

Our Reference:
Contact:
Phone:

2007/105/5
Ms C L Burke
02 8757 9970

14 August 2019

PGH Environmental Planning
PO BOX 714
SPRINGWOOD NSW 2777

Dear Sir/Madam

**PREMISES: 1/181 MCCREDIE ROAD, GUILDFORD WEST
SECTION 4.56 MODIFICATION TO DEVELOPMENT CONSENT NO. 2007/105/1
S4.56 MODIFICATION NO. 2007/105/5**

I refer to your application lodged on 17 May 2019 seeking amendment to Development Consent 2007/105/1 issued for *internal alterations and additions to existing industrial unit and its use as a brothel*. The modification seeks internal alterations and additions to an existing brothel, including the formalisation of unauthorised internal works, internal alterations and additions introduce three (3) additional service rooms to a total of fourteen (14) and increase the number of staff to a total of fourteen (14) – twelve (12) sex workers and two (2) management/office staff.

Pursuant to Section 4.56 of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modifications sought.

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

Condition 4 is amended to read as follows:

2. Development shall take place in accordance with the attached endorsed plans:
 - Drawing Nos. 12161/DA/001, 12161/DA/002 (Rev. A), 12161/DA/003 (Rev. B), 12161/DA/101, 12161/DA/102 (Rev. A) and 12161/DA/201 prepared by Archi-Dr Building Designers;
 - Statement of Environmental Effects for Proposed Brothel “Ying Yang Health Centre” (Report No. SEE-04-0133) dated 11 August 2006 prepared by PGH Environmental Planning;
 - Amended Plan of Management, Annexure “B” Prepared by PGH Environmental Planning; and
 - Waste Management Plan dated 15 August 2006.

As amended by the following plans and documents approved by application 2007/105/2, dated 11 August 2009:

- 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 28 August 2008;
 - Statement of Environmental Effects for Proposed Brothel “Ying Yang Health Centre” (Report Reference No. AG080003GP) prepared by Gough Planning, dated April 2009;
 - Amended Plan of Management, dated March; and
 - Waste Management Plan dated 28 March 2009 and additional details submitted as specified in condition 15a.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

As amended by the following plans and documents approved by application 2007/105/4, dated 3 March 2015:

- 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;
 - 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.

As amended by the following plans and documents approved by application 2007/105/5, dated 14 August 2019:

- Architectural plans prepared by 3D Works, Project No. A022, Drawing Numbers: 1-3 of 3, Issue A dated 13/05/2019;
 - Waste Management Plan prepared by PGH Environmental Planning dated 6th May 2019; and
 - Third Further Amended Plan of Management 1/181 McCredie Road, Guildford, dated May 2019
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 15a – 15f are to be inserted to read as follows:

Building Certificate

15a. A Building Certificate application is to be lodged with and approved by Council for the unauthorised works carried out on site.

Construction Certificate

- 15b. An amended Construction Certificate in relation to the approved Section 4.56 application is to be lodged with Council. In conjunction with this a report from a suitably qualified Building Code of Australia Consultant shall be submitted to the certifying authority detailing compliance with Volume One of the Building Code of Australia 2019.

Separation by Firewall

- 15c. The Construction Certificate plans are to detail compliance with Part C2 of the Building Code of Australia 2019 in regards to the separating wall between Unit 1 and Unit 2.

Access for people with a disability

- 15d. The Construction Certificate plans are to detail compliance with the Disability (Access to Premises – Buildings) Standards 2010 and Part D3 of Volume One of the Building Code of Australia 2019.

Mechanical Ventilation

- 15e. The Construction Certificate plans are to detail compliance with AS 1668.2 and AS/NZS 3666.1.

Room Heights

- 15f. The Construction Certificate plans are to detail room heights complying with Section F of the Building Code of Australia 2019.

Condition 43a – 43d are to be inserted to read as follows:

Firewall certification

- 43a. Prior to the issue of any Occupation Certificate an accredited fire engineer is to certify the separating fire wall between unit 1 and unit 2 as complying with the Building Code of Australia 2019.

Accessibility Certification

- 43b. Prior to the issue of any Occupation Certificate a suitably accredited access consultant is to certify compliance with the Disability (Access to Premises – Buildings) Standards 2010 and Part D3 of Volume One of the Building Code of Australia 2019.

Mechanical Ventilation

- 43c. Prior to the issue of any Occupation Certificate a suitably qualified mechanical engineer is to certify compliance with AS 1668.2 and AS/NZS 3666.1.

Section J

- 43d. Prior to the issue of any Occupation Certificate a suitably qualified Section J consultant is to certify compliance with Section J of the Building Code of Australia 2019.

Condition 44 be amended to read as follows:

44. The brothel shall operate at all times in accordance with the ~~Plan of Management dated November 2014~~ Third Further Amended Plan of Management 1/181 McCredie Road, Guildford, dated May 2019. A 24-hour contact number is to be provided to the Owners Corporation, tenants and Council.

Condition 50 be amended to read as follows:

50. No more than ~~eleven (11) sex workers~~ 14 staff (12 sex workers and 2 management/office staff) shall be present at any one time. No more than 12 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.

All other conditions of Development Consent 2007/105/1, Modifications 2007/105/2, 2007/105/3 and 2007/105/4 remain unchanged.

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.56 a right of appeal to the Land and Environment Court.

Section 8.2 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.56 Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

If you have any further enquiries please contact Ms C L Burke of Council's Environment and Planning Department on 02 8757 9970, Monday to Friday.

Yours faithfully,

Karl Okorn
EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT