

Environmental & Planning Services Department

Our Reference: DA 2007/105
Contact: Rick Beers
Telephone: 9840 9811

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (AMENDED)
NOTICE OF DETERMINATION OF APPLICATION**

26 February 2007

PGH Environmental Planning
Suite 1, Level 1
483 High Street
PENRITH NSW 2750

Dear Sir/Madam,

Pursuant to Section 81 of the Act, Council has refused to grant approval to your Development Application described as follows:

PROPERTY: Lot 1, SP 36943

STREET ADDRESS: 1/181 McCredie Road, Guildford West

REFUSAL NO. 2007/105 **DECISION DATE:** 20 February 2007
Council meeting

PROPOSED DEVELOPMENT: Internal alterations and additions to existing industrial unit and its use as a brothel

This Development Application is **REFUSED** in accordance with the Environmental Planning & Assessment Act 1979 (amended). The reasons for refusal are set out below.

NOTES:

1. Section 82A of the Act provides that an applicant may request, within twelve (12) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.
2. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within twelve (12) months of the date of determination, or as otherwise prescribed.

REASONS FOR REFUSAL

1. Failure to comply with the following provisions of Holroyd Development Control Plan No. 25 – Planning Controls for Brothels (pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979):-
 - (a) Clause 7.1(c) – The location of the premises and its proposed operating hours are likely to affect the existing and future amenity of the locality.
 - (b) Clause 7.1(g) – The proposal is likely to create adverse economic impacts on development in the locality, in particular, deterring potential customers and future lessees thereby reducing economic income and increasing insurance costs for neighbours.
 - (c) Clause 7.1(i) – The proposed development fails to satisfactorily address the provisions of this plan.
 - (d) Clause 8.2 – Controls - Location – The premises is prominently located at the street front and its proposed operating hours are likely to result in brothel clientele interacting with other owners and employees and customers in the industrial complex and causing offence, and resulting in economic impacts on adjoining businesses in the locality.
 - (e) Clause 8.3 – Controls – Access – The subject premises has a street front location and is visible from a public place which is likely to affect the amenity of the locality.
 - (f) Clause 10.1 – Hours of Operation - Objective & 10.2 Controls – The proposed hours of operation of Monday to Friday 10am – 10pm and 10am to 8pm Saturday are likely to result in brothel clientele interacting with other owners and employees and customers in the industrial complex, causing offence and significant impact on nearby landuses.
2. The proposal will adversely impact on the amenity of the locality and is incompatible with existing landuses and activities, by virtue of the reasons outlined above (pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
3. Notwithstanding, the proposal is permissible with consent from Council, the subject site is not suitable for the proposed development (pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
4. The proposal fails to adequately consider the issues raised in public submissions (pursuant to Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979).
5. The granting of approval to the proposed development is not in the public interest (pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).

Yours faithfully,

D Trezise
GENERAL MANAGER

Per:


MANAGER DEVELOPMENT