on ensuring the safety of both workers and clients. The site includes one well-lit parking space designated for the manager. Separate doors for client entry and exit are located near the parking area, allowing clients to directly access and leave the site from Nicholson Place. After business hours, the roller door to the carpark and entryway is closed and locked, securing this area and preventing it from being used for any unauthorised activities outside of operating hours..</p>

"P2 Provide illumination on routes to and in external areas of premises in isolated premises and commercial areas."	Yes	The entry and exit point off Nicholson Place is well lit and Nicholson Place has street lights.
6.7 Acoustic Privacy		
"P1 Measures should be incorporated to safeguard workers, clients and the general public, including security doors, lighting access ways and carparking areas."	Yes	The Acoustic Assessment Report submitted with the application concludes that the sex services premises currently operates and can continue to operate in a manner that does not impact on the acoustic amenity of adjoining properties and in particular sensitive land uses such as the Crows Nest Mental Facility accommodation located on the south-western side of Nicholson Lane.
6.8 Visual Privacy		
"P1 Consider measures including choice of glazing and arrangement of windows and rooms to provide privacy to people in restricted premises and to prevent activities to be visible from outside the premises."	Yes	Conditions are proposed to provide screening to the first floor windows.
Part B Section 7 – Late Nigh Trading Hours		
7.1 Maximum Trading Hours		
MU1 Mixed Use 7am to 11pm (Mon-Wed) 7am to Midnight (Thurs-Sat) 7am to 10pm (Sun)	Yes	10am to 10pm 7 days a week.

CHARACTER STATEMENTS – PART C

Section 3 – St Leonards / Crows Nest Planning Area

Section 3.2 – Crows Nest Town Centre

As the proposed development does not propose any works, there is no change to the form, height, massing and scale of the existing building. The proposal remains consistent and satisfactory.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The subject application has been assessed against the North Sydney Local Infrastructure Contribution Plan 2020 and is NOT subject to the payment of contributions towards the provision of local infrastructure the proposal does not include works or an intensification of use.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|--|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |

4.	Landscaping/Open Space Provision	Yes
5.	Traffic generation and Carparking provision	Yes
6.	Loading and Servicing facilities	yes
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8.	Site Management Issues	Yes
9.	All relevant s. 4.15 (1) considerations of Environmental Planning and Assessment (Amendment) Act 1979	Yes

PUBLIC INTEREST

The proposed development is considered to be in the public interest for the reasons stated throughout this report.

Refer to public interest in SEE

SUITABILITY OF THE SITE

The proposal involves the continued use of a premises as sex service premises with operating hours 10am and 10pm 7 days a week; the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Wollstonecraft Precinct of the proposed development seeking comment between 26 January 2024 to 9 February 2024. Council received a total of three (3) submissions during this period.

Many of the issues raised have been considered in other parts of this report and where relevant are addressed below.

- **New use as a sex premises**

The premises is an existing sex services business that has been operating on the site allegedly since the early 1990's. The application seeks to regularise/continue the use.

- **Location**

The location of the proposed sex services premises is deemed appropriate given that it is situated predominantly in a commercial area, surrounded by commercial premises. As mentioned, there are two other sex services premises approved by the Council in North Sydney; however, only one is operational, located at 1A Willoughby Road, Crows Nest, approximately 470 meters from the site. Approving the existing use of the site for sex services is not expected to impact any sensitive land uses such as schools, churches, or preschools. A swimming school is located diagonally opposite, about 50 meters to the southwest of the site.

A bus stop is also situated roughly 40 meters southeast of the site along the same side of Pacific Highway. The design of the street, including an awning, blocks any potential views to the first floor of the commercial buildings from the bus stop.

Screening the first floor windows will eliminate visual connectivity to the residential accommodation associated with the Crows Nest Mental Facility across Nicholson Place.

The Acoustic Assessment Report by Rodney Stevens Acoustics, submitted with this application, confirms that there will be no adverse acoustic impact on adjacent or nearby properties.

The plan of management, as amended by conditions of consent aims to minimise and adverse impacts to the adjoining residential properties to the west.

Although the North Sydney DCP 2013 advises against locating sex service premises on the ground floor, there are no sensitive land uses at ground level within the sex services premises. The front windows facing Pacific Highway at ground level are part of the laundry area, used solely by the receptionist and commercial laundry employees who manage linen services five days a week. Therefore, there is no exposure of the sensitive aspects of the sex services business to Pacific Highway at street level. Additionally, all client access to the site is through Nicholson Lane.

