



DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	MOD/2023/0408
<b>Address</b>	47 Sydenham Road MARRICKVILLE NSW 2204
<b>Proposal</b>	Section 4.55(2) application to modify Determination DA201700252 dated 12 October 2017 to operate the existing brothel 24 hours a day
<b>Date of Lodgement</b>	4 December 2023
<b>Applicant</b>	Mark Li
<b>Owner</b>	Ms Feng Li Ms Dongling Shang
<b>Number of Submissions</b>	Initial: 1
<b>Value of works</b>	Nil
<b>Reason for determination at Planning Panel</b>	Sensitive Development (sex service premises)
<b>Main Issues</b>	Amenity Impacts
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans and Plan of Management of approved development
<b>Attachment C</b>	Current Notice of Determination (DA201700252)



Subject Site		Objectors		
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Determination DA201700252 dated 12 October 2017 to operate the existing brothel 24 hours a day at 47 Sydenham Road Marrickville.

The application was notified to surrounding properties and one (1) submission was received.

Subject to recommended conditions, the application is recommended for approval.

## 2. Proposal

DA201700252 approved alterations and additions to the existing brothel at 47 Sydenham Road to include an additional massage room and upgrades to existing rooms and staff amenities. The approved hours of operation are restricted to between the hours of 9.00am and 1.00am (the following day) 7 days a week (including Public Holidays).

Approval is sought to operate the brothel 24 hours a day for the following reasons (as outlined in the submitted Statement of Environmental Effects):

*The proposal is seeking for extension of operation hours from 9am to 1am to 24 hours per day. The reason of extending operation hours is due to increasing staff numbers from 4 to 12. While the premise remain 4 rooms. The current arrangement for each staff's working hours is 2-3 days. The proposed 24hours per day will provide full time working hours for each staff every day.*

The approved DA did not limit the number of workers on site; however, condition 10 of the consent restricts the maximum number of working rooms to four (4). It is not proposed to change the number of working rooms as part of this application.

## 3. Site Description

The subject site is located on the north-eastern side of Sydenham Road, at the intersection with Shirlow Street and Buckley Street. The site consists of one allotment and is generally rectangular in shape with a total area of 240sqm and is legally described Lot 6 in Deposited Plan 13481.

The site has a frontage to Sydenham Road of six (6) metres and a secondary frontage of approximately 37 metres to Shirlow Street. The site is not a listed heritage item nor is it located within a heritage conservation area. The site is identified as a flood control lot.

The property is currently occupied by a single storey masonry building, which is currently operating as a brothel. The property is surrounded by single and two storey industrial development.



Figure 2: Zoning Map (subject site highlighted in red)

## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

#### Subject Site

Application	Proposal	Date & Decision
DA200000739	To carry out internal alterations to the premises and use the premises for the purposes of a brothel and to erect an associated sign.	07/03/2001 Deferred Commencement
DA201000478	To continue the use of the premises as a brothel	08/12/2010 Approved
DA201700252	To carry out alterations and additions to the existing brothel to include an additional massage room and upgrades to existing rooms and staff amenities	12/10/2017 Approved

#### Surrounding properties

46 Sydenham Road		
Application	Proposal	Decision & Date
DA201100221	To fit out and use the premises as a 5 room brothel operating between the hours of 10.00am and 6.00am (the following day) 7 days a week	03/08/2011 Approved
DA201100221.01	To modify Determination No. 201100221 dated 3 August 2011 to modify the existing sex services premises to increase the number of work rooms from 5 to 9 with 1 additional waiting room, 3 guest toilets and 2 staff rest rooms located on the ground floor	29/09/2017 Approved

46 Sydenham Road		
Application	Proposal	Decision & Date
	and to operate 24 hours a day, 7 days a week.	
DA201100221.02	To modify Modified Determination No. 201100221.01 dated 26 September 2017 to correct a number of errors in the consent.	20/03/2018 Approved
DA201100221.03	To modify Modified Determination No.201100221.02 dated 20 March 2018 to provide a fire isolated passage for fire egress, amend room dimensions, correct boundary alignment and widen the accessible parking space.	05/10/2018 Approved

#### 4(b) Application history

Not applicable

### 5. Assessment

#### (a) Section 4.55 Modification of Consent

The following is a summary of the assessment of the application in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979 (EP and A Act 1979)*.

Section 4.55(2) of the *EP and A Act 1979* allows a consent authority to modify a development consent granted by it, if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In considering the above:

- The essence of the development, as modified, is substantially the same as the original consent.
- Concurrence or General Term of Agreement from any approval body are not required.
- The application was notified in accordance with Council's Community Engagement Strategy.
- One submission was received, and matters raised in the submission have been considered in the body of this report.

In consideration of Section 4.55(3) of the *EP and A Act 1979* the consent authority has taken into account the following reasons given by the determination authority for the granting of the original consent:

- The proposal generally complies with Council's controls and is not considered to result in any significant impacts on the amenity of adjoining premises and the streetscape.
- The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application.
- The application is considered suitable for approval subject to the imposition of appropriate conditions.

It is considered that the modified proposal has taken into account the aforementioned reasons that the original development consent was granted.

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

#### 5(b) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

*Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The following provides further discussion of the relevant issues:

##### 5(b)(i) *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 5.21 – Flood planning
- Section 6.10 – Location of restricted premises and sex services premises

##### i. Section 1.2 - Aims of Plan

The proposal, subject to recommended conditions, is consistent with the relevant aims as follows:

- (e) The proposal facilitates economic growth and employment opportunities within Inner West.
- (h) The proposal will not result in adverse social, economic and environmental impacts on the local character of Inner West.
- (i) The development will not result in adverse social, economic and environmental impacts, including cumulative impacts.

##### ii. Section 2.3 Land Use Table and Zone Objectives

The site is zoned E4 General Industrial. The IWLEP 2022 defines the development as

*sex services premises means a brothel, but does not include home occupation (sex services).*

The development is permitted with consent within the land use table. The zone objectives of the E4 zone are as follows:

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To protect industrial land in proximity to Sydney Airport and Port Botany and the Eastern Economic Corridor.
- To retain existing and encourage new industrial uses to meet the needs of the community.

The development is consistent with the applicable objectives of the E4 zone as follows:

- The proposal provides a permissible land use.
- The proposal will not adversely impact the efficient and viable use of the land.
- Subject to recommended conditions, the proposal will not result in adverse effects on other of industries and land uses in the area.
- The proposal provides employment opportunities.
- The proposal provides a non-industrial land use that provides services to businesses and workers.
- The proposal will not adversely impact industrial land in proximity to Sydney Airport and Port Botany and the Eastern Economic Corridor.

iii. Section 5.21 Flood Planning

The property is identified as a flood control lot. No building works are proposed as part of the subject application. It is noted that the DA, which is proposed to be modified, was referred to Council's Development Engineer who provided the following comments:

*This is an application for minor alterations and additions to a brothel. The site has been identified as being subject to flooding during a 1 in 100 year storm event in the Marrickville Valley Flood Study. The 1 in 100 year flood level has been determined to be RL 2.35m AHD. As such it is proposed to impose a condition that any new internal works below RL 2.85m AHD (500mm freeboard) be constructed from flood compatible materials and all new electrical wiring must be waterproofed or raised above RL 2.85m AHD.*

Conditions in accordance with the requirements of Council’s Development Engineer are included in the previous DA consent and will remain in force ensuring the proposal is satisfactory in relation to Flood Planning under Clause 5.21 of IWLEP 2022.

iv. Section 6.10 – Location of restricted premises and sex services premises

In accordance with Clause 6.10 of IWLEP 2022,

*Development consent must not be granted for the purposes of restricted premises or sex services premises unless, when measured from the boundary of the lot on which the premises will be used, the development will be located—*

- (a) more than 200m from land in a residential zone or Zone RE1 Public Recreation, and*
- (b) more than 200m from a place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and*
- (c) more than 50m from a railway station entrance, bus stop, taxi rank, ferry terminal or similar public utility undertaking.*

While the brothel at the subject site is located within 200 metres of an existing approved brothel at 46 Sydenham Road, Marrickville (located approximately 160 metres to the west of the site), the brothel has a current (and past) approval by Council.

