

Item 4.**Development Application: 41 and 43 Albion Street Surry Hills - D/2026/262**

File Number: D/2026/262

Summary**Date of Submission:** 27 March 2026**Applicant:** Sheila Liew**Architect/Designer:** Vie Studio**Owner:** ANALISA 41 PTY LTD**Planning Consultant:** Myriad Consulting**Cost of Works:** \$90,000.00**Zoning:** The site is located within the MU1 - Mixed Use zone. The use is defined as a Sex Services Premises and is permissible with consent within the zone.**Proposal Summary:** The application involves the change of use of No.41 from a residential dwelling into a sex services premises (Brothel) and alterations and additions.

No. 41 will be consolidated with No.43 Albion Street, which currently operates as a Sex Services Premises (Brothel), with both sites operating as sex services premises. This results in an increase from 6 to a total of 8 sex worker rooms.

Works include creation of a new 2.2m wide connection between No.41 and 43 Albion Street through the existing party wall between the 2 terraces, internal reconfiguration of rooms, partitions and doorways to include 8 service rooms and staff rooms.

The application is reported to the Local Planning Panel for determination as it involves sensitive development, being development for the purposes of a sex services premises.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979
 - (ii) SEPP (Biodiversity and Conservation) 2021
 - (iii) SEPP (Resilience and Hazards) 2021
 - (iv) Sydney Local Environmental Plan 2012
 - (v) Sydney Development Control Plan 2012

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings
 - C. Submissions
 - D. Development Consent D/1999/303/C (as modified)
 - E. Development Consent D/2020/485

Recommendation

It is resolved that consent be granted to Development Application Number D/2026/262 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval 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.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Sensitive Development
2. The development application falls within the category of Sensitive Development as it involves the change of use of one of the terraces to a sex services premises.

The Site and Surrounding Development

3. The site has a legal description of Lot 1 in DP 842198 and Lot 1 DP 780913 known as Nos. 41 and 43 Albion Street, respectively. It is rectangular in shape with area of approximately 255sqm. It has a primary street frontage of 10.65m to Albion Street and a secondary street frontage of 10.25m to Albion Way. The site is located close to the intersection of Albion and Commonwealth Streets. Levels on the site fall 0.58m to the north from Albion Way towards Albion Street. Albion Street falls approximately 0.5m to the west across the site frontage.
4. The site contains 2 late Victorian terrace houses, each 2 storeys in height and forming a row from 39-43 Albion Street.
5. The surrounding area is characterised by a mixture of land uses, primarily being mixed use, commercial and residential, including:
 - (a) To the north of the site (on the opposite side of Albion Street) are commercial properties at 46-48 to 52-54 Albion Street and the heritage listed former 'William Booth Institute' at 56-58 Albion Street which is being renovated for use as a hostel.
 - (b) To the west of the site at 39 Albion Street is a single residential dwelling.
 - (c) To the east of the site at 45 Albion Street, there is a corner shop-top housing building that contains a commercial café on the ground floor and residential dwelling on the floors above.
 - (d) To the south of the site (on the opposite side of Albion Way) is 201 Commonwealth Street, a single residential dwelling that fronts Commonwealth Street.
6. The site is not a heritage item but is within the Albion Estate Heritage Conservation Area (C58), and is identified as a contributing building.
7. The site is located within the Riley locality and is not identified as being subject to flooding.
8. A site visit was carried out on 1 May 2026. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: No.43 viewed from Albion Street. This property currently operates as a Brothel.



Figure 3: No.41 viewed from Albion Street



Figure 4: Rear of No.41 Albion Street, as viewed from Albion Way



Figure 5: Rear of No. 43 Albion Street



Figure 6: Internal view of No.41 Albion Street



Figure 7: Internal view of No.43 Albion Street

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:

43 Albion Street

- **D/1996/367** – Development consent was granted on 7 August 1996 to use the premises at 43 Albion Street as a brothel between 10.00am and 5.00am (the following day), Monday to Sunday, with 2 sex workers and one receptionist working at any time.
- **D/1999/303** – Development consent was granted on 28 July 1999 for the continued use of the premises at 43 Albion Street as a brothel operating between 10am and 5am (the following day), Monday to Sunday, including minor alterations. The application has been modified twice as Modifications A and C, allowing part enclosure of the rear of the site, an increase in servicing staff (sex workers) from 2 to 8, and 6 servicing rooms.

41 Albion Street

- **D/2010/1011** – Development consent was granted on 7 July 2010 for minor alterations and additions to the terrace at 41 Albion Street, including kitchen, bathrooms, new concrete slab at rear car space and roller door.

- **D/2019/1003** – Development consent was granted on 12 December 2019 for alterations and additions to an existing dwelling, including first-floor addition, roof over part of existing courtyard and internal alterations.
- **D/2020/485** – Development consent was granted on 22 June 2020 for alterations and additions and change of use from office to medical centre. Notwithstanding this consent, the site is still used as a residential dwelling as the medical centre use has not commenced.
- **PDA/2025/66** – Pre-lodgement advice was provided to the applicant on 14 May 2025. The advice provided included:
 - recommendation of lot consolidation of the 2 lots (41 and 43 Albion Streets) into one lot (1//DP842198 and 1//DP780913)
 - change of use to a sex services premises and associated fit out works
 - alterations and additions to the existing premises consisting of a rear addition to the first-floor and internal alterations

Proposed Development

10. The subject development application seeks consent for the following:

- change of use of 41 Albion Street from residential dwelling to Sex Services Premises
- consolidation of lots (of existing Lot 1 DP 842198 and Lot 1 DP 780913) into a single lot for 41 and 43 Albion Street
- internal alterations and additions including new 2.2m wide opening between the 2 properties at 41 and 43 Albion Street
- reconfiguration of internal rooms, including new openings and partitions

Works will be carried out in parallel to works approved under the existing development consents D/2020/485 and D/1999/303/C. Refer to discussion section below.

