

Local Planning Panel

12 August 2020

Address: 306 Cleveland Street, Surry Hills

D/2020/230

Applicant: ES Design

Owner: Harmon International Holdings Pty Limited

Designer: ES Design

Consultants: ABC Planning

proposal

- change of use of 2 x terrace buildings at 306 and 308 Cleveland Street to expand an existing sex services premises (brothel) at 310 and 312 Cleveland Street
- 7 x additional rooms, increasing from 14 to 21 rooms
- new internal openings between terrace buildings, conservation works to rear facades including rendering walls and new timber windows

Zone: sex services premises are permissible with consent within the B4 Mixed Use zone

recommendation

refusal

background

- previous DA to regularise the unauthorised use of 306 and 308 Cleveland Street as a brothel was refused by the LPP on 17 July 2019 (D/2019/149)
- some of the reasons for refusal have been addressed, including:
 - accessible entry is provided, conservation works are proposed to repair the rear facades and waste storage area is provided
- some of the reasons for refusal have not been addressed, including:
 - the proposal is contrary to the relevant SLEP2012 and SDCP2012 planning controls for sex services premises
 - the plan of management fails to outline how access will be managed from Goodlet Lane

compliance history

- 306 & 308 Cleveland Street previously contained a dwelling house and a boarding house respectively
- the use of 306 & 308 Cleveland Street as an expanded brothel was commenced without approval. A brothel closure order was issued in January 2019
- a Notice of Intention to Give an Order was issued in March 2019 in relation to unauthorised works to the properties
- complaints have been received in relation to frequent use of Goodlet Lane for site access with associated residential amenity impacts
- complaints have been received that the brothel was operating during the initial Covid 19 shutdown

notification information



- exhibition period 11 May 2020 to 2 June 2020
- 513 owners and occupiers notified
- 14 submissions received

submissions

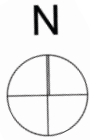
- residential amenity for neighbouring dwellings
- use of Goodlet Lane as entry to the premises
- clustering of brothels, creation of a 'red light district'
- parking impacts
- impacts on the existing buildings and streetscape

submissions



-  subject site
-  submitters

site



site



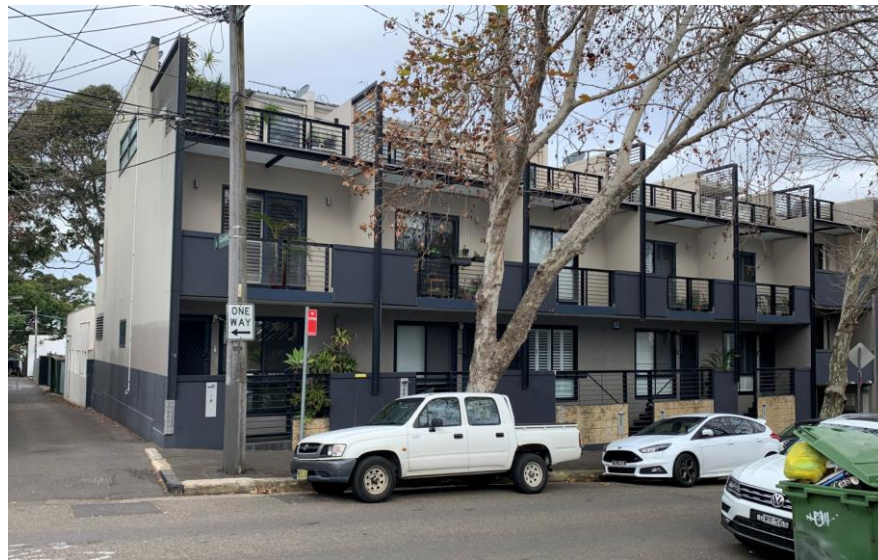
306-308 Cleveland Street (proposed brothel) & 310-312 Cleveland Street (existing brothel)