Given development consent has already been granted for the brothel at this location, strict application of the requirements of this clause is not feasible. The premises is not located within proximity of any potentially sensitive developments (such as those frequented by children); and the proposed development will provide additional hours for both customers and workers alike. In addition, subject to recommended conditions, the proposal will increase safety and security for workers, customers and users of surrounding sites.

In view of the above, the development is considered satisfactory under Section 6.10 of IWLEP 2022.

5(c) **Development Control Plans**

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

The following provides discussion of the relevant issues:

<b>MDCP 2011 Part of MDCP 2011</b>	<b>Compliance</b>
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.8 – Social Impact Assessment	Yes – see discussion
Part 2.9 – Community Safety	Yes – see discussion
Part 2.10 – Parking	Yes – see discussion
Part 7.3 – Sex Industry and Adult Business Premises	Yes – see discussion
Part 9 – Strategic Context	Yes – see discussion

The following provides discussion of the relevant issues:

i. Part 2.6 Acoustic and Visual Privacy

Part 2.6 of MDCP 2011 contains objectives and controls relating to visual and acoustic privacy. The proposal will not result in changes to visual privacy.

Given the premises is generally surrounded by non-sensitive land uses and given that there is no outdoor area for congregating, the proposal is unlikely to result in any adverse impacts on the amenity of the surrounding area. A noise condition has been imposed on the consent, which will remain in force, restricting any noise emanating from the premises to be below 5dB(A) below the background (LA90) noise level.

As outlined previously, it is not sought to increase the number of working rooms and, as such, and for the reasons outlined above, the proposal is considered satisfactory in relation to visual and acoustic privacy under Part 2.6 of MDCP 2011.

ii. Part 2.8 Social Impact Assessment

Part 2.8 of MDCP 2011 contains objectives and controls relating to social impact assessment.

A Social Impact Statement did not accompany the application. A rigorous Plan of Management (POM) was submitted with the DA, and referenced in the consent, detailing operational and security measures to ensure that the use will not adversely impact on the amenity of the surrounding locality.

The application was referred to Council's Regulatory Section for comment and no objections were raised. In addition, Council's Environmental Health Section and NSW Police raised no objections, subject to existing, and newly recommended conditions, which have been included in Attachment A.

Subject to existing and recommended conditions, it is considered that the proposal is unlikely to result in adverse social impacts to the surrounding community and the venue will operate without adversely impacting on the surrounding neighbourhood in relation to noise, parking, safety/security and traffic.

iii. Part 2.9 Community Safety

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The development is considered reasonable having regard to community safety for the following reasons:

- The principal entry to the brothel will remain visible from the street.
- The approved development, and POM, *inter alia*, include and outline the following security measures:
  - Perimeter doors that are fitted with motion-activated sensors to monitor entry and exit from the premises.
  - An intercom system in each room to ensure that the worker can alert front desk to any problem that may arise with a client.
  - Lighting in the entryways.
  - An electronic steel mesh security door at the main entrance to allow monitoring of all who enter or leave the premises.



In addition, NSW Police provided conditions, which are included in Attachment A, to improve security and, subject to adhering to existing and proposed conditions, the proposed development is considered reasonable having regard to community safety under Part 2.9 of MDCP 2011.

iv. Part 2.10 Parking

Under Part 2.10 of MDCP 2011, the subject property is located in Parking Area 2. The use generates a demand of one (1) parking space per 80sqm of gross floor area (GFA) for customers and staff.

The premises has a GFA of 156sqm and, therefore, requires a minimum of two (2) car parking spaces. The application retains three (3) car spaces at the rear of the site, which are accessed from Shirlow Street, which complies with Council's car parking controls.

v. Part 7.3 Sex Industry and Adult Business Premises

*Part 7.3.3.1 Management Details and Part 7.3.3.7 Safety and Security*

A comprehensive POM that adequately addressed the following matters was provided with the DA:

- Hours of Operation;
- Safety and Security Measures;
- Waste Management;
- Cleaning and Hygienic Practices;
- Dealing with anti-social behaviour;
- Worker and Client Health and Safety Education;
- Parking;
- Staff Responsibilities;
- Access for People with Disabilities;
- Emergency procedures; and
- Illegal activities on the premises.

A condition has been included in Attachment A, requiring that the approved POM is updated to:

- Include the proposed hours of operation (as recommended to be conditioned (i.e., for a one-year trial period)); and
- Include the NSW Police security and surveillance camera requirements/conditions.

*Part 7.3.3.4 Amenity*

The matter of amenity issues associated with the brothel has been discussed previously in the body of the report. As identified above, the site is generally surrounded by non-sensitive land uses and is appropriately designed to mitigate any potential amenity impacts. Subject to compliance with the requirements of the POM and conditions of consent, the brothel operations are unlikely to cause any unreasonable amenity impacts for nearby residents.

Part 7.3.3.5 Hours of operation and size of the premises

There are no specific controls for the hours of operation, or the size of a sex service premises prescribed under the MDCP 2011. It is not proposed to change the number of working rooms. Council can exercise its discretion in relation to hours of operation and size of the premises, taking into consideration the nature of surrounding land uses, the approved hours of operation of surrounding land uses and any possible conflicts with those uses.

The brothel on the site has been operating for many years without any significant recorded incidences and, as outlined above, Council's Regulatory and Environmental Health officers raised no objection to the proposal. Further, NSW Police supports the proposed hours of operation, subject to a one-year trial period.

Given the above, it is considered that approval, subject to a one-year trial period of the proposed operating hours, is acceptable. A trial period ensures Council can review the operation of the extended hours.

vi. Part 9.43 Sydney Steel (Precinct 43)

The proposal is consistent with the desired future desired character of the precinct in that it does not adversely impact on industrial zoned land and continues to retain the existing employment generating use.

5(d) The Likely Impacts

The assessment of the application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(e) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the development, and proposed hours of operation, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Council's Community Engagement Strategy for a period of 14 days to surrounding properties.

One (1) submission was received in response to the notification and the following concerns were raised:

Issue: Antisocial behaviour by patrons of the premises, and dumping of garbage by patrons

Comment: Amenity impacts have been discussed elsewhere in this report. The approved POM outlines measures to be taken to prevent antisocial behaviour. Condition 6 of the current consent deals with the removal of litter. Council and NSW Police did not raise any objections and provided conditions to increase security and surveillance of the site, and its surrounding within a 10m radius external to public entrance(s) to the premises.

As such, it is considered that, subject to recommended conditions, the proposal will improve safety and security, and reduce the risk of antisocial behaviour.

As outlined elsewhere in this report, it is recommended to approve the extended hours of operation only for a trial period of one (1) year. Any future instances of antisocial behaviour can be reported to Council and/or NSW Police and these complaints, then, can be considered with any future application.