- **Social and safety impacts**

The operation of the site as a sex services premises for erotic massage necessitates careful consideration of its social impacts on neighbouring properties and the public domain due to its sensitive nature. Efforts have been made to minimize potential social impacts.

The primary pedestrian entrance to the premises is from Nicholson Lane, not Pacific Highway.

Although the sex services premises occupy both the ground and first floors, the ground level visible from Pacific Highway functions as a commercial laundry, utilized solely by the receptionist and external laundry staff for pickup and delivery. All deliveries occur from the rear via Nicholson Lane.

There are separate entry and exit doors off Nicholson Lane, divided by a screen, facilitating the free movement of clients entering and exiting without delay.

The premises features a dedicated waiting room and reception area on the first floor, which encourages clients to enter directly and avoid congregating outside.

It is conditioned that the windows on the first floor be screened to obscure views into the staff room on the first floor and the rear consultation room facing Nicholson Place.

The operation of this sex services business is conditioned to strictly adhere to a Plan of Management submitted with the application, designed to safeguard both employees and clients.

While another sex service premises is located approximately 470 meters away at 81A Willoughby Road, there is no physical or visual interaction between the two sites.

Further, the application was referred to NSW Police who raised no objection to the proposed development.

CONCLUSION + REASONS

The proposed development was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013 and generally found to be satisfactory, subject to the satisfaction of recommended conditions of consent.

Notification of the proposal has attracted three (3) submissions, and the assessment of the proposal has considered the performance of the application against Council's planning requirements. Any substantive points raised by the submissions have been addressed/clarified in the section above (refer to Submitters Concerns).

Subject to the satisfaction of conditions, it is considered that the proposal is acceptable as it will not result in any significant adverse impacts upon the locality. Having regard for the potential impacts upon the amenity of adjoining properties and the unique context of the site, subject to conditions, the development application is considered to be satisfactory and is recommended for approval.

It is to be noted that the premises has operated for many years with little or no complaint being raised. This fact makes refusal of the proposal difficult to recommend.

The assessment of the proposed development has duly considered the performance of the application against Council's planning requirements. Following this assessment, and having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), the application recommended for **approval** given the consistency to the objectives and controls within the North Sydney Local Environmental Plan and Development Control Plan 2013, and lack of material adverse impacts on adjoining properties.

RECOMMENDATION

THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority and grant deferred commencement consent to Development Application No. 338/23 for the use of premises as sex service premises with operating hours 10am and 10pm 7 days a week on Land at 340 Pacific Highway, Crows Nest, subject to the following conditions:-

AA. Deferred Commencement Condition

This consent shall not operate until the following deferred commencement condition has been satisfied.

The applicant must satisfy Council as to the matter specified in the deferred commencement condition within 6 months of the date of the grant of this consent.

If the applicant fails to satisfy Council as to the matter specified in the deferred commencement condition within 6 months from the date of this consent. It will lapse in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

BCA Compliance Statement

AA1 A BCA Compliance Statement pursuant to Clause 62 of the Environmental Planning & Assessment Regulations 2021, prepared by a suitable qualified Building Surveyor is to be provided identifying all required Category 1 fire safety measures.

(Reason: To ensure the building complies with the Category 1 fire safety provisions that are applicable to the building's proposed use)

This consent shall not operate until such time as the written approval from Council's Manager Development Services stating that the requirements of this condition has been satisfied.

B. Subject to the above deferred commencement condition being satisfied within 6 months of the date of this determination, the consent shall operate in accordance with the attached conditions.

**DAMON KENNY
EXECUTIVE ASSESSMENT PLANNER**

**STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES**

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
340 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT APPLICATION NO. 338/23

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A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

**340 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT APPLICATION NO. 338/23**

Page 2 of 9

Plan No.	Rev No.	Description	Prepared by	Dated
Sheet 1/1	B	Existing Ground Floor Plan Existing First Floor Plan	DJL Architectural Design PTY LTD	05.10.23

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)

Noise from Plant and Equipment

- C1. The use of all plant and equipment installed on the premises must not:
- (a) Contribute an LAeq (15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.
 - (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

"boundary" includes any window or elevated window of an affected receiver.

