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12 April 2019

**PRE-DEVELOPMENT APPLICATION ADVISORY PANEL MEETING  
1/181 McCREDIE ROAD, GUILDFORD WEST BELINDA PLACE, MAYS HILL**

**1. Introduction**

This advice has been provided following on from your Pre-Development Application (DCU) meeting held on 19 February 2019 regarding the above property.

Attendees for the Proposal

Representing Cumberland Council

Clare Burke	Senior Development Planner
Bismark Opoku-Ware	Development Planner

**2. Site and Proposal**

The subject site is legally known as SP36943 and commonly known as Unit 1, 181 McCredie Road, Guildford West. The site constitutes a rectangular shaped allotment.

According to the Site Plan submitted by the applicant, the subject site has an area of 2845.5m<sup>2</sup> and the following lot dimensions:

- North and South (rear and front) – 30m; &
- East and West (side) – 94.85m.

The site contains a two storey industrial warehouse/factory units development. The site does not contain a heritage item, adjoin a heritage item nor is it within a heritage conservation area.

Unit 1 operates currently under the approved development consent DA2007/105 and subsequent Section 96 modifications as a Sex Services Premises.

The proposal is to formalise unauthorised works carried out on site and to increase the number of sex workers from 11 to 12 with the provision of an additional room.

**Notes:**

Please be advised that this report only provides a commentary on those aspects of the proposal where there is an obvious non-compliance or where Council is concerned due to the likely amenity impacts. This is based on Council's review of documentation submitted for the Pre DA meeting and the discussion that took place during the meeting. This is by no means a complete assessment of your proposal and you are required to review all applicable legislative requirements and address them in your Development Application/ Section 4.55 Application package at the time of its lodgement.

**3. Documentation Submitted**

This advice has been prepared on the basis of the following documentation:

- Architectural drawings prepared by Tony, Sheet 1 of 3 Issue B dated 12/11/2018, Sheets 2 of 3 Issue B dated 05/12/2018 and Sheets 3 of 3 Issue B dated 12/11/2018, Drawing No. DA-A 01-03, 05-07 & 10, Issue 1, all dated Sep 2015;
- Planning Summary for Pre-DA prepared by PGH Environmental Planning dated 19 December 2018;
- Request for Extension Letter prepared by PGH Environmental Planning undated; &
- Request for Pre-Lodgment Meeting form briefly describing the proposal.

**4. General Comments**

The Development Application/ Section 4.55 Application shall consider and comply with the relevant provisions of the following documents and where a variation is proposed, suitable written justification, documentation and plan details shall be provided:

- Holroyd Local Environmental Plan (HLEP) 2013;
- Holroyd Development Control Plan (HDCCP) 2013;
  - Part A – General Guidelines; and
  - Part D – Industrial Controls.

Please be advised that Council considers each variation on planning merit and will not support a variation where there is insufficient or unsatisfactory town planning justification. Please note however, this does not mean that the variation will be supported.

**5. Information to be submitted for the Purpose of Development Assessment**

Refer to Council's Requirements for Development Applications (DA) and the Major DA Checklist (available on Council's webpage) when preparing the DA documentation. A minimum of three (3) hardcopy sets and one (1) USB copy of all plans and documents

shall be submitted with the DA. The electronic copy submitted on the USB must utilise the file naming conventions as per Section 1.7 within Council's Application Guide for Lodgement. Further to this, specific requirements required as part of this DA package include:

- Works proposed within the common property i.e. front setback area, requires owners consent from the body corporate.
- Architectural Plans, inclusive of the proposed fitout of rooms including furniture layout. Elevations and sections should be submitted as part of any DA Plan Package.
- A landscape plan will be required if any change is proposed to the front setback area, this shall be prepared in accordance with the provisions of the HDCP2013. It is required that the information on the landscape plan provide details of the species, height and condition of existing trees and should detail the proposed finished floor levels of the COS.
- Waste Management Plan for the works and on-going use stages and as per the relevant provisions of the HDCP2013.
- Plan of Management for the operation of the Sex Services Premises on going management when operational. This should include provisions in regards to the maximum staff numbers on site at any one time, the maximum staff working at any one time and provisions for complaint management.