11. Plans and elevations of the proposed development are provided below.



Figure 8: Ground floor plan

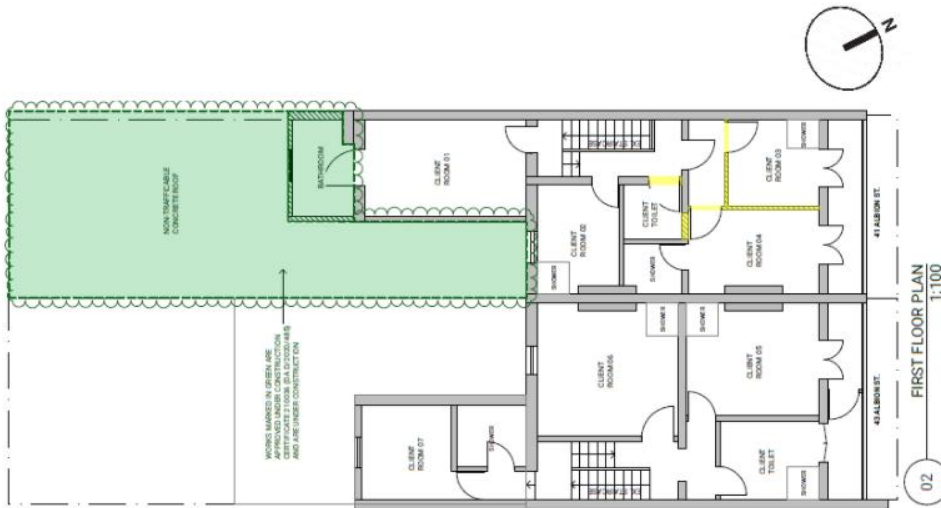


Figure 9: First floor plan

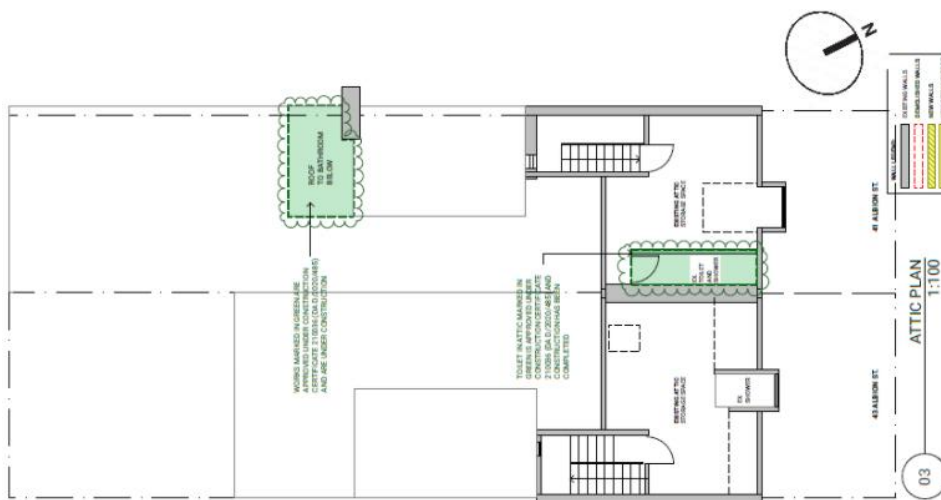


Figure 10: Attic floor plan

Assessment

12. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Clause 4.6(1) of the SEPP requires the consent authority to consider whether land is contaminated prior to the consent of development on that land. Given that the long-term use of No. 41 Albion Street is residential, it is unlikely that the site is contaminated, and further investigation is not considered necessary as noting the change of land use is not to a more sensitive use.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter

6 Water Catchments

34. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
35. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

36. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The proposed development is defined as alterations and additions and change of use to No. 41 to a 'sex services

Provision	Compliance	Comment
		premises', and is permissible with consent in the zone. The proposal meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 9m is permitted. The proposal does not affect the overall height of development on the site.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.5:1 or 385.50sqm (41 and 43 Albion Streets combined) is permitted. A total gross floor area of 319.5sqm exists on site. This equates to a floor space ratio of 1.25:1. This proposal does not increase the total amount of floor area proposed.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is located within the Albion Estate heritage conservation area (C48). The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area, subject to the recommended conditions. Refer to discussion below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is of a appropriate standard and uses materials and detailing which are compatible with the existing development along the

Provision	Compliance	Comment
		<p>street and will contribute positively to the character of the area.</p> <p>The development has an acceptable environmental impact regarding the amenity of the surrounding area and future occupants.</p> <p>The development therefore exhibits design excellence.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.21 Location of sex services premises	Yes	<p>Clause 7.21 of the LEP requires the consent authority to consider whether the operation of the sex premises premises will cause a disturbance in the neighbourhood due to its size, location, hours or employee numbers. Consideration must also be given to cumulative impacts of sex services premises within the neighbourhood.</p> <p>The conclusion of this assessment is that the proposal will not result in any significant impacts or a neighbourhood disturbance, noting that the hours of operation proposed reflect that of the existing operating sex services premises at 43 Albion Street.</p> <p>The consolidation and use of both Nos. 41 and 43 Albion Street as a larger sex services premises can be satisfactorily managed as:</p> <p>1) The proposal is not a significant intensification of use and only results in an increase of 2 service rooms, to a total of 8 service rooms with a maximum of</p>

Provision	Compliance	Comment
		<p>16 staff (12 sex workers, 4 reception staff).</p> <p>2) Nearby operating sex services premises are located at some distance from this premises being: 80m southeast on Commonwealth St, 130m north on Reservoir Street, 170m east on Albion Street, 175m southeast on Bellevue Street and 280m southeast on Riley Street.</p> <p>3) The existing use at 43 Albion Street does not have a recent record of substantiated complaints related to its operation as a sex services premises and has previously demonstrated good management and ability to operate at this location without adverse impacts. Notwithstanding this, it should be noted that there has been a change in operator following the sale of 43 Albion Street.</p> <p>The proposed size, location, hours and number of employees have been considered in the assessment of this application and are unlikely to result in neighbourhood disturbance, subject to good management and conditions of consent, pursuant to Clause 7.21(2)(a)</p> <p>The proposed premises is unlikely to cause a cumulative impact as it is some distance from other venues, will manage its impacts and incorporates a discreet design, pursuant to Clause 7.21(2)(b)</p> <p>The subject sex services premises is not located within the same building as a dwelling and complies with Clause 7.21(3).</p> <p>The operation of sex services premises at No.41 and 43 Albion Street is considered in keeping with the objectives of this clause as it is unlikely to cause a neighbourhood disturbance.</p> <p>Furthermore, Council's Safe City Unit raises no objections to the proposal, subject to recommended conditions.</p>