**340 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT APPLICATION NO. 338/23**

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Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

D. Prior to the Commencement of any Works (and continuing where indicated)

Commencement of Works' Notice

- D1. Where building work, demolition is required by this development consent, it must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work

Construction Hours (Commercial Core and Mixed-use Zones)

- E1. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
E2 Commercial Centre MU1 Mixed-use	Monday - Friday	7.00 am - 7.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

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DEVELOPMENT APPLICATION NO. 338/23**

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F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation**National Construction Code**

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

F2. Where building work, demolition is required by this development consent it must not be commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

F3. Where building work, demolition is required by this development consent it must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

F4. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

F5. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

**340 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT APPLICATION NO. 338/23**

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Commencement of Works' Notice

- F6. Where building work, demolition is required by this development consent it must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Excavation/demolition

- F7. Where required by this development consent, demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Site Sign

- F8. 1) A sign must be erected in a prominent position on the site
- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate***Fire Safety Upgrade**

- G1. Where required and prior to issue of any Occupation Certificate, any works involving the upgrading/installation of essential fire safety measures identified in the BCA Compliance Statement are to be fully completed.

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DEVELOPMENT APPLICATION NO. 338/23**

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A fire safety schedule and final fire safety certificate (as specified in clauses 78, 79 and 86 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 must be issued with the Construction Certificate and Occupation Certificate respectively.

A report from an appropriately qualified person in relation to fire safety and the National Construction Code, certifying that the fire upgrading works have been completed and indicating all required essential fire safety measures have been installed and verified as functioning in accordance with the above- named report, must be submitted to the Principal Certifier for approval prior to the issue of any Strata certificate.

Note: The requirement to undertake physical building works in relation to the installation/upgrade of essential fire safety measures in the building constitutes building work and as such will necessitate obtaining a Construction Certificate, appointing a Principal Certifier and obtaining an Occupation Certificate (pursuant to section 81A and 109M of the EP&A Act.

(Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety)

Privacy

G2. The following privacy devices are to be provided:

- a) Obscure or frosted glass privacy screening shall be provided internally to the change room and room 1 windows.

These are to be installed prior to the issue of any Occupation Certificate.

(Reason: To ensure an adequate level of privacy is provided to adjoining properties and the public domain)

I. Ongoing/Operational Conditions

Hours of Operation

I1. The hours of operation are restricted to:

Administration: 9am to 10pm
Customers: 10am to 10pm

Monday to Sunday Inclusive.

(Reason: To ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

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DEVELOPMENT APPLICATION NO. 338/23**

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Noise and Vibration Impact

12. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Use of Premises

13. Use of the Premise must not give rise to offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

(Reason: To ensure the acoustic amenity of surrounding properties)

Operational Plan of Management

14. The premises must be managed and operate in accordance with the Plan of Management titled The Up Market Bath House received by Council on 19/12/2023, and must comply with the requirements of the relevant legislation. The Plan of Management is to be updated to comply with conditions of consent and include the following and a copy maintained on site at all times during operation.

a) Health service access and inspections

The operators of the premises must provide reasonable access to, and facilities for authorised staff from health service providers and other agencies, including North Sydney Council. Evidence of access arrangements for the attendance of health service providers and other authorised staff must be identified in the Plan of Management.

b) Health of sex workers

The following provisions are required to ensure the continuing good health of sex workers in brothels:

- (i) Sex workers must be immunised against hepatitis A and B;
- (ii) Risk management protocols are to be prepared and implemented as part of a Plan of Management to assist sex workers and staff to manage risk exposures such as blood and body fluid splashes, needle stick injuries and the like;
- (iii) Sex workers must have access to a sexual health centre or private doctor for sexual health assessment, counselling and education appropriate to individual needs. Frequency of assessment is a matter for determination by the individual sex worker in consultation with his/her clinician;
- (iv) Evidence of attendance for sexual health tests must not be used as an alternative to safer sex practices;

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- (v) Sexual health certificates of attendance should not imply freedom from sexually transmissible infections (STIs) nor should sexual health certificates of attendance be shown to clients; and
 - (vi) There should be no impediment to sex workers taking time off for health reasons.
- c) Spa baths
Spa baths must be drained after each use so they can be cleaned and refilled with fresh water. Spa baths must be drained, filled and dosed with a nontoxic solvent and surfactant, circulated, drained and then rinsed, on a weekly basis.
- d) Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
- e) An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
- f) All recording made by the CCTV system must be stored for at least a minimum of 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector.
- g) An intercom system should be incorporated into the surveillance system to enable visitors to the business to communicate with staff prior to being admitted during the hours of darkness or when the reception area is unattended. Intercom facilities should also be installed in each service room to allow communication between staff members and reception.
- h) Access control treatments should be installed within the premises to restrict, encourage and control access into and throughout the building.
- i) An emergency control and evacuation plan should be implemented within the business. Management and staff should be trained in the execution of the plan in emergency situations.
- j) Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".