## **6. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The site is located within the Sydney Harbour Catchment. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism. Part 3 of the Plan also contains 'Matters for Consideration' that are applicable to the proposal.

The proposal will be required to provide a Sediment and Erosion Control Plan for the construction stage to ensure water quality to the catchment is maintained and protected.

## **7. Holroyd Local Environmental Plan (HLEP) 2013**

### Clause 2.1 - Land Uses

The subject site is zoned IN1 – General Industrial. The proposal is defined as '*sex services premises*' under the HLEP2013, which is a prohibited land use. Despite this as per Schedule 1 – Additional Permitted Uses Clause 5 (2), development for the purpose of sex services premises is permitted with development consent at the subject site.

Any application will need to address Part 5 - Miscellaneous Provisions and Part 6 - Additional Local Provisions including, but not limited to, the following:

- Clause 6.2 Earthworks
- Clause 6.3 Essential services
- Clause 6.7 Stormwater management

- Clause 6.8 Salinity. The site is identified as having moderate salinity potential.

## 8. Holroyd Development Control Plan (HDCCP) 2013

HDCCP2013 is the principal development control plan applying to the proposed development. Any application must include a Statement of Environmental Effects addressing relevant provisions of the DCP in a compliance table. Any variations to the controls will need to be satisfactorily documented and justified. Please note however, this does not mean that the variation will be supported.

A detailed assessment of the relevant provisions under the HDCCP2013 is not provided in this report as only conceptual plans of the development have been provided.

The following parts apply to the site and proposed development:

- Part A – General Guidelines; and
- Part D – Industrial Controls.

Following a preliminary review of the concept plans the following comments are provided:

Criteria	Comments	Compliance		
		Yes	No	N/A
<b>Part A – General Guidelines</b>				
<b>3.1. Minimum Parking Spaces</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
Sex Services Premises:  Minimum Spaces Required 1 per 2 employee on the premises (1 suitable for disabled)	12 x Sex workers proposed = 6 car spaces required inclusive of 1 disabled  10 car spaces proposed inclusive of 1 disabled  Clarification is required on how many parking spaces are allocated for the exclusive use of Unit 1.  NOTE: Further information is required as part of any Development Application/ Section 4.55 Application as to the number of employees sought on premises beyond sex workers, i.e. administration staff, security personnel, management etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Part D – Industrial Controls</b>				

<b>8. Planning Controls for Sex Services Premises</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
C1. Development consents granted to brothel applications may be initially limited to a period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the approved operations, and compliance with any conditions of development consent.	Any application lodged be it Development Application/ Section 4.55 Application may be subject to conditions of consent limiting the approval to a 12 month period	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C2. If Council is satisfied that the brothel has operated in an orderly manner and with limited impact upon surrounding and nearby land uses, it shall then grant a permanent development consent.	Any application lodged be it Development Application/ Section 4.55 Application should demonstrate the ongoing brothel use's operation being within an orderly manner of limited impact on neighbouring sites. i.e. register of complaints, compliance with health and safety requirements including passing safety inspections.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C3. Council may also impose conditions of consent relating to the hours of operation. This will also be the subject of review after 12 months. If after the 12 month trial, the approved hours of operation are causing a disturbance in the neighbourhood, the Council may further restrict operating hours.	Details of hours of operation and justification for these hours to be included in any Development Application/ Section 4.55 Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C4. Where consent is granted, a specified operator will be nominated on the consent. Should the operator change, Council must be notified prior to work commencing. If the number of sex workers, hours of operation, or signage are proposed to be changed, a new development application may be required.	Details of specified operator to be provided in any Development Application/ Section 4.55 Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8.1. Location, Access and Layout</b> Note: Holroyd Local Environmental Plan 2013 indicates the areas in which development for the purpose of a sex services premises are a permissible use.		<b>Yes</b>	<b>No</b>	<b>N/A</b>
C6. Provide sufficient off-street parking to cater for the specific	Details to be provided as part of Development Application/			