Development Control Plans

Sydney Development Control Plan 2012

37. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

38. The site is located within the Riley locality. The proposed development is in keeping with the unique character and the design principles of the Riley locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2 Defining the Public Domain	Yes	A legible entry from Albion Street is provided with an accessible entry from Albion Way.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development involves the consolidation of the site from 2 lots into one lot. The consolidated site is regular in shape, and the new allotments would not have a detrimental impact on the setting of the heritage conservation area noting the works are reversible, and can be subdivided in the future, if desired. Refer to discussion below.
3.9 Heritage	Yes	The site is located within the Albion Estate heritage conservation area (C48). The proposed development will not have detrimental impact on the significance of the heritage conservation area, subject to the recommended conditions. Refer to discussion below.
3.12 Accessible Design	Partial compliance	The proposal provides a new accessible room with entry from Albion Way. Entry from Albion Street is neither ideal or practicable given the stairs from the street level into the premises and the heritage impacts that would arise as a

Provision	Compliance	Comment
		<p>consequence of an equitable access ramp.</p> <p>A condition of consent is recommended to clear stipulate that the premises is only to be accessed via the rear lane by patrons who require accessible access and intend to access the ground floor accessible servicing room. This must also be detailed in the Plan of Management.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development includes appropriate controls for the operation of the premises in the plan of management submitted with the application, provides adequate passive surveillance, and is generally designed in accordance with the CPTED principles.</p> <p>Refer to discussion below.</p>
3.14 Waste	No	Refer to discussion below.
3.15 Late Night Trading Management	Yes	<p>The site is not located within a late night trading area and sex services premises are not categorised in the Sydney DCP as being category A, B or C Late night trading premises.</p> <p>The proposed trading hours are to match that of 43 Albion Street which is 10:00am to 5:00am (the following day), Monday to Sunday.</p> <p>Through implementation of the plan of management and strict conditions of consent, amenity impacts can be reasonably managed.</p>

Section 4 – Development Types

4.4 Other Development Types and Uses

4.4.6 Sex industry premises and adult entertainment

Provision	Compliance	Comment
4.4.6.1 Location of premises	No	Refer to discussion below.
4.4.6.2 Design of premises	Yes	Staff and Visitor egress will be primarily through the front of 41 Albion Street.

Provision	Compliance	Comment
		Entry from Albion Way is only permitted for patrons who require accessible entry to premises and use of the accessible room. No signage, or other visual identifiers of the site's use as a sex services premises are proposed.
4.4.6.3 Scale of sex services premises	Yes	The proposed development will only increase its capacity from 6 service rooms to 8 service rooms with a total staff of 12 sex workers on site, at any one time.
4.4.6.4 Health, safety and security	Yes	Suitable conditions are recommended to ensure the premises provides for and ensures adequate health, safety and security of staff and visitors
4.4.6.5 Signs	Yes	No signage is proposed.
4.4.6.6 Management of operations	Yes	A Plan of Management lodged with the application sets out how ongoing operations are to be managed. The Plan of Management meets the requirements of the Sydney DCP 2012 and the City's Sex Industry Guidelines, subject to recommended conditions of consent described below.

Discussion

Sex Services Premises

Further details to be submitted as a condition of consent

39. The application was referred to Council's Safe City Unit who raised no objection to the application subject to the application of conditions of consent.
40. Conditions of consent include amendments to the plan of management that must be made prior to the commencement of the operation. These include:
 - (a) the name and contact details of the proprietor and operator
 - (b) the registered business name and trading name of the premises
 - (c) inclusion of intercoms or duress alarm systems in working rooms and staff areas that are linked to a central base and monitored

41. A condition is recommended for imposition requiring updated architectural plans to include further staff facilities within the premises (that are not accessible by clients). The condition recommends that amended plans be submitted to Council prior to the issue of a Construction Certificate are to clearly illustrate a dining area, including food preparation and storage facilities, a sink, refrigerator and locker storage bay for the workers.