#### 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above:

- Environmental Health
- Regulatory

### 6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above:

- NSW Police

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55(2) of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. MOD/2023/0408 to modify Determination DA201700252 dated 12 October 2017 to operate the existing brothel 24 hours a day at 47 Sydenham Road, MARRICKVILLE, subject to the amended conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

- 1A. *The Plan of Management must be amended to reflect the hours of operation approved under condition 20A (i.e., it must include the 24 hours, 7 day a week operation for the approved one-year trial period).*

*(Added – MOD/2023/0408 – 12/03/2024)*

Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to 'offensive noise' as defined by The Protection of the Environment Operations Act 1997 (NSW), **and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government**. In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

*(Amended – MOD/2023/0408 – 12/03/2024)*

### 20A. *Extended Hours of Operation*

- i. For a period of not more than 12 months (i.e., one (1) year) from the date of this modified consent (MOD/2023/0408), the opening hours of the brothel are 24 hours, 7 days a week.*
- ii. A continuation of the extended hours granted under part (i) of this condition will require Council's approval under the Environmental Planning and Assessment Act 1979 by way of a fresh application.*

*(Added – MOD/2023/0408 – 12/03/2024)*

### 40A. *NSW Police security and surveillance camera requirements/conditions*

*i. Security*

*Police request that a security guard patrol the location from 9.00pm until 5.00am on Thursday, Friday and Saturday nights as the business is a high risk target to criminals and a higher chance those criminals will be affected by illicit drugs or alcohol during these periods.*

*ii. Surveillance Cameras*

*(a) Police request that CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:*

- (i) principal entrance/s and exits;*
- (ii) all areas within the premise occupied by the public (excluding toilets, private rooms);*
- (iii) staircases in multilevel premises; and*

- (iv) the area within a 10m radius external to the public entrance(s) to the premises.*
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".*
- (c) All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.*
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.*
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.*
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.*
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises are operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.*
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.*

*(Added – MOD/2023/0408 – 12/03/2024)*

# Attachment B – Plans and Plan of Management of approved development

<b>PROJECT</b>
ALTERATION EXISTING BROTHEL 47 SYDENHAM ROAD MARRICKVILLE
<b>CONTENTS</b>
WD-00.....COVER PAGE
WD-01.....SITE PLAN
WD-02.....EXISTING & PROPOSED FLOOR PLAN
WD-03.....CEILING PLAN & EXTERNAL ELEVATION

**GENERAL NOTES AND SPECIFICATION**

THIS COVER SHEET MUST BE CIRCULATED WITH ALL ISSUED DOCUMENTATION.  
 THE INFORMATION CONTAINED WITHIN THIS DOCUMENTATION IS TO THE BEST OF OUR KNOWLEDGE ACCURATE AND CORRECT. HOWEVER ALL INFORMATION IS INDICATIVE AND EXACT DIMENSIONS, SPECIFICATIONS, AND OTHER RELEVANT INFORMATION SHOULD BE SOUGHT FROM THE APPROPRIATE SOURCE.  
 IF IN DOUBT ASK  
 IT IS THE RESPONSIBILITY OF THE MAIN CONTRACTOR TO COORDINATE ALL SUBTRADES TO ENSURE DETAILS PERFORM AS INTENDED. IT IS THE RESPONSIBILITY OF THE MAIN CONTRACTOR TO COORDINATE TO COORDINATE ALL PROPRIETARY ITEMS TO ENSURE DETAILS PERFORM AS INTENDED.  
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE EXACT STRUCTURAL DETAILS AND SECURE STRUCTURAL ENGINEERS CERTIFICATION FOR ALL STRUCTURAL WORKS INCLUDING (BUT NOT LIMITED TO) GLAZING, SIGNAGE, HANGING FIXTURES AND ALL BUILT ELEMENTS.  
 IT IS RESPONSIBILITY OF THE MAIN CONTRACTOR TO SECURE ALL REQUIRED CERTIFICATIONS TO ENABLE RELEASE OF THE OCCUPATION CERTIFICATE. IT IS THE RESPONSIBILITY OF THE MAIN CONTRACTOR TO OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL. THE CONTRACTOR TO NOTIFY DESIGNER/CLIENT OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURE/CONSTRUCTION.  
 CONTRACTOR TO CONFIRM STABILITY AND FEASIBILITY OF ALL UNITS/COMPONENTS PRIOR TO MANUFACTURE.  
 IF IN DOUBT OF SUPPLY RESPONSIBILITY ALLOW FOR BY SHOPFITTER AND SEEK CLARIFICATION.  
 USE FINISHES SPECIFICATIONS REFER TO FINISHES SCHEDULE.  
 DESIGNER/CLIENT TO PROVIDE CONTRACTORS DETAILED DRAWINGS AND SET OUT PRIOR TO CONSTRUCTION.  
 CONSTRUCTION SHALL BE OF CONTRACT QUALITY.  
 ANY COST VARIATIONS MUST BE APPROVED BY CLIENT PRIOR TO EXECUTION BY SHOPFITTER. NON APPROVED COST VARIATIONS WILL NOT BE MET.  
 SPECIAL NOTES  
 SHOPFITTER SHALL REQUEST TO BE FREE ISSUED WITH EQUIPMENT AS APPROPRIATE TO ENSURE FIXTURES ARE MANUFACTURED TO SUIT THE DESIGNER/CLIENT. ALL FIXTURES SHALL BE CALLED AS PER MANUFACTURERS RECOMMENDATIONS & INSTRUCTIONS.  
 SHOPFITTER TO PROVIDE APPROPRIATE & APPROVED CUTOUTS IN BENCHING AND FIXTURES AS REQUIRED TO ALLOW FOR CABLE ACCESS.  
 ALL PIPES AND CONDUITS SHOULD BE CONCEALED OUT OF CUSTOMER SITE. ALL PIPES AND CONDUITS SHOULD CONCEALED IN FLOORS, WALLS OR CEILINGS AND COMPLY WITH ALL REQUIRED STANDARDS.

ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, ALL RELEVANT AUSTRALIAN STANDARDS, STATUTORY REGULATIONS, LOCAL AUTHORITY REQUIREMENTS AND ALL CONDITIONS OF COUNCIL'S OR PCAS/BUILDING SURVEYOR'S DEVELOPMENT/PLANNING CONSENT AND THE CONDITIONS OF THE CONSTRUCTION CERTIFICATE/BUILDING PERMIT.  
 ALL GLAZING TO COMPLY WITH AS 2288.  
 ALL GLAZING TO COMPLY WITH AS 1428.  
 ALL GLAZING TO BE IN ACCORDANCE WITH BCA CLAUSE PART D3 AND AS 1428.  
 FIRE INDICES OF MATERIALS, LININGS AND SURFACE FINISHES TO COMPLY WITH SPECIFICATIONS C1.10 OF THE BUILDING CODE OF AUSTRALIA. AT COMPLETION OF THE PROJECT CERTIFICATES ARE TO BE SUBMITTED BY THE CONTRACTOR DETAILING COMPLIANCE WITH THIS SPECIFICATION.  
 OPENINGS FOR SERVICE VENTS, EXHAUST INSTALLATIONS AND CONSTRUCTION JOINTS WILL BE PROTECTED IN ACCORDANCE WITH C3 OF THE BCA. ALL FLOOR PENETRATIONS TO BE TREATED IN ACCORDANCE WITH CLAUSE C3.15 OF THE BUILDING CODE OF AUSTRALIA IN ORDER TO MAINTAIN THE FIRE RESISTANCE LEVEL OF THE EXISTING FLOOR.  
 THE PROVISIONS FOR EGRESS MUST COMPLY WITH PART D1 OF THE BCA. MAXIMUM OF 2000mm REACHA POINT OF CHOICE IN ACCORDANCE WITH THE DEEMED-TO-SATISFY PROVISIONS ON THE BCA.  
 ALL REQUIRED EXIT DOORS WILL HAVE AN UNOBSTRUCTED HEIGHT OF 1.900MM AND AN UNOBSTRUCTED WIDTH OF 800MM IN ACCORDANCE WITH CLAUSE D1.6 OF THE BCA. THE UNOBSTRUCTED WIDTHS IN THE REQUIRED EXITS AND IN THE PATHS OF TRAVEL TO THE REQUIRED EXITS, EXCEPT FOR DOORWAYS SHALL BE NOT LESS THAN 762MM.  
 ALL TELECOMMUNICATION DISTRIBUTION BOARDS LOCATED IN THE PATHS OF TRAVEL WILL BE ENCLOSED IN NON-COMBUSTIBLE CONSTRUCTION OR A FIRE PROTECTIVE COVERING, WITH DOORS PROVIDED WITH SMOKE SEALS IN ACCORDANCE WITH CLAUSE D2.7 OF THE BCA.  
 REQUIRED EXIT DOORS WILL BE READILY OPERABLE WITHOUT A KEY FROM THE SIDE THAT FACES A PERSON SEEKING EGRESS BY A SINGLE HAND OPERATED DEVICE.  
 ALL DOORS TO BE PROVIDED WITH A MINIMUM CLEARANCE BETWEEN 900MM AND 1.2M ABOVE THE FLOOR. IN ACCORDANCE WITH CLAUSE D2.21 OF THE BCA.  
 SPRINKLER LOCATIONS TO BE ALTERED TO SUIT THE NEW DESIGN AS REQUIRED IN ACCORDANCE WITH BCA CLAUSE E1.5  
 NEW DESIGN AS REQUIRED IN ACCORDANCE WITH BCA CLAUSE E1.5  
 SMOKE HAZARD MANAGEMENT SYSTEMS TO BE ALTERED TO SUIT THE NEW DESIGN AS REQUIRED IN ACCORDANCE WITH BCA CLAUSE E2.2A  
 AT THE COMPLETION OF THE BUILDING PROJECT, CERTIFICATES CERTIFYING THAT ALL FIRE SAFETY MEASURES HAVE BEEN DESIGNED AND INSTALLED IN ACCORDANCE WITH THE REQUIRED STANDARDS TO BE PROVIDED BY SUITABLE QUALIFIED PERSONS.  
 EMERGENCY LIGHTING TO BE PROVIDED IN ACCORDANCE WITH CLAUSE E4.2 AND E4.4 OF THE BCA AS 2293.1.  
 ALL LIGHTING TO BE PROVIDED IN ACCORDANCE WITH CLAUSE E4.2 AND E4.4 OF THE BCA AS 2293.1.  
 ACCORDANCE WITH CLAUSES E4.5, E4.6 AND E4.8 OF THE BCA AND AS 2293.1.  
 EWS LOCATIONS ARE TO BE ALTERED TO SUIT THE DESIGN AS REQUIRED IN ACCORDANCE WITH BCA CLAUSE E4.9  
 VENTILATION TO BE PROVIDED IN ACCORDANCE WITH PART J5 OF THE BCA AND AS1688.2:1991  
 ALL WORK TO BE COMPLY WITH PART J5.2b OF THE BCA.  
 THE DOCUMENTATION OF THE RELEVANT SPECIALIST BUILDING SERVICES CONSULTANT SHALL TAKE PRECEDENCE OVER THIS DOCUMENTATION PACKAGE FOR THAT PARTICULAR BUILDING SERVICE SPECIALISM.

**DEVELOPMENT CONSENT**

**Determination No: DA201700252**

**Determination Date: 12 October 2017**

**Subject to attached conditions**



Document Set ID: 2892908  
Version: 1, Version Date: 12/02/2017

**NEW ERA DESIGN**  
 83 YATES AVE DUNCANS VALLEY  
 NSW 2117 AUSTRALIA  
 MOBILE: 0413461026  
 email: newera@newera.com.au

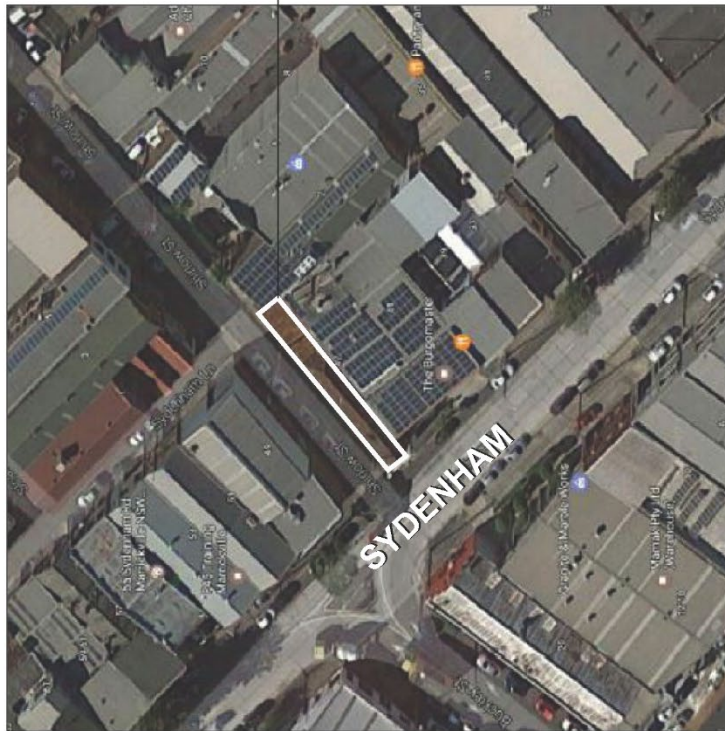
This drawing is subject to copyright and must not be used, copied or reproduced in any form without the prior written consent of the author. The drawing is only to be used for its designated purpose. Unless otherwise stated this drawing is not to be used for construction.

DATE	DEC 2016
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CHECKED	

PROJECT TITLE	ALTERATION EXISTING BROTHEL 47 SYDENHAM ROAD MARRICKVILLE
DRAWING NO.	WD00
REVISION	0

SCALE	AS SHOWN
DRAWN	ML
DATE	DEC 2016
CHECKED	
DATE	
CHECKED	
DATE	
CHECKED	

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**DEVELOPMENT SITE  
47 SYDENHAM**

**DEVELOPMENT CONSENT**  
 Determination No: DA201700252  
 Determination Date: 12 October 2017  
 Subject to attached conditions