needs of the brothel having regard to the scale of the activity and other activities situated on the same property.	Section 4.55 Application of the exclusive use of the proposed car parking on site for Unit 1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C7. Access to the premises shall not be visible from a public place.	Plans indicate compliance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C8. Carparking areas, access corridors and entrances are to be adequately lit for the security of both workers and clients.	Details to be provided as part of Development Application/ Section 4.55 Application detailing appropriate lighting of areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C9. It is imperative that suitable reception/waiting areas be provided to the brothel so as to prevent clients loitering outside these premises.	Plans indicate compliance but specific details to be provided as part of Development Application/ Section 4.55 Application. Operational Plan of Management should detail measurements to reduce the likelihood of clients loitering outside the premises.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C10. The layout of the proposed brothel when in operation shall not cause any disturbance in the neighbourhood that is a direct result of its scale, (including the number of sex workers, support staff, clients, lighting and/or noise).	Details to be provided as part of Development Application/ Section 4.55 Application. Operational Plan of Management should detail measurements to reduce disturbance to the neighbourhood.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C11. In no circumstances should sex workers be visible in windows or doorways of their related premises.	Plans indicate compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8.2. Parking</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
C1. Parking for Sex Services Premises is to be at the rate of 1 space for each 2 employees on the premises at any given time.	12 x Sex workers proposed = 6 car spaces required inclusive of 1 disabled  10 car spaces proposed inclusive of 1 disabled  Refer to earlier comments on parking under Section 3.1 above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C2. One space should be suitable	1 disabled space proposed			

for disabled parking.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C3. Parking areas are to be well lit and signposted.	Details to be provided as part of Development Application/ Section 4.55 Application of lighting and signposting of car parking area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8.3. Hours of Operation</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
C1. The hours of operation are not specified by this DCP. In the case of each development proposal, Council will exercise its discretion in relation to permitted hours of operation of Sex Services Premises in the circumstances of each case, taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.	No change to hours of operation sought by subject application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8.4. Security and Public Safety</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
C1. Ensure that the development conforms to the objectives and controls within Section 10 of Part A of this DCP.	Details to be provided as part of Development Application/ Section 4.55 Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2. Provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to include: <ul style="list-style-type: none"> <li>a) security personnel;</li> <li>b) the lighting of access ways and car parking areas, particularly in respect of isolated premises;</li> <li>c) security doors;</li> <li>d) 'active' uses presented to the street to promote surveillance and safety;</li> <li>e) premises clearly numbered, with the number clearly visible from the street;</li> <li>f) avoid the use of isolated back lanes and poorly lit areas;</li> <li>g) any landscaping that is proposed must not obstruct the visibility from public areas of entrances and exits.</li> </ul>	Details to be provided as part of Development Application/ Section 4.55 Application. Inclusive of details within the Operational Plan of Management as to means to ensure worker, client and general public safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C3. The licensing of premises for the sale or consumption of alcoholic beverages is strictly prohibited.	Details to be provided as part of Development Application/ Section 4.55 Application, that no on site sale or consumption of alcoholic beverages.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8.5. Health and Building</b>		<b>Yes</b>	<b>No</b>	<b>N/A</b>
C1. Make adequate provision for amenities (showers, toilets, basins, etc) for use by workers and clients, having regard to the scale of the proposed development.	Plans indicate compliance but further details to be provided as part of Development Application/ Section 4.55 Application, including plans annotating amenities for client/staff use.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2. Council's health requirements are specified in Council's Policy "Health Standards for sex services premises" and must be complied with. A summary of the requirements is as follows:- a) the cleanliness of the premises; b) sanitary facilities; c) the safe storage and handling of contaminated waste (including its disposal by the OEH Licensed collectors); d) the provision and cleaning of linen and laundry items; e) pool and spa water complying with the NSW Health Department's "Guidelines for Disinfecting Public Swimming Pools and Spa Pools"; f) education of workers and their clients; g) the provision and storage of condoms and other approved latex products under the Therapeutic Goods Accreditation; h) health of sex workers; i) the examination of clients; j) ventilation and lighting; k) noise; and l) bars and food preparation areas.	Details to be provided as part of Development Application/ Section 4.55 Application in both the submitted SEE and Operational Plan of Management.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C3. Keep passageways, hallways, corridors, egress paths and the like clear of obstructions and accessible	Details to be provided as part of Development Application/			



