

Environmental & Planning Services Department

Our Reference: 2007/105/2
Contact: Paul Anzellotti
Telephone: 9840 9820

11 August, 2009

Ying Yang
P.O Box 79
AUBURN NSW 1835

Attention: The Owner of Ying Yang

**PREMISES: 1/181 McCREDIE ROAD, GUILDFORD WEST
SECTION 96AA MODIFICATION TO DEVELOPMENT CONSENT
MODIFICATION APPLICATION NO. 2007/105/02**

I refer to your application lodged on 28 April, 2009 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 96(1A) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the numerous modifications to the existing brothel as follows:-

- The construction of 5 additional working rooms to create a total of 8 working rooms;
- The construction of additional waiting and staff rooms;
- Retrospective approval for works undertaken without prior consent (eg, reconfiguration of room layout/uses) and associated facilities such as bathrooms;
- An increase in the number of sex workers operating from the premises at any one time from 3 to 8;
- Extend hours of operation from 10.00am to 10.00pm Monday to Friday and 10.00am to 8.00pm on Saturdays (no work Sunday) to 24 hours a day, 7 days a week, and
- Seven (7) off street parking spaces to be provided for staff and customers

Accordingly, Development Consent 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 28 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. AG080003GP) 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.
- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

Condition 15a is to be included as follows:-

- 15a. An amended Waste Management Plan is to be provided, indicating a specific recycling contractor or outlet as required in each section. In this regard, details are to be provided to the Principal Certifying Authority prior to the issue of an amended Construction Certificate in relation to the approved Section 96 application.

Condition 15b is to be included as follows:-

- 15b. Prior to the issuing of an amended Construction Certificate in relation to the approved Section 96 application, a report from a suitably qualified Building Code of Australia Consultant shall be submitted to the certifying authority addressing Parts D, E, F and J of the Building Code of Australia. This report shall identify any non compliances with the deemed to satisfy provisions and provide detailed upgrading requirements to ensure compliance with the Building Code of Australia.

Condition 15c is to be included as follows:-

- 15c. Prior to the issuing of an amended Construction Certificate in relation to the approved Section 96 application, a practicing structural engineering certificate shall be submitted to the Certifying Authority which confirms that the existing unauthorised works are structurally adequate to sustain the applied loads.

Condition 43a is to be included as follows:-

- 43a. A sign is to be provided to the existing security fence facilitating units 2, 3 and 4 at the cost of the applicant which reads, 'No parking for Unit 1 beyond this point. Gates are locked after __pm'. In this regard, prior approval is to be obtained from the Strata Body Corporate also identifying which time the gate will be locked and the signage appropriately modified with a correct time.

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

44. The brothel shall be operated at all times in accordance with the amended plan of management dated 28 March 2009. A 24-hour contact number is to be provided to the Owners Corporation, tenants and Council.

Condition 46 is amended to read as follows:-

46. The permitted hours of operation for the premises are:-
24 hours a day, seven days a week;



for a trial period of 12 months (from the commencement of the Section 96 modification) and that a report be presented to Council after both 6 and 12 month operation, on the effect of the extended operating hours on the amenity of surrounding industrial unit occupations.

Upon the expiry of the 12 month trial above, the hours of operation for the brothel shall revert back to the following:

10.00am and 10.00pm Monday to Friday; and
10.00am and 8.00pm Saturdays

Alternatively, prior to the expiry of the trial period, a Section 96 application shall be lodged seeking a permanent extension of time to the extended trading hours. At the time of lodging the Section 96 application, it shall be adequately demonstrated that the extended hours of operation had been in operation for at least a continuous period of 9 months.

Condition 50 is amended to read as follows:-

50. No more than eight (8) 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-.

Condition 77 is to be included as follows:-

77. No approval is expressed or implied for the service/sale of beverages or food from the premises.

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

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.

Section 96(6) of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 96(1A) a right of appeal to the Land and Environment Court.

If you have any further enquiries please contact Paul Anzellotti of Council's Environmental and Planning Services Department on 9840 9820, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per:

MANAGER DEVELOPMENT