**340 PACIFIC HIGHWAY, CROWS NEST
DEVELOPMENT APPLICATION NO. 338/23**

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In the event of any inconsistency between the Plan of Management and the conditions of this consent or relevant legislation, then the stricter condition or regulation will prevail.

(Reason: Safety, security and amenity)

Trade Waste Collection (Crows Nest Trade Waste Policy)

15. All trade waste and recycling generated from the premises must be managed and disposed of in accordance with the Crows Nest Trade Waste Policy available on Council's website at www.northsydney.nsw.gov.au.

Arrangements for the collection and storage of trade waste bins must comply with the following:

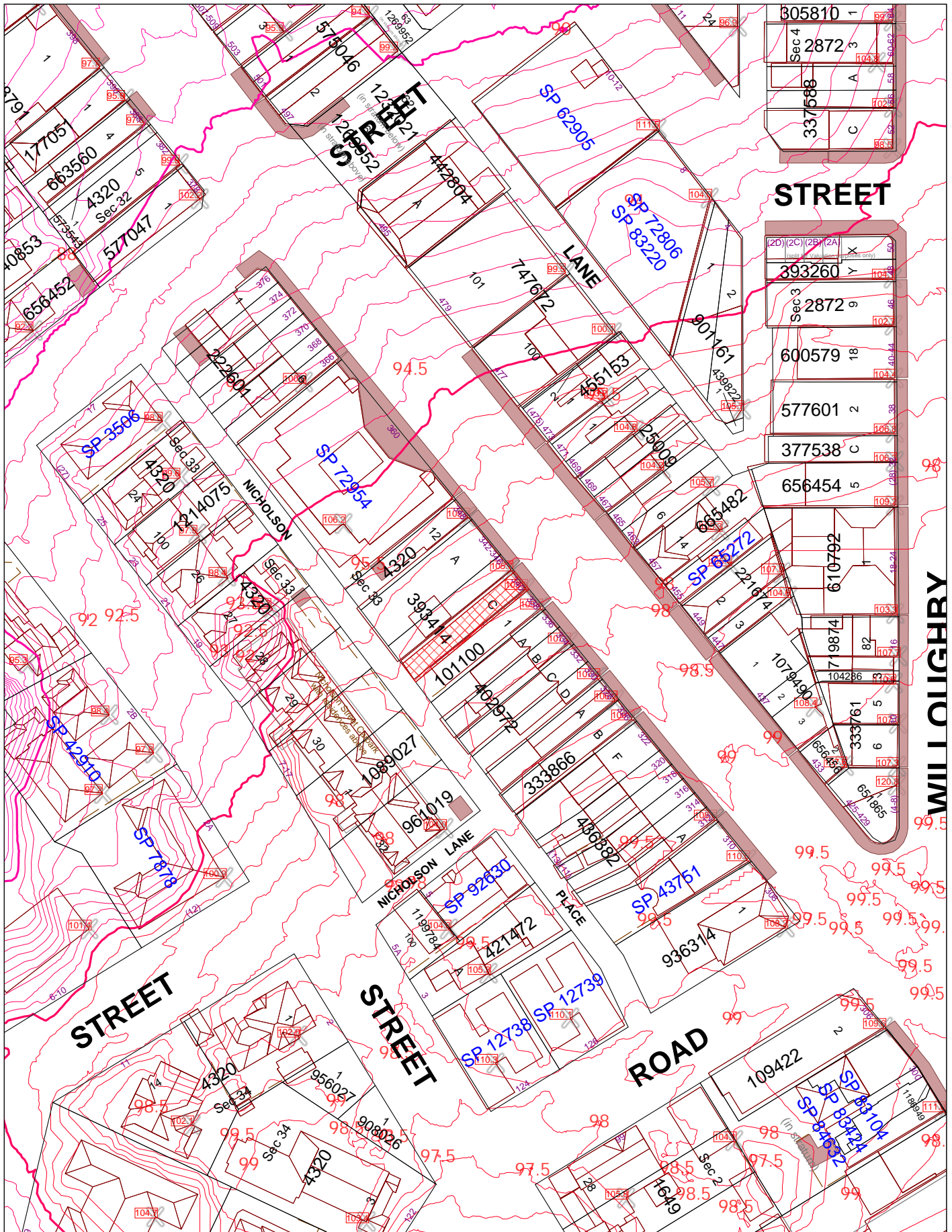
- (a) Bins must be placed out for collection no earlier than 5.00pm and no later than 10.00pm on the day before collection.
- (b) All trade waste must be collected between the hours of 6.00am and 10.00am.
- (c) Waste and recycling bins are not to be stored permanently in streets and laneways unless specifically prescribed by Council in writing.

