

Resolution of Local Planning Panel

12 August 2020

Item 5

Development Application: 306 Cleveland Street, Surry Hills - D/2020/230

The Panel refused consent for Development Application No. D/2020/230 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

- (A) The entrance to the site is located less than 75 metres to the entrance to an approved brothel at 278-284 Cleveland Street and is located adjacent to and opposite to residential dwellings that are within a residential zone. The proposal intensifies and expands existing sex services premises and seeks to regularise the unauthorised change of use of a boarding house to a brothel. The development will have an adverse impact on the streetscape, character and amenity of the surrounding area and fails to satisfy the following planning provisions:

Sydney Local Environmental Plan 2012

- (i) Clause 1.2(2)(e) - to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing
- (ii) Clause 1.2(2)(h) - to enhance the amenity and quality of life of local communities
- (iii) Clause 1.2(2)(j) - to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities
- (iv) Clause 2.3(2) - B4 Mixed Use zone - To provide a mixture of compatible land uses and to ensure uses support the viability of centres
- (v) Clause 7.21 - Location of sex services premises

Sydney Development Control Plan 2012

- (vi) Section 2.13.1 - Cleveland Street locality statement

- (vii) Section 4.2.9 - Non-residential land uses in the B4 - Mixed Use zone
 - (viii) Section 4.4.6.1 - proximity to residential premises and existing sex services premises
- (B) The applicant has failed to address the reduction of availability of affordable housing within the locality that has resulted from the unauthorised change of use of an existing boarding house at 308 Cleveland Street to a brothel. The development fails to comply with the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (C) The Plan of Management lodged with the application fails to address the how access will be managed from Goodlet Lane. The development fails to comply with the following planning provisions:
- Sydney Development Control Plan 2012
- (i) Section 4.4.6.2 - Access to the premises
 - (ii) Section 4.4.6.4 - Health, Safety and Security
 - (iii) Section 4.4.6.6 - Plan of Management
- (D) The proposal fails to comply with the City's Planning Policies regarding sex services premises and would intensify existing impacts on residential amenity that are significant. Approval of a development that contradicts the planning policies and that would adversely impact upon the character and amenity of the surrounding dwellings and the locality would not be in the public interest.

Carried unanimously.

D/2020/230