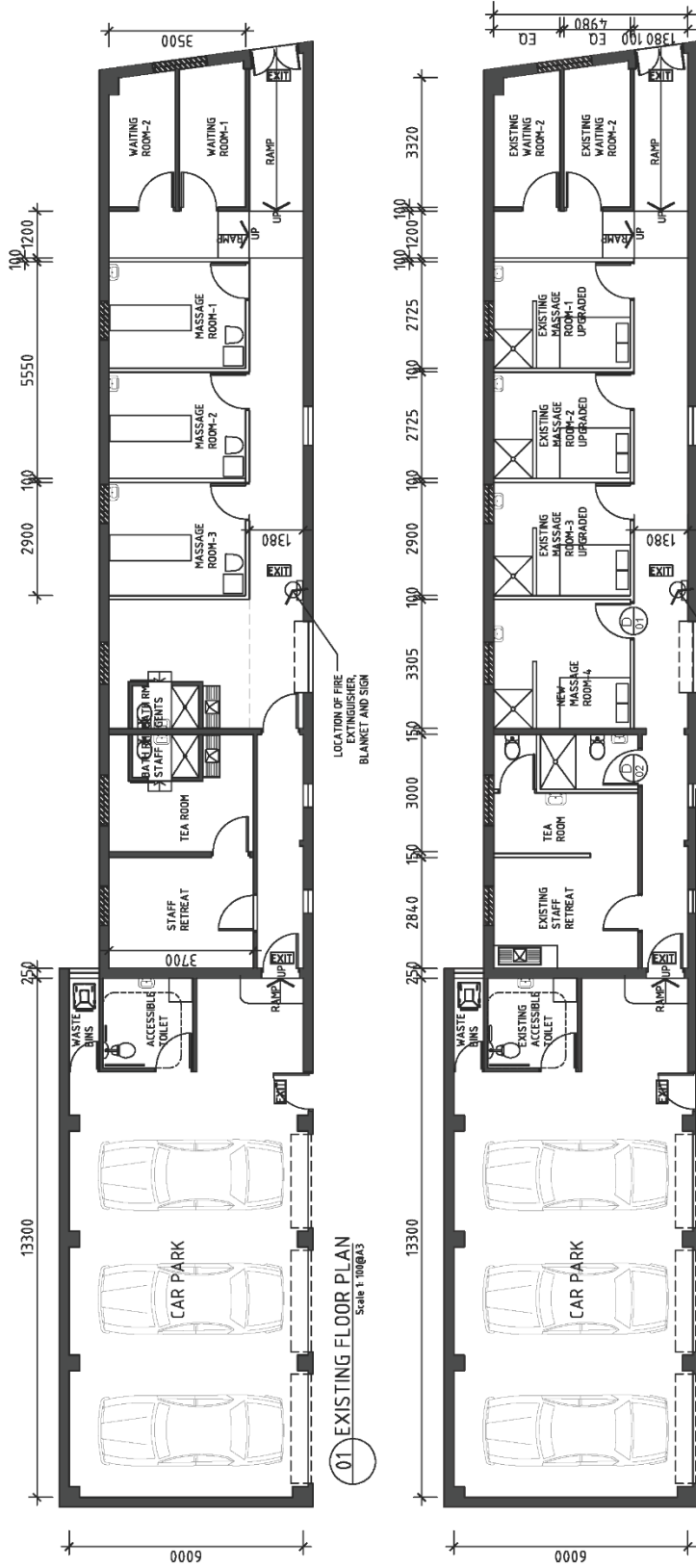


01 SITE PLAN Scale: NTS

Document Set ID: 2889908  
 Version: 1, Version Date: 12/09/2024

<p>This drawing is subject to copyright and may not be used, copied, reproduced or disseminated in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the copyright owner. The drawing is intended for use for the specific project and site only. It is not to be used for any other purpose. The drawing is not to be used for any other purpose. The drawing is not to be used for any other purpose.</p>		<p><b>NEW ERA DESIGN</b>                  31 ARTS AVE, CHICKEN VALLEY                  NSW 2111 AUSTRALIA                  MOBILE: 0418 862 128                  Email: newera@newera.com.au</p>		<p>DATE: 12/09/2024</p>	
<p>PROJECT TITLE: <b>ALTERATION EXISTING BROTHEL 47 SYDENHAM ROAD MARRICKVILLE</b></p>		<p>SCALE: AS SHOWN PROXY: ML</p>		<p>DATE: DEC. 2016 REVISION:</p>	
<p>DRAWING NO: <b>WD01</b></p>		<p>REVISION: <b>0</b></p>		<p>DATE:</p>	





01 EXISTING FLOOR PLAN  
Scale 1:100@A3

**DEVELOPMENT CONSENT**  
Determination No: DA201700252  
Determination Date: 12 October 2017  
Subject to attached conditions



**LEGEND**

- (D) NEW SOLID TIMBER DOOR, RIGHT HINGE WITH SELF CLOSED  
SIZE: 850W X 2100H (mm)
- (D) NEW SOLID TIMBER DOOR, LEFT HINGE WITH SELF CLOSED  
SIZE: 850W X 2100H (mm)
- (W) EXISTING WALL
- (S) NEW 100mm THICK STEEL STUD WALL WITH SET PLASTERBOARD LINING TO BOTH SIDES
- (E) EXIT SIGN QTY: 4 OFF
- (F) FIRE EXTINGUISHER QTY: 1 OFF

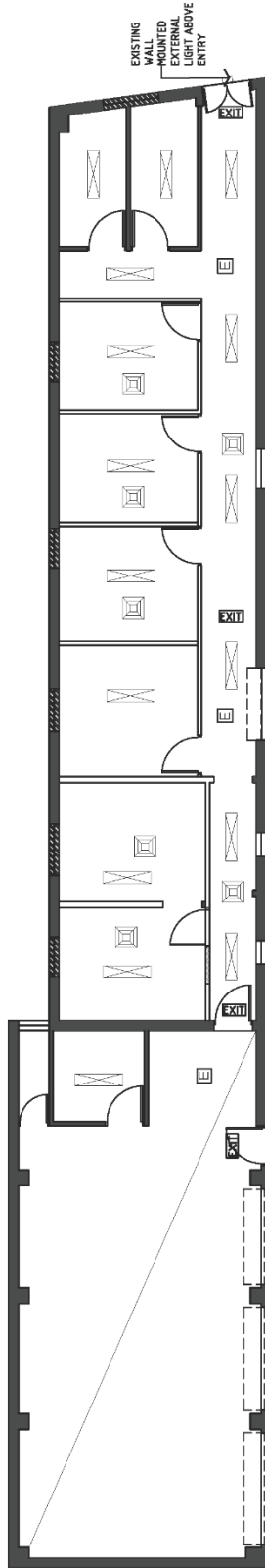
**NEW ERA DESIGN**  
31 WATERSIDE BLVD, BUNDICKS VALLEY  
NSW, 2117 AUSTRALIA  
PHONE: 6013 1919  
EMAIL: newera@newera.com.au

**EXISTING & PROPOSED FLOOR PLAN**

NO.	DATE	BY	FOR
1	AS SHOWN	ML	ML

PROJECT TITLE	ALTERATION EXISTING BROTHEL 47 SYDENHAM ROAD MARRICKVILLE
DATE	DEC. 2016
SCALE	AS SHOWN
DRAWN	ML
CHECKED	
APPROVED	
PROJECT NO.	WD02
REVISION	A

Document Set ID: 28893908  
Version: 1, Version Date: 12/03/2024



NOTE:  
EXISTING LIGHTING LAYOUT AND SERVICES TO REMAIN.  
REPAIR DAMAGED CEILING AND RE-PAINT THROUGHOUT

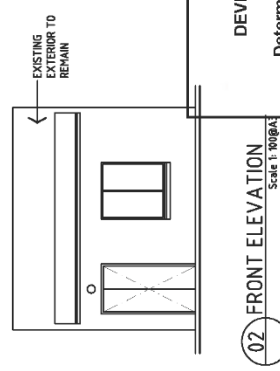
01 REFLECTED CEILING PLAN  
Scale 1:100@A3

LEGEND

- EXISTING FLUORESCENT LIGHT  
QTY: 16 OFF
- EXIT SIGN  
QTY: 4 OFF
- EXISTING APC REGISTER  
QTY: 7 OFF
- INDICATIVE LOCATION OF EMERGENCY LIGHTING  
CONTRACTOR TO ENSURE COMPLIANCE WITH OTHER STANDARDS FROM COMMENCEMENT OF PROJECT  
QTY: 3 OFF