to a minimum width of one (1) metre or a greater distance if so directed by Council.	Section 4.55 Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C4. Provide fire safety equipment, emergency lighting, exit signs, smoke detectors and any other essential services to the satisfaction of Council.	Details to be provided as part of Development Application/ Section 4.55 Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C5. Provide the correct type of portable fire extinguishers (for example, water-based extinguishers for paper and wood fires; dry chemical extinguishers for electrical fires). These must be appropriately identified, accessible and their location(s) made known to all employees.	Details to be provided as part of Development Application/ Section 4.55 Application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C6. Ensure all essential services are serviced by a suitably qualified person and a Certificate of Compliance must be forwarded to Council annually.	Details to be provided as part of Development Application/ Section 4.55 Application. Details to be provided in the Operational Plan of Management.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C7. Establish and signpost evacuation procedures with instructions, and carry out emergency drills on a regular (minimum 3 monthly) basis. Ensure adequate general maintenance of all work buildings and structures. This should cover, for example, electrical safety and maintenance of floors to avoid trip hazards.	Details to be provided as part of Development Application/ Section 4.55 Application inclusive of details within Operational Plan of Management.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As per the above compliance the concept plans provided indicate compliance with Council controls, however further details must be provided to support the application at the DA/S4.55 lodgement stage.

## 9. Landscaping and Trees

It is recommended that a Pre-DA lodgement advice for the vegetation removal and potential impact of the car parking area on trees be obtained prior to the lodgement of the Development Application/ Section 4.55 Application. This process will allow site inspection to be carried out by Council's Tree Management Officer. The existing trees within the front setback appear to be in good health. The applicant will need to demonstrate that all options to conserve established and healthy trees have been exhausted, if the Development Application/ Section 4.55 Application is to be submitted with an arborist report supporting tree removal.

### Survey & Corresponding Plans

All development applications are to include a topographical survey prepared by a registered surveyor. Along with detailing existing contours and spot levels (to the Australian Height Datum – AHD), structures and hard surfaces (including finished floor/surface levels), services (e.g. power poles) and easements on/adjacent to the site, the survey is to show all existing trees/vegetation above 3.6 metres in height on, overhanging and/or within 5 metres of the subject site and any associated works (e.g. new easements). The trees are to be depicted in terms of the centre point of the trunk at ground level and canopy spread. The reduced level at the base of the tree, the trunk diameter measured 1.4 metres above ground level and the tree's height is also to be recorded on the survey.

All trees/vegetation are to be numbered, which if applicable is to correspond with the numbering shown in Council's Pre-DA Lodgement Advice or the Consulting Arborist's report – see below.

#### Pre-DA lodgement advice/consulting arborist report & design

All trees/vegetation shown on the survey are to be assessed for their suitability for retention considering Council's Tree Management Controls contained within Holroyd Development Control Plan (DCP) 2013 (Part A – Section 4). This information is to be utilised, along with the other design criteria for the site/type of development to create a satisfactory design outcome including the long-term viability of any tree/s to be retained. An assessment of the trees may be undertaken by Council Officers. In this regard, an application for Pre-DA Lodgement Advice is to be submitted.

If Council's Pre-DA Lodgement Advice is not adhered to (in terms of the tree/s to be retained and Tree Protection Zones (TPZ) required) the DA is to include justification in the form of a detailed analysis from the Architect/Designer of the design options/constraints in relation to retaining the specified tree/s within the specified TPZ/s. The DA is to also include a report (see item below) from a Consulting Arborist (AQF Level 5) in relation to the trees Council specified to be retained.

If Council's Pre-DA Lodgement Advice is not sought/adhered to a Consulting Arborist (AQF Level 5) is to be engaged to undertake an assessment of the trees suitability for retention and provide a report on their findings (Refer to Council's submission requirements for Arborist reports.). The report is to outline the health and condition of the tree/s, provide recommendations concerning their retention/removal and any setbacks and protection measures and/or replacement trees required. The Arborist must consider AS 4970-2009 'Protection of trees on development sites' in determining any possible impacts on the trees and means to minimise such impacts.