(Reason: To ensure compliance with Council's waste controls for the Crows Nest commercial area)

Delivery Hours

16. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00pm and 6.00am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)



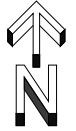
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377538		C
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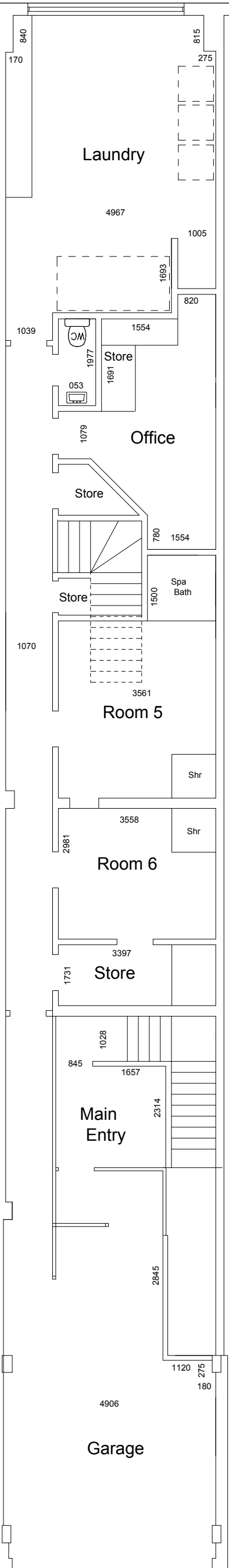
North Sydney Council
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 Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

Scale: 1:1200 approx.



Pacific Highway

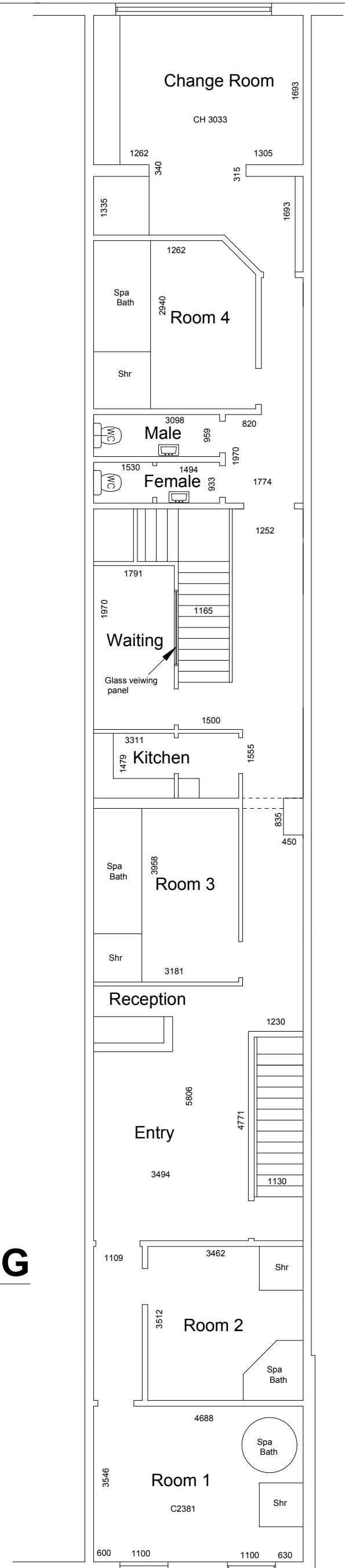
Windowe 1740mm high sill 940mm



**EXISTING
GROUND
FLOOR
PLAN**

Nicholson Place

**EXISTING
FIRST
FLOOR
PLAN**



Windows 1170mm high sill 1170mm

EXISTING PLAN

Window Hood

**DJL ARCHITECTURAL
DESIGN PTY LTD**

55 Castle Hill Road WEST
PENNANT HILLS
0417224342
djdmdh@bigpond.com

AMENDMENTS

A PRELIMINARY FIRST DRAFT	12.09.23
B UPDATED PLAN	05.10.23

CLIENT: **The Up Market Bath House**
 ADDRESS: **No 340 Pacific Highway
CROWS NEST**

JOB NO:	DATE: 12.09.23
DRAWN:	CHECKED: DJL
SCALE: 1 : 100	SHEET NO: 1 / 1

DO NOT SCALE THE DRAWING

THE UP MARKET BATH HOUSE

**OPERATION MANAGEMENT PLAN FOR
PROPOSED SEX SERVICES PREMISES
(EROTIC MASSAGE),
340 NICHOLSON PLACE, CROWS NEST**

**THE UPMARKET BATH HOUSE
OPERATIONS MANUAL
340 NICHOLSON PLACE CROWS NEST**

SERVICE STATEMENT

“We provide an erotic massage experience in a discreet and private setting. We cater to a mix of regular and occasional clientele that want an erotic experience. Generally our service is provided by appointment which is preferred but depending on staff availability, we can accommodate walk up clientele.”

