



16 Memorial Avenue
PO Box 42
Merrylands NSW 2160

T 02 9840 9840
F 02 9840 9734
E hcc@holroyd.nsw.gov.au
www.holroyd.nsw.gov.au

DX 23408 Merrylands
TTY 02 9840 9988
43° 13' 55" 226 766

Environmental & Planning Services Department

Our Reference: 2007/105-03
Contact: William Attard
Phone: 9840 9835

3 March 2015

Ying Yang Health Center
PO Box 79
AUBURN NSW 1835

Dear Sir/Madam

**PREMISES: 1/181 MCCREDIE ROAD, GUILDFORD WEST
SECTION 96AA MODIFICATION TO DEVELOPMENT CONSENT
S96AA MODIFICATION NO: 2007/105/4**

I refer to your application lodged on 8 July 2014 seeking amendment to Development Consent issued by the Land and Environment Court (Proceedings No. 11031 of 2006) for alterations to Unit 1, 181 McCredie Road, Guildford West to enable use as a brothel.

Pursuant to Section 96AA of the Environmental Planning & Assessment Act, 1979, Council grants approval for the proposed alterations and additions to the premises and continued use of the premises as a 'sex services premises'

Accordingly, Development Consent 2007/105/1 is amended as follows:-

Condition 4 is amended to read as follows:-

4. Development shall take place in accordance with the attached endorsed plans/documentation:
- Plans prepared by Archi-Direct Pty Ltd, Drawing Nos 12161a/DA/101, 12161a/DA/102, 12161a/DA/103, 12161a/DA/104 and 12161a/DA/105 dated August, 2008;
 - Statement of Environmental Effects for Proposed Brothel 'Ying Yang Health Centre' (Report No. SEE-04-0133) prepared by PGH Environmental Planning, dated 11 August, 2006;
 - Statement of Environmental Effects for Proposed Brothel 'Ying Yang Health Centre' (Report Reference No. AG80003GP) prepared by Gough Planning, dated April, 2009;
 - Amended Plan of Management, dated March 2009;
 - Waste Management Plan dated 28 March 2009 and additional details submitted as specified in condition 15a.

As amended by the following plans approved for application 2007/105/4:

- Architectural plans prepared by Actron Design Pty Ltd, Drawing Number 13012, Sheet Numbers 1, 2 and 3, Revision C, dated 25 November 2014 and Sheet Numbers 4 and 5, Revision B, dated 5 February 2014;
- Waste Management Plan dated 28 November 2014;

a place for everyone.



- Plan of Management dated November 2014; and
 - Comments provided by the NSW Police Force – Holroyd Local Area Command, dated 9 September 2014;
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 15a is inserted to read as follows:-

Building Certificate

- 15a. An application for a Building Certificate under Section 149A of the Environmental Planning & Assessment Act 1979 shall be lodged with Council and approved for any unauthorised works that have been carried out to the existing building, other than works deemed to be Exempt or Complying development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Conditions 35a and 35b are inserted to read as follows:-

Works within Council's Reserve

- 35a. Any required adjustment to utility services, trees, signs and other street furniture required approval of the appropriate authority and shall be undertaken by the applicant at no cost to Council.
- 35b. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure form and payment of fees.

Condition 37a is inserted to read as follows:-

Fire Safety

- 37a. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:-
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.

3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

Condition 39a is inserted to read as follows:-

- 39a. The shared area associated with the accessible space onsite shall be provided with a bollard in accordance with AS 2890.6-2009. The bollard shall be removable.

Condition 44 (Paragraph 1) is amended to read as follows:-

44. The brothel shall operate at all times in accordance with the amended Plan of Management dated November 2014. A 24-hour contact number is to be provided to the Owners Corporation, tenants and Council.

Condition 50 is amended to read as follows:-

50. No more than eleven (11) sex workers shall operate from the premises at any one time and no more than one client shall attend a service room at any one time. Service of multiple clients at any one time is not permitted.

Conditions 50a to 50c (inclusive) are inserted to read as follows:-

- 50a. The removable bollard associated with the shared area of car parking space 6 shall be present at all times, except when required to enter and exit the garage space.
- 50b. At least seven (7) car parking spaces numbered and line marked in accordance with the endorsed plan, AS 2890.1-2004 and AS 2890.6-2009, and are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building / premises.
- 50c. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

All other conditions of Development Consent issued by the Land and Environment Court (Proceedings No. 11031 of 2006) remain unchanged.

Section 96AB of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 96 Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

Section 97AA of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 96AA a right of appeal to the Land and Environment Court within 6 months of the date of determination.

If you have any further enquiries please contact William Attard of Council's Environmental and Planning Services Department on 9840 9835, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per:

MANAGER DEVELOPMENT

Noted 