Generally, Council requires trees on the site which are assessed as suitable for retention and all trees on adjoining sites to be retained with appropriate tree protection zones determined in accordance with AS 4970-2009 'Protection of trees on development sites' within which no works should occur.

A copy of Council's Pre-DA Lodgement Advice or the Consulting Arborist's Report must be submitted with the Development Application.

All relevant plans are to show and number the trees as per the survey and reflect the Council's Pre-DA Lodgement Advice or the Consulting Arborist's recommendations in terms of trees to be retained/removed, tree protection zones etc. Occasionally Council's Pre-DA Lodgement Advice or a Consulting Arborist's report may not be required e.g. the trees are exempt from Council's Tree Controls. In this case existing trees are to be identified botanically on the survey/site plan.

### Design

The majority of the required front setback area is to be planted out with suitable trees, shrubs and groundcovers. Hard surface areas for paths, patios etc. are to be minimised. The provision of landscape area including deep soil zones in accordance with Holroyd DCP 2013.

### Development Consent

If relevant, an approved Development Consent will usually contain conditions in relation to:

- Tree protection prior to and throughout any works. This may include the imposition of bonds against the retention and protection of existing and the planting of new trees on adjacent Public land.
- The implementation and establishment/maintenance of the required new and existing landscaping elements, including trees required to be retained. Many of these conditions will require inspections by Council Officers or if Council is not the Principal Certifying Authority, other relevant professionals. Fees will be applicable to these inspections.

## **10. Engineering**

The subject PDA was not forwarded to Engineering for review, however it should be noted that if the front setback car parking works are to form part of a future DA they will be subject to a detailed review. As such car parking spaces, sight distance and loading areas shall comply with Holroyd DCP 2013 and Australian Standards (i.e. AS2890.1 – 2004 and AS2890.6-2009 for disabled spaces).

Further to this, the increase of onsite hard paved areas may trigger changes to the onsite stormwater management and as such any application would need to demonstrate compliance with Part A Section 7.0 Stormwater Management of HDCP2013 and this includes compliance with Council's On-site Stormwater Detention policy for stormwater management. Additionally to this the subject site is identified as being flood affected and this should be considered as part of any application.

Of note is the potential impact of the additional car parking area on the site services provided in the front landscaped setback area. Any Development Application/ Section 4.55 Application submitted should include details for the appropriate relocation of these services and infrastructure.

## **11. Other Matters / General Requirements**

Any Development Application/ Section 4.55 Application that is lodged shall include required documentation as specified in Council's Requirements for Development Applications and Major DA Checklist (available from Council's website) including documentation addressing the following issues:

- i) Building Code of Australia – The design must comply with the Building Code of Australia
- ii) Accessibility – The building shall be accessible and details shall be provided on the DA plans demonstrating compliance with the relevant standards.
- iii) Survey Plans should be recent and indicative of what is located currently on the subject and all adjoining sites.

Other documentations required, but not limited to, as part of the Development Application/ Section 4.55 Application submission are:

- i) Colour and material schedule;
- ii) Stormwater management plan; and
- iii) Waste management plan.

## **12. Conclusion**

The proposed development in its current form is considered suitable for the subject site. As part of any application for the subject site all relevant development standards and controls under HLEP2013, and HDCP2013 are to be addressed prior to the lodgement of any application, as detailed elsewhere in this correspondence.

## **13. Important Information**

Please note this advice has been prepared on the basis of the information and concept plans that have been submitted to Council for this pre DA meeting. Other issues may arise following a detailed assessment of any DA that is lodged.

Furthermore, any Development Application/ Section 4.55 Application that is lodged shall be assessed on its merits and shall have regard for, and be designed in accordance with, the relevant planning controls (including any state or local environmental planning instruments) precinct plans, development control plans or policies, and the Building Code of Australia and relevant standards.

The views expressed may vary once detailed plans and information are submitted and formally assessed in the DA process, or as a result of issues contained in submissions by interested parties.

These comments do not bind Council Officers or other bodies beyond Council, in any way whatsoever.

For further enquiries please contact Clare Burke on 02 8757 9970.

Yours faithfully



Sohail Faridy  
COORDINATOR DEVELOPMENT ASSESSMENT