1.0 GENERAL

This operations manual provides the guidelines and daily controls that are adhered to in the operation and management of the Erotic Massage business. Our aim is to adhere to applicable health regulations of State Government, North Sydney Council requirements and the requirements of the owner of the building. Our operation will preserve the existing amenity to adjacent premises and neighbourhood of the locality and operate the business in a safe and healthy manner.

The Up Market Bath House has a “management by commitment policy” which means that all staff are ultimately responsible for their own actions, supervised by management.

2.0 MANAGEMENT

Manager	Naomi Brealey
Company Name	The Up Market Bath House
Address	340 Nicholson Place Crows Nest

*Management Plan for Erotic Massage***3.0 STAFFING**

No more than six (6) masseurs workers and two (2) receptionist/manager are to be employed on-site at any one time except for maintenance contractors.

4.0 PREMISES

The Up Market Bath House operates from 340 Nicholson Place Crows Nest also known as 340 Pacific Highway Crows Nest. The premises contain 6 separate massage rooms, a client waiting room, a reception desk, employee lounge area, staff kitchenette, storage room, laundry facilities, staff toilet and client toilet.

All access to the premises is from Nicholson Lane, including staff, clients, deliveries.

4.1 Administration Area

The Administration area consists of:

- Office station;
- Telephone;
- Closed circuit TV monitor;
- Storage area; and

4.2 Massage Rooms – Rooms 1 – 4

The Massage rooms consist of:

- Shower;
- Massage table;
- Couch (2 seater); and
- Air conditioning/Heater.

4.3 Toilet facilities

Separate Male and Female toilets :

Management Plan for Erotic Massage

- Toilet; and
- Hand basin.

4.4 Staff Lounge

The Staff Lounge consists of:

- Staff lockers
- Free Wifi
- Power sockets for phone charging
- stereo;
- Couches
- Coffee table
- Telephone (landline)
- Bar Fridge
- Make up bench and mirror
- Space for staff to change clothes.

4.5 Staff Kitchen

- Fridge
- Microwave
- Tap and Sink
- Pantry
- Free tea and coffee for staff
- Frozen ready meals, muesli bars, packet soup and biscuits for the staff

4.6 Storeroom

The Storeroom consists of:

- Storage of towels;
- Storage of oils; and
- Storage of soaps and toiletries.

*Management Plan for Erotic Massage***4.7 Laundry**

- Laundry with commercial washing/drying machines
- Laundry chute from the staff room to the laundry

5.0 HOURS OF OPERATION

- Monday to Sunday inclusive : 10:00am to 10.00pm
- Administration 9.00am to 10.00pm
- Contract cleaning occurs outside of these hours

5.1 Shifts

Shift times are flexible, but must be approved by management 3 days prior, however generally shifts are as follows:

Reception 9.00am to 10.00pm (2 shifts)

Manager 9.00am to 5.00pm (on call from 5.00 to 10.00pm)

Masseurs max 10:00am to 4:00pm
4:00pm to 10.00pm

6.0 AMENITY (Rules and Code of Conduct)

General Rules:

All staff and clients are required to adhere to rules as outlined below:

Common to all Management/staff and clients are:

- No alcohol or drugs are to be consumed on the premises by staff
- No smoking in the building
- No provocative or violent behaviour will be accepted and will be grounds for instant dismissal
- All rubbish is to be disposed of in the appropriate rubbish collection area
- Staff and clients must not be intoxicated on the premises at any time