EXISTING FIRE SAFETY MEASURES		PROPOSED FIRE SAFETY MEASURES	
MEASURES	STANDARD OF PERFORMANCE	MEASURES	STANDARD OF PERFORMANCE
EXIT SIGNS	AS 2293.1(2005) BCA Clauses E4.5, E4.6, E4.7 & E4.8	EXIT SIGNS	AS 2293.1(2005) BCA Clauses E4.5, E4.6, E4.7 & E4.8
SOLID CORE DOORS	BCA Spec. C3.11	SOLID CORE DOORS	BCA Spec. C3.11
SMOKE AND HEAT DETECTORS	AS 3786 (1993) BCA Spec. E2.2 & E2.2a	SMOKE AND HEAT DETECTORS	AS 3786 (1993) BCA Spec. E2.2 & E2.2a
PORTABLE FIRE EXTINGUISHERS	AS 2444.1(2001) BCA Clauses E1.6	PORTABLE FIRE EXTINGUISHERS	AS 2444.1(2001) BCA Clauses E1.6
EMERGENCY LIGHTING	AS 2293.1(2005) BCA Clauses E4.2 & E4.4	EMERGENCY LIGHTING	AS 2293.1(2005) BCA Clauses E4.2 & E4.4

DEVELOPMENT CONSENT  
Determination No: DA201700252  
Determination Date: 12 October 2017  
Subject to attached conditions




02 FRONT ELEVATION  
Scale 1:100@A4

Document Set ID: 28989908  
Version: 1, Version Date: 12/03/2024

**INNER WEST COUNCIL**  
NEW ERA DESIGN  
31 MATES AVE, BUNDAH VALLEY  
NSW 2117 AUSTRALIA  
PHONE: 02 9619 4444  
EMAIL: [innerwestdesign@petanet.com.au](mailto:innerwestdesign@petanet.com.au)

PROJECT TITLE: ALTERATION EXISTING BROTHEL 47 SYDENHAM ROAD MARRICKVILLE  
DATE: DEC. 2016  
SCALE: AS SHOWN  
REFLECTED CEILING PLAN AND FRONT ELEVATION  
DATE: 04/10/2017

<p><b>Chapman Planning Pty Ltd</b></p>	<p style="text-align: center;"><b>DEVELOPMENT CONSENT</b></p> <p style="text-align: center;">Determination No: DA201700252 Determination Date: 12 October 2017</p>
<p>Plan of Management – Sex Services Premises</p> <p>47 Sydenham Road, Marrickville</p> <p>28 March 2017</p>	<p style="text-align: center;">Subject to attached conditions</p> 

**Contact Details**

**Business:** RED SUNSET Contact Phone 9550 4633  
**The Operator:** Redma Pty Ltd Contact Phone 0488 000 113 (Anita Tong)  
**Address:** 47 Sydenham Road, Marrickville  
**Security Company:** Nycon Security (Ph: 9311 1111), 591-595 Bunnerong Road, Matraville NSW 2036  
**Waste Company:** SITA Australia Pty Ltd, GPO Box 4238, Sydney NSW 2001 (Ph: 131335)

**COMMITMENT:**

The person having the benefit of the development, Ms Anita Tong, is committed to the implementation of the Plan of Management and ensuring the following:

- the conduct of the business does not interfere with the amenity of the locality;
- that the premises is maintain in a neat and tidy manner;
- that the conduct of the business is carried out in accordance with safe sex practices; and
- that the conduct of the business is carried out in accordance with all relevant Council requirements and Development Control Plans.

**SPECIFIC MATTERS:**

**1. Hours of Operation**

The hours of operation of the premises shall be 9:00AM – 01:00AM Monday – Sunday (Including Public Holidays).

**2. Security**

The following security measures will be incorporated and maintained to ensure security of staff, patrons and those members of the public that may be in the vicinity:

- Perimeter doors to be fitted with motion-activated sensors to monitor entry and exit from the premises;
- Staff to be issued with personal alarm devices;

- A receptionist will be employed who holds a security license;
- Police emergency number to be saved into telephone system and prominently displayed in office area.

#### **Safety and Security**

To ensure the safety of workers and clients, the following strategies are to be undertaken:

- An electronic steel mesh security door at the main entrance will allow monitoring of all who enter or leave the premises to the benefit of both sex workers and clients;
- An intercom system will be installed in each room to ensure that the worker can alert front desk to any problem that may arise with a client;
- The security firm – Nycon Security, will supply and install a 24 hour back to base security system on premises;
- Police contact details will be kept at front desk;
- Entry and exit and internal passageways will be appropriately lit to reduce opportunity for concealment.

### **3. Waste Management**

- A separate, undercover, secured waste area will be provided in parking area consistent with Architectural plans prepared by New Era Design submitted with the development application;
- One wet 240L bin and one dry 240L bin shall be provided for the specific use of the premises operations;
- The waste shall be collected by private contractor with one wet and one dry waste bin to be collected each week.

#### **Waste Disposal**

- The EPA guidelines will be followed for the disposal of contaminated waste;
- The contact details of waste service, SITA Australia Pty Ltd, shall be prominently displayed in bin storage area.
- One 240L bin that is lockable, coloured and marked “contaminated waste” will be used for contaminated medical waste;
- The contaminated waste bin will be stored behind garage area with access via lockable gate;
- Access to the bin area will only be given to employees and waste disposal company.

### **4. Cleaning and Laundry**

- Cleaning of the premises (rooms, floors, bathrooms) is to be carried out on a daily basis by staff members;
- A professional cleaner will be contracted for a detailed clean of the premises, on a regular contract basis;
- Laundry duties will be carried out on premises in the existing laundry facilities located within staff room.

- Linen will be washed and dried on a daily basis.

#### **5. Dealing with Anti-Social Behaviour**

- Refer to "Security";
- Expected standards of patron behavior are to be communicated by the receptionist at the time of telephone booking or attendance;
- Appropriate lighting is to be maintained at entry and exit to the premises to deter loitering outside premises and prevent opportunity for concealment;
- Patrons visibly affected by alcohol or other substance will be refused entry to premises;
- Clients will be advised to leave the premises quietly and consider others. The internal of exit doors are to be clearly marked with signs to this effect.
- An Incident Register will be maintained to provide a record of any notable occurrence such as where persons are threatening to staff or engaging in other behavior which causes a disturbance;
- A Room Register will monitor the use of each of the rooms by worker/client by a sign-in system;
- Security firm and Police are to be immediately contacted in case of a serious altercation.

#### **6. Worker and Client Health Education**

- Refer to "Cleaning and Laundry";
- Condoms are to be provided by the person having the benefit of the development and staff directed to use them;
- Patrons advised of the safe sex practices policy of the business and the expectation of their compliance with that policy;
- Staff will be directed to undergo regular health checks;
- Oral contact between staff and patrons will be discouraged;
- Wash basins, disposable hand towels, soap to be provided in each massage room by the person having the benefit of the development;
- Prominent display of literature/pamphlets concerning safe sex practices and related health issues.

#### **7. Parking**

- Off street parking will be provided in accordance with Council's DCP as shown in architectural plans prepared by New Era Design;
- Patron parking requirements will be ascertained by the receptionist at the time of the initial telephone booking to that valet parking may be provided for patrons arriving by motor vehicle.
- 3 x car parking spaces (including 1 x accessible space) shall be maintained for use of staff and customers.