Location of sex services premises

42. The proposed sex services premises does not comply with some provisions with of Section 4.4.6.1 (Location of premises) of the SDCP 2012 as the site directly adjoins residential land uses. The location of the premises is considered acceptable for the following reasons:
 - (a) An existing sex services premises already exists on site. The existing premises at 43 Albion Street contains 6 service rooms, with no more than 8 sex workers. The change of use and site consolidation will result in an increase from 6 to 8 service rooms and no more than 12 sex workers. Whilst there is an increase in rooms, the likely environmental impact on the neighbourhood is considered minimal noting the premises will occupy a larger space, but only increases total amount of rooms by 2, or 33.3%,
 - (b) There is no substantiated history of poor performance from the existing premises at 43 Albion Street, and the daily operation of the premises must operate within the strict parameters set by the condition of consent and plan of management.
 - (c) Strict conditions of consent and a plan of management will ensure the premises will not interfere with the amenity of the neighbourhood by reducing the noise of patrons and workers entering and leaving the premises.
 - (d) The plan of management has outlined expectations and requirements for the conduct for patrons and workers to ensure the minimisation of amenity impacts and harm.
 - (e) The plan of management also requires the duty manager to be accountable in preventing impacts to patrons, workers and the immediate neighbourhood. These impacts include environmental impacts and amenity impacts and are: safety, security, noise, traffic, health, hygiene, emergency, waste and staff welfare.
 - (f) The plan of management also contains a requirement for incident reporting, management and resolution related to any safety, security, health, amenity, building and regulatory incidents raised by workers, patrons and neighbours.

Relevant Applications D/1999/303/C and D/2020/485

43. Existing development consents D/1999/303/C and D/2020/485 relate to the proposed operation of the premises.
44. D/1999/303/C contains conditions relating to the operation of the premises for 43 Albion Street, as well as conditions for the carrying out of a renovation resulting in the part enclosure of the rear of the site.

45. The subject development application will allow the consolidation of the 2 sites, and a change of use of 41 Albion Street to a sex services premises with a plan of management related to the consolidated site. To minimise conflict between prior operative conditions contained in D/1999/303, a condition of consent is recommended for the modification of the development consent pursuant to section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979. This will require modification to that base consent to require operation with the plan of management, architectural plans and total amount of sex workers permitted on the premises as proposed under the subject application.
46. D/2020/485 approved the change of use from a residential use to a medical centre. The use of the site as a sex services premises relies on these building works approved under the 2020 consent being completed and carried out.

Heritage Conservation

47. The application was referred for comment to the City's Heritage Specialist and Urban Designer who have no objection to the application, subject to conditions of consent. The conditions of consent relate to a schedule of conservation works for the front facade, door, first floor balconies and dormers.
48. The application of a condition requiring conservation works to the buildings on site is considered reasonable given the change in use and poor condition of the front facade, balconies, dormers and entry doors of No.41 and 43 Albion Street.

Consolidation of Lot 1 in DP 842198 and Lot 1 DP 780913

49. Conditions of consent are recommended for imposition for the delimitation and consolidation of the site. This simplifies the carrying out of building required on the site to facilitate partial demolition occurring to the party walls for an opening between the 2 properties. If the use is to cease, and the sites subdivide back to their original boundaries, it will be expected that the accessway in the party wall between the 2 premises will be filled in.

Waste

50. Conditions of consent are recommended to ensure the proposal complies with the requirements of the Sydney DCP and guidelines for waste management in new developments. The conditions of consent require further information and detail on waste generation, provision of bulky waste storage, identification of a collection strategy and transfer path.
51. A condition is recommended for an amended architectural plans to show an adequately designed waste storeroom, and for the submission of a Construction Waste Management Plan.

Consultation

Internal Referrals

52. The application was discussed with Council's:
- (a) Building Services Unit
 - (b) Environmental Health Unit
 - (c) Heritage and Urban Design Unit
 - (d) Safe City Unit
 - (e) Surveyor
 - (f) Waste Management Unit

Advertising and Notification

53. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 30 March 2026 and 21 April 2026. A total of 62 properties were notified and 5 submissions were received. One of the submissions was a combined submission with 11 signatories.

54. The submissions raised the following issues:

- (a) **Issue:** Neighbourhood amenity and character impacts including noise, traffic, safety, conflict with residential uses and impact on children

Response: The abovementioned neighbourhood amenity and character impacts have been considered during the assessment of the application. Given the lack of substantiated complaints made about the operation of the existing premises at No.43 Albion Street, strict conditions of consent and a plan of management, the likely impacts of the proposal are considered reasonable, mitigatable, and commensurate with the objects of the mixed-use zone.

- (b) **Issue:** Use exceeding the 8 service rooms proposed

Response: A condition of consent will be recommended not permitting use of more than the 8 service rooms as shown on the approved plans.