*Management Plan for Erotic Massage***6.1 Reception**

- a) Dress code: Well groomed at all times. Neat, casual clothing is required to and from work.
- b) Phone: Professional manner at all times. No swearing will be tolerated.
- c) Punctuality: You must report for your shift on time and confirm arrival accordingly.
- d) Customer appointments: Ensure booking times do not require client to wait at the premises for appointment.
- e) Advise clients that ladies have the right to refuse service
- f) Laundry: Ensure all used towels are stored away, and either collected for outsourced laundry collection or taken to the onsite laundry. washed and dried promptly. All clean towels are to be stored in the linen press for collection by masseuses.
- g) Manager to ensure that masseurs behave and abide by the rules and code of conduct at all times.
- h) Security: The front door shall not be opened until the receptionist has viewed the closed circuit TV to ensure that only appropriate people are allowed on to the premises.
- i) Collection of Payments: All payment is made directly to the receptionist either by cash, card or bank transfer. The receptionist will pay the masseuse prior to the appointment.
- j) The receptionist shall ensure the staff maintain the cleanliness of the kitchenette. No spoilt or outdated food shall be stored in the cupboards or refrigerator.
- k) Compile and retain a register of clients that have been refused service and ensure this is upheld
- l) Be on hand to obtain assistance to staff

*Management Plan for Erotic Massage***6.2 Masseurs**

- a) Dress Code: Fully clothed at all times in common area. Casual clothes must be worn to and from the site.
- b) Cleanliness: Responsible for tidying up the room after each appointment and full clean up at the end of the shift.
- c) Punctuality: Must arrive 15 min prior to shift

6.3 Company Policy

- a) Confidentiality: All staff must maintain absolute confidentiality in relation to any client contact.
- b) Soliciting: Any form of soliciting will not be tolerated.
- c) Statements: All staff receive a written statement outlining code of conduct/rules and responsibility. All staff is required to agree in writing to this statement.

7.0 SAFETY AND SECURITY

- a) General: The entry lobby and front door are fitted with a combination of CCTV systems. All money collected is placed in a floor mounted safe which is locked after each deposit or withdrawal.

- b) Should there be any criminal activity suspected by staff or clients the police must be called immediately.

- c) Aggressive or bad behaviour is not tolerated, if a client's behaviour is unacceptable, an immediate refund is made and the client is required to leave. Management can be called by phone at anytime if assistance is required. At this point the client will be banned for life

8.0 PAYMENT SYSTEM

The Up Market Bath House accepts all major forms of credit card, bank transfers and cash payments. The reception collects all

Management Plan for Erotic Massage

payments prior to the appointment. Masseuses are paid prior to each appointment.

10. PARKING AND TRANSPORT

Customers and staff are to be advised to park in Nicholson Street
Public transport is available by bus and train.

11.0 HEALTH

Whilst The Up Market Bath House does not offer full sex service, it is vital that all precautions are taken due to the intimate body to body contact prevalent with erotic massage.

11.1 Masseurs

All masseurs are advised to have a medical check-up on a three monthly basis. Whilst sex is not offered in this business, management advise that it is the masseurs responsibility to ensure that their sexual health is free of any sexually transmitted diseases. Management and the receptionist are responsible for the ongoing checking of any signs of infectious skin conditions during each shift. This is conducted both in reception and in room. If any signs are prevalent, the masseur must be dismissed from her shift immediately and must return with a doctor certificate of health.

11.2 Customers

It is compulsory for all customers to shower before the massage. The masseur is to discreetly check the customer for any sign of skin conditions. The masseur has the right to refuse a massage service to a customer or request a second opinion from management of reception.

11.3 First Aid

A full First Aid kit is maintained in reception. The First Aid kit provides all necessary needs for this business. Management maintain/restock this kit as required.

12.0 CLEANING AND MAINTENANCE MANAGEMENT

All staff have a responsibility to ensure the premises are clean, hygienic, tidy and presentable at all times.

12.1 Laundry

The majority of washing and drying is done off the premises. Hot towels are warmed in the laundry. Dirty laundry is collected and stored in the laundry awaiting collection. Laundry collection is undertaken on a daily basis five 5 days a week with fresh laundry delivered as the dirty laundry is collected. Laundry Service shall be undertaken to comply with AS/NZ 4146:2000

It is the responsibility of the receptionist to ensure all washing and drying is completed and stored in the linen press by the completion of the shift. The operations manual for the washing and drying machines are kept on file in the reception/office and must be adhered to. In particular it is important for the receptionist to use the correct quantity of washing power and regularly check and clean the washing machine and dryer filters. The washing machine supplier/service centre must be contacted immediately if the machinery is faulty.

12.2 Cleaning

The reception/office and rooms are cleaned each day. It is the responsibility of the reception and masseur to ensure the room is maintained during the course of each shift. Cleaning supplies are to be restocked in the reception/office storeroom and each massage

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room cleaned daily and showers are to be cleaned with bleach each day before use and disinfected after each appointment.