#### **8. Staff Responsibilities**

##### **Manager/Manageress**

- The operation of a front security door;

Planofmanagement.47sydenhamroad.Marrickville.Docx

3

- Seeing that the client arrives and leaves the premises in an orderly and quiet manner;
- Addressing any disagreements between workers and clients;
- Contact the police if needed;
- Ensuring that if any person looks underage, they are asked to provide ID before entering the premises;
- In case of an emergency, ensuring the necessary authorities are contacted;
- To oversee emergency procedures e.g. evacuation of premises;
- Accepting and confirming appointments;
- Seeing that the worker and clients are supplied with safe sex needs;
- Ensuring that rooms are left presentation after use. This includes changing linen, emptying waste bins, and cleaning rooms.
- Maintaining coffee, tea, milk supplies for workers;
- Keeping walkways clean and accessible;
- Maintaining common areas such as kitchens and bathrooms throughout the operating hours;
- Ensuring that all efforts are carried out to ensure health, safety and security measured are met.

#### **Sex Workers**

- Ensure that safe sex practices are carried out and ensure that clients have been inspected prior to any appointment;
- Undergo regular health checks and ensure that vaccination for Hepatitis A and B and tetanus are up to date.
- Report all altercations with management and provide assistance to clients in the event of emergency;
- To refuse to service a client in the event that they believe the client:
  - o Has a sexually transmitted disease;
  - o Is intoxicated or effected by drugs;
  - o Requires a service outside the scope of professional boundaries;
- Ensuring that all efforts are carried out to ensure health, safety and security measured are met.

#### **9. Access for People with a Disability**

The premises is accessible for people with a disability, both from the street in front of the premises and from the car parking area, access at the rear of the premises. The premises contains one (1) accessible toilet for use by people with a disability.

#### **10. Emergency Procedures in Case of Fire or Disaster**

The Manager is responsible for opening any security door and contacting emergency services. The Manager is responsible for opening other emergency exits for directing a safe passage out of premises.

### 11. Health and Safety Including Safe Sex Assurance

To achieve optimum health and safety and ensure access to safe sex supplies, the following will be undertaken:

- Good lighting is to be provided in all rooms for checking clients;
- Immunization of staff will have been carried out for Hepatitis A and B and vaccination for Tetanus;
- Safe sex supplies including condoms, lubricants, dental dams, rubber gloves and other safe sex equipment required, will be available to sex workers free of charge;
- All safe sex supplies will be kept in a storage facility that is cool, and not exposed to sunlight. Storage facilities will be located in the individual rooms and also the main storage area administered by the manager;
- Management will liaise with the relevant authorities to ensure that necessary health and safety standards are adhered to, and ensure that updated information on safety issues is made available (eg. New strain of STDs);
- Cleaning is to be conducted where necessary to maintain hygiene;
- Fire extinguishers are to be accessible.

### 12. Worker and Client Health and Education

The following will be undertaken to ensure sufficient safe sex education of workers and clients:

- A notice board in the main area will display information for sex workers and clients, such as HIV, STDs and OH&S information etc. The notice board will also contain notices from: the police on current investigations; current referral information for sex workers to sexual health clinics, needle exchange, SWOP and other relevant agencies;
- Space will be provided for agencies to carry out educational or other meetings with sex workers and management;
- Client education material is to be displayed in the bedrooms including signs promoting safe sex and use of condoms;
- All sex workers will be required to view a video produced by SWOP "Getting on Top of Health and Safety in the NSW Sex Industry";
- All sex workers will be required to read a handbook on all aspects of procedures during contact with clients;
- Staff training is to be held for harm minimization (which may include self defence, street awareness, etc) needle stick injury, etc.
- Staff will be required to attend training sessions on CPR, or other necessary sessions run by SWOP or the Livingstone Road Health Centre.

### 13. Restricted Access

To ensure that persons under 18 years of age are not granted access, the following will be undertaken:

- Proof of Age shall be requested of sex workers or clients if management cannot determine their age. Otherwise access is to be denied.

- Workers will not be permitted to bring friends into the premises without permission of management.
- Patrons are to be firstly reviewed via CCTV camera before they are permitted entry into the premises and again when face to face contact occurs.

**14. Cleanliness and Presentation of Premises**

- At the end of each shift, the worker using the suite is required to clear all waste, change linen, vacuum the floor area and wipe used flat surfaces with disinfectant.
- It is the responsibility of the floor manager to ensure that: shower cubicles in each suit are cleaned, bedrooms are checked after each client, general areas are clean and presentable, with attention to kitchen, bathrooms, and toilets cleaned as a daily priority.
- General maintenance of the property will be attended when required.

**15. Illegal Activities on Premises**


- No illegal activities shall be permitted to take place on site. Management will contact the police if any illegal activities are suspected. Signage shall be displayed within reception areas to address this issue.

**SIGNED**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Operator/Manager





# NSW Fire Extinguisher Services Pty Ltd

## ANNUAL FIRE SAFETY STATEMENT

**Issued under Part 9 of the Environmental Planning & Assessment Regulation 2000, Division 5**

**SITE DETAILS:-**

<b>Site Address:</b> 47 Sydenham Road, Marrickville NSW 2204
<b>Owners Name:</b> Red Sunset
<b>Owners Address:</b> 47 Sydenham Road, Marrickville NSW 2204

**Essential Fire Safety Measures**


Measures	Standard of Performance	Assessment Date	Compliant
Exit Signs	AS 2293.1 (2005) BCA Clauses E4.5, E4.6, E4.7 & E4.8	17-07-17	YES
Solid Core Doors	BCA Spec. C3.11	17-07-17	YES
Smoke and Heat Detectors	AS 3786 (1993) BCA Spec. E2.2 & E2.2a	17-07-17	YES
Portable Fire Extinguishers	AS 2444 (2001) BCA Clause E1.6	17-07-17	YES

**NSW Fire Extinguisher Services Pty Ltd** certify that:

1. Each Essential Fire Safety measure specified in this statement has been assessed by a qualified person and was found when it was assessed to be capable of performing :
  - a) In the case of essential Fire Safety measure applicable by virtue of a fire safety schedule, to a standard no less than specified in the schedule;
  - OR**
  - b) In the case of essential fire safety measure applicable otherwise that by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented and
2. The building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for prosecution under Division 7 of Part 9 of the Environmental Planning & Assessment Regulation 2000.
3. The information contained in this Statement is, to the best of my knowledge and belief, true and accurate.

**M -**

**Date:** 17<sup>th</sup> July 2017



**Signed:** \_\_\_\_\_

**DEVELOPMENT CONSENT**

**Determination No: DA201700252**

**Determination Date: 12 October 2017**

**Subject to attached conditions**

NOTE: A copy of this certificate together with the relevant fire safety schedule must be presented to the Commissioner of the NSW Fire Brigade, Fire Safety Division at Locked Bag 12, Greenacre NSW 2190. A copy of this certificate together with the relevant fire safety schedule, must be prominently displayed (by owner) in the building at all times.

NSW Fire Extinguisher Services Pty Ltd  
 Address: U4/ 595-615 Princes Highway Tempe NSW 2044 Mailing: PO Box 1111, Greenacre NSW 2190  
 Ph: (02) 9573 1133 Fax: (02) 9573 1268 24H On Call: 02 9573 1133  
 ABN: 83099430074 ACN: 099430074

**INNER WEST COUNCIL**

1 | Page

## Attachment C- Current Notice of Determination (DA201700252)



DA201700252 PLSAO

**DETERMINATION NO. 201700252**

12 October 2017

CHAPMAN PLANNING PTY LTD  
5/187 Marian St  
Leichhardt NSW 2040

Dear Sir/Madam

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("THE ACT")  
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201700252** to carry out alterations and additions to the existing brothel to include an additional massage room and upgrades to existing rooms and staff amenities relating to property situated at:

**47 SYDENHAM ROAD, MARRICKVILLE**

In determining this application, the Council considered all matters listed under Section 79C of the Act that were relevant to the Development Application.