- (c) **Issue:** Use of rear lane for entry of patrons

Response: A condition of consent will be recommended to only allow patrons with accessibility requirements to utilise the rear lane to access the accessible room. No other patrons are permitted to use this entry, with other patrons entering from the front door of No.41 Albion Street.

- (d) **Issue:** Cost estimate

Response: The cost estimate only relates to alterations and additions works sought under this development consent which include internal wall removal or new partition walls. Other works have been approved in prior applications D/1999/303/C and D/2020/485 but are not included in the cost estimate provided with this application.

- (e) **Issue:** Cumulative Impact

Response: A cumulative impact regarding nearby operating sex services premises is unlikely given their relative distance, with the closest being approximately 80 metres away, measured door to door. Whilst the land use is intensified on the subject site, it is considered acceptable as operation will occur with strict conditions of consent and an enforced plan of management to manage impacts.

- (f) **Issue:** Existing use per division 4.11 of the EPA Act

Response: This is not relevant as existing use rights only applies to uses which are prohibited in a land use zone. Sex services premises are permitted with consent in the MU1 Mixed Use Zone.

- (g) **Issue:** Adequacy of Waste Management Plan

Response: Conditions of consent have been recommended to ensure the waste management plan is adequate and all waste storage is kept on site in a dedicated bin room area.

- (h) **Issue:** Absence of detail in the plan of management regarding welfare of workers including exploitation, trafficking and visa requirements for workers

Response: The proposed development including its plan of management only deals with the approval of the change of land use, associated alterations and additions and management of the proposed operation of the sex services premises. The above-mentioned concerns are serious but are the remit of Safe Work NSW and the Australian Federal Police.

- (i) **Issue:** Dilapidated external appearance

Response: Conditions of consent have been recommended for the external appearances of both facades to be improved by conservation works.

- (j) **Issue:** Incongruous with Objects of the EP&A Act relating to social and economic welfare of the community (1.3(a)) and Loss of rental housing (1.3(b))

Response: Section 4.15 of the EP&A Act sets out the matters of consideration a consent authority must contemplate in determining a Development Application, including the objects of the EP&A Act. In considering the change of use from residential to a sex services premises, the proportional impact of the loss of housing is minimal and is not causing a meaningful impact on the supply or availability of housing within the City of Sydney. Further, the mixed-use zone permits this use with development consent, as it anticipates both residential and commercial land uses within this locality. The strict conditions of consent will work to mitigate and manage the amenity impacts of the development, with the social and economic welfare of the community having a nominal impact as a result of the development.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

55. The City of Sydney Development Contributions Plan 2015 applies to the site. Credits were applied for the most recent past use of the site which was for a residential dwelling.
56. The development is not subject to a section 7.11 local infrastructure contribution under this Plan as the change in use results in a net population decrease.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

57. The development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, .It is also noted that the site is in residual land and involves a change in land use of existing floor area, however, the land use is not being changed to residential or tourist and visitor accommodation. As such, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

58. The development is not subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.

Relevant Legislation

59. Environmental Planning and Assessment Act 1979.
60. Environmental Planning and Assessment Regulation 2021.

Conclusion

61. The application seeks consent to expand an existing sex services premises into an adjoining building. The existing sex services premises at No. 43 Albion Street has been operating since 1996. The proposal will result in an increase from 6 to 8 service rooms. There have been no substantiated complaints logged in the City's records system during the previous 5 years, demonstrating the premises has operated without causing significant environmental impacts to neighbouring buildings.
62. The proposed development intends to utilise an existing entry for the premises from Albion Street and proposes to restrict the use of the rear lane for access only to patrons with accessibility requirements.
63. The proposal is generally consistent with the relevant objectives of the Sydney Development Control Plan 2012 in relation to access to sex services premises.
64. The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 in relation to sex services premises. Subject to recommended conditions, the development will not create any additional adverse amenity impacts nor cause disturbance in the neighbourhood.
65. The premise is to operate in accordance with the management and safety procedures outlined within the endorsed Plan of Management and with regard to recommended conditions of consent.
66. Subject to the recommendation of this report, and the imposition of conditions in Attachment A, the proposal will not result in any additional adverse environmental impacts on the surrounding area. As such, the application is recommended for approval.

NICOLA REEVE

Acting Executive Manager Planning and Development

Max Di Rosario, Planner