site viewed from Goodlet Lane



site and dwellings on the western side of Wilton Street

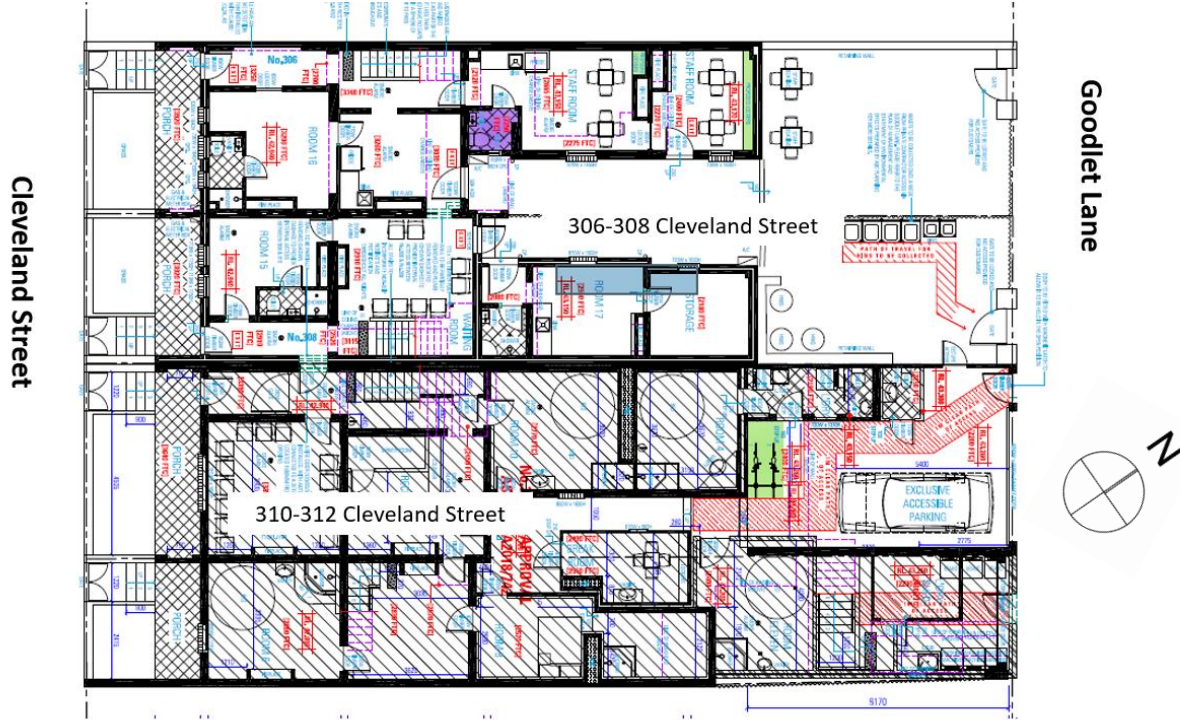


dwelling on the eastern side of Wilton Street



dwelling and mixed use on southern side of Cleveland Street

proposal



Ground floor - existing and proposed brothel components (existing area hatched)



First floor - existing and proposed brothel components (existing area hatched)

Affordable Rental Housing SEPP 2009

- the unauthorised change of use of 308 Cleveland Street from a boarding house at to a brothel reduces the provision of affordable housing in the area
- the SEPP states that a person must not change the use of an affordable housing building to another use without development consent

aims of LEP

- inconsistent with a number of aims of LEP
 - provide for a range of appropriately located housing, including affordable housing - aim (e) of LEP
 - enhance the amenity and quality of life of the local community - aim (h) of LEP
 - Inconsistent with the existing or desired future character of the locality – aim (j) of LEP
 - fails key objective of the B4 Mixed Use zone, which is to provide a mixture of compatible land uses

LEP clause 7.21

- objective to minimise land use conflicts and adverse amenity impacts relating to sex services premises
- requires the consent authority to consider whether the operation of the sex services premises is likely to cause a disturbance in the neighbourhood because of
 - its size, location, hours of operation or number of employees
 - taking into account the cumulative impact of the sex services premises along with other sex services premises operating in the neighbourhood during similar hours

LEP clause 7.21

- premises constitutes a significant extension (into two separate buildings) of existing premises at 310 and 312 Cleveland Street
- is less than 75 metres from the entrance to a site at 278-284 Cleveland Street that has approval to operate as a brothel

compliance with DCP controls

	control	proposed	compliance
Non-resi development in B4 zones	potential impacts on the amenity of existing residential uses	intensify existing use that has significant impacts	no
location of premises	must not be immediately adjacent to or directly opposite residences	entrance at Goodlet Lane adjoins dwellings	no

compliance with DCP controls

	control	Proposed	compliance
clustering	must not be within 75m of an existing, approved brothel	278 Cleveland is 60m to the west	no
locality statement	enliven Cleveland Street frontage with an active edge	blocked out windows provide inactive frontages	no
hours of operation	between 7.00am and 2.00am the following day	10.30am to 12.00 midnight (Mon-Thursday) 10.30am to 2.00am, (Sat – Sun)	yes

issues

- location/brothel clustering controls/surrounding uses
- affordable housing SEPP

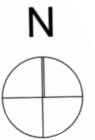
location

- premises will present as 4 separate buildings
- Is located in close proximity to residential development
- site is less than 75 metres from 278-284 Cleveland Street that is an approved sex industry premise
- applicant has no power to surrender this consent - can be reopened and operated as a brothel without further application to Council

surrounding land uses



an approved brothel is located 60m to the west (blue line)



affordable housing SEPP

- the applicant has failed to address key provisions of ARH SEPP 2009:
 - a person must not change the use of an affordable housing building to another use without development consent
 - whether there will be a reduction in affordable housing on the land to which the application relates
 - whether there is available comparable accommodation to satisfy the demand
 - whether the development is likely to cause adverse social and economic effects on the general community

recommendation

The application is recommended for refusal