The whole premises has a deep clean by a cleaning contractor on twice a week. Usually Thursdays and Sundays after operating hours.

Doors to all the rooms are opened 45 minutes prior to opening with full air conditioning turned on to circulate fresh air throughout the building.

12.3 Maintenance

All faults must be reported to the receptionist who maintains an action file for the owner to respond to. Management must be advised of any electrician, plumbing and locksmith building related faults before contacting the licensed tradesperson.

12.4 Waste Management

All staff is responsible for the disposal of their rubbish. A cleaning contractor is employed to dispose of materials contaminated by body fluids on a weekly basis. Other waste is disposed of through Council's normal waste service.

12.5 Pest Control

The Up market bath House employs a pest control company to check and treat all massage rooms and the reception/office every six months. All staff must report any issues relating to pest to reception/office manager. A record is to be kept in the Maintenance file.

13.0 ROOM READINESS, CHECK AND AMENITIES

All rooms must be turned over, presented with amenities and checked after/before each appointment as follows:

13.1 Amenities (Customer)

Mini soap (shower and basin);

Towels – bath towel, hand towel and floor towel;

Comb;

Deodorant; and

Facial moisturiser.

13.2 Room Readiness

After/before each appointment each room must be turned over as follows:

- Bathroom floors, mirrors and room to be antiseptic sprayed and wiped down;
- All mirrors to be cleaned (window cleaner);
- Replace massage table towels and covers;
- All towels to be replaced. Hand towel to be folded and placed in middle of massage table;
- Hand soaps and comb replaced;
- Tissues/Wet Wipes/Oils/Antiseptics to be remain stocked and located in a tidy state under Massage table;
- Liquid Soap in shower and bathroom to be maintained; and
- Antiseptic spray to be sprayed in shower recess and surrounding floor after each appointment.
- The spas are cleaned after each use. Cleaning of Spas shall be undertaken to comply with the [Public Health Act 2010](#) and [Public Health Regulation 2012](#).

14.0 EMPLOYMENT

Management requires all employees to provide the following essential criteria at time of initial interview:-

- Full identification check and proof of age. At least one of the following must be furnished – Drivers license, Birth certificate, ID card;
- Proof of citizenship/residential status; and
- Contact details.

Additional preferential criteria;

- Relevant qualifications, ie. Qualified Massage/Education Certificate;
- Relevant references; and
- Recent Doctors/Health Certificate.

14.1 Training

All employees must undergo the required training regardless of prior experience. The training will encompass all key elements of the operation The Up Market Bath House as outlined in this Operations Manual. On completion of training, all employees must sign the contract agreement which confirms that a copy of the Operation Manual has been received and thoroughly read and understood.

The training shall include ways to prevent possible transmission of STIs and other infections including how to do visual health checks of clients, as well as information to monitor their own sexual health.

- client STI examinations
- safer sex practice
- safe use, cleaning and maintenance of all equipment

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- correct massage techniques (if applicable)
 - strategies to avoid hazardous manual tasks
 - how to identify potentially dangerous situations and how to protect themselves
 - how to react to a fire or other emergency situation
 - first aid
 - how to react to blood and body substance exposure incidents
 - STIs and blood-borne viruses (for example [hepatitis B and C, and HIV](#)), vaccinations and counselling
-
- information for first-aiders, health and safety representatives and other safety professionals.
 - All massage training will be conducted by management on the premises prior to engagement with the clients.

15.0 COMMUNICATION

The Up Market Bath House communication system includes:

- Separate number phone system, management's mobile phones; and
- Internet
- Is there a back to base security system

16.0 OCCUPATIONAL HEALTH AND SAFETY

It is both an important and legislative requirement to the way the business is conducted that the work place environment is both safe and secure. An incident report is to be made for any incident that occurs on the workplace premises immediately to reception and/or management. An Incident Report form is held on file at reception.

16.1 Fire Exits and Safety

The fire exit is located at the end of the hallway near the reception. All rooms are equipped with smoke detectors and a fire extinguisher is located in Reception adjacent to the desk and in the kitchen.

The manager shall request that the annual fire safety certificate is completed by the owner

17 Regulations

17.1 The Upmarket Bath House will comply with the requirement of Public Health Act and provide reasonable access to the site by Safe work NSW, NSW Health, North Sydney Council, authorised representatives of Sex Workers Out Reach Project and Scarlet Alliance, Australian Sex Workers association

17.2 Risk management

Management shall continually minimise risk in the workplace and encourage staff to identify potential work place risks and take appropriate action