The Development Application was determined on 12 October 2017 by the granting of **CONSENT** subject to the following conditions:

**GENERAL**

- The development must be carried out in accordance with plans and details listed below:

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>	<b>Date Submitted</b>
WD01 Rev. 0	Site Plan	December 2016	New Era Design	2 August 2017
WD02 Rev. A	Existing & Proposed Floor Plan	December 2016	New Era Design	2 August 2017
WD03 Rev. A	Reflected Ceiling Plan and Front Elevation	December 2016	New Era Design	2 August 2017
-	Plan of Management	28 March 2017	Chapman Planning Pty Ltd	24 May 2017

**P.O. Box 14 Petersham 2049 | P (02) 9392 5000 | E council@innerwest.nsw.gov.au**

**Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road**

Document Set ID: 38652304

Version: 1, Version Date: 11/02/2024

-	Annual Fire Safety Statement	17 July 2017	NSW Fire Extinguisher Services Pty Ltd	2 August 2017
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and details submitted to Council on 23 May 2017 and 2 August 2017 with the application for development consent and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. The operation of the premises must comply at all times with the "Plan of Management" dated 28 March 2017 prepared by Chapman Planning Pty Ltd and submitted with the development application on 23 May 2017.

Reason: To ensure that the operation of the premises complies with the endorsed Plan of Management.

3. At no times is liquor to be served, supplied or sold on the premises and no-smoking signs are to be erected in the waiting room of the brothel.

Reason: To ensure that the operation of the premises complies with Police requirements.

4. The premises must not display sex-related products, sex workers, performers, or nude or semi-dressed staff from windows, doors or outside of their premises. The interior of the premises must not be visible from any place in the public domain and where the interior of the premises may be visible from neighbouring buildings, adequate measures (such as blinds) should be taken to screen the interior of the building.

Reason: To ensure the operation of the premises is discreet in accordance with Police requirements.

5. No spruikers are permitted to be seen to operate in association with the business.

Reason: To confirm the terms of Council's approval.

6. The owner/manager of the brothel must ensure that the surrounds of the premises, including pavements and gutters, are kept clean and free of litter associated with the operation of the business at all times. The owner/manager must be responsible for the removal of all graffiti from the building within 48 hours of its application.

Reason: To maintain a clean environment.

7.
  - a. Sharps containers must be available for clients and staff;
  - b. Disposable units must be non-reusable sharps containers that comply with *Australian Standard 4031:1992*;
  - c. Where the units are located in communal or publicly accessible areas of the premises, such as staff room or toilet, the unit should be secured, preferably by being fixed to the wall;
  - d. Storage space(s) must be provided for used sharps disposal units; and
  - e. Final disposal must be at or through a licensed waste contractor. Evidence of safe disposal and staff training must be identified in the Plan of Management.

Reason: To ensure that the operation of the premises complies with Police requirements.

8. Immediately after the person in charge of shift becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
- (i) Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police; and make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and
  - (ii) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
  - (iii) Secure and produce a copy of all CCTV footage upon request of any Police Officer.

Reason: To comply with the requirements of NSW Police

9. No live music, entertainment or amplified music is to be provided within the premises and no strobe, intermittent or blinking lights are to be employed at the premises at any time.

Reason: To comply with the requirements of NSW Police

10. The brothel must contain a maximum total of 4 working rooms within the premises.

Reason: To confirm the maximum amount of working rooms permitted within the brothel as requested in the application by the applicant.

11. 3 off-street car parking spaces must be provided, paved, line-marked and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.

Reason: To ensure practical off-street car parking is available for the use of the premises.

12. All parking spaces and turning area thereto must be provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.

Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.

13. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

14. The use of the premises must not give rise to:
- transmission of unacceptable vibration to any place of different occupancy;
  - a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- Reason: To prevent loss of amenity to the area.
15. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure their operation does not adversely impact on the amenity of the surrounding neighbourhood.
- Reason: To protect the amenity of the surrounding neighbourhood.
16. The proprietors of the brothel being responsible at all times to ensure the orderly dispersal of patrons from the premises and ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behavior of patrons entering or leaving the premises.
- Reason: To ensure the quiet and orderly ingress and egress of patrons of the brothel and to protect the amenity of the surrounding neighbourhood.
17. No storage of goods or equipment external to any building on the site being permitted.
- Reason: To ensure the premises are kept in a neat and tidy manner.
18. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
- Reason: To prevent the public footpath from being obstructed.
19. All loading and unloading in connection with the use must be carried out wholly within the property, during the approved hours of operation and in such a manner so as to not cause an inconvenience to the public.
- Reason: To prevent use and obstruction of the adjacent public thoroughfare.
20. The hours of operation must be restricted to between the hours of 9.00am and 1.00am (the following day) 7 days a week (including Public Holidays).
- Reason: To confirm the hours of operation as requested.
21. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
- Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).

22. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures. The windows of the building must not be painted with advertisements and no flashing lights are to be installed on the premises.  
Reason: To confirm the terms of Council's approval.

#### **BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

23. No work shall commence until:
- A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
  - A minimum of two (2) days written notice given to Council of the intention to commence work.
- Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
24. A Construction Certificate being obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.  
Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
25. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.  
Facilities are to be located so that they will not cause a nuisance.  
Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.
26. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.  
Reason: To protect the amenity of the area.
27. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

28. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign must include:
- The name, address and telephone number of the PCA;
  - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
  - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

29. A Soil and Water Management Plan being prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document shall be submitted to and accepted by PCA before work commences. The plan shall indicate:
- Where the builder's materials and waste are to be stored;
  - Where the sediment fences are to be installed on the site;
  - What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
  - How access to the site will be provided.

All devices shall be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

30. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Reason: To ensure all necessary approvals have been applied for.

31. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

32. A Recycling and Waste Management Plan (RWMP) being prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

Note: Council only does not collect waste from commercial premises.

**Reason:** To ensure the appropriate disposal and reuse of waste generated on the site.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

33. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NOTE:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

**Reason:** To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

34. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

**Reason:** To provide safe, equitable and dignified access to a building and its services and facilities.

35. The person acting on this consent must provide to Council a bond in the amount of \$5,000.00 and pay the related Section 138 (Roads Act) inspection fee of \$277.50 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.

**Reason:** To provide security for the proper completion of the footpath and/or vehicular crossing works.

36. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

**Reason:** To ensure that all damages arising from the building works are repaired at no cost to Council.



37. In order to provide satisfactory vehicular access to the southernmost car space the adjacent power pole must be relocated clear of the roller door. In addition the heavy duty vehicular crossing must be extended to match the width of the roller door. Amended plans reflecting the above requirements must be submitted to and approved by Council before the issue of the Construction Certificate.

Reason: To ensure the existing obstruction is relocated away from the proposed vehicular access.

38. The person acting on this consent shall negotiate with Ausgrid to have the power pole relocated to a position clear of the existing roller door vehicular access. The person acting on this consent shall submit to Council a copy of the duly signed offer to pay, or a receipt of payment to Ausgrid for the relocation works before the issue of a Construction Certificate.

Reason: To relocate the existing obstruction away from the proposed vehicular access.

39. The site has been identified as being subject to flooding during a 1 in 100 year storm event from the Marrickville Valley Flood Study. The 1 in 100 year flood level has been determined to be RL 2.35m AHD. The following flood protection measures shall be undertaken:

- a) All new structures below RL 2.85m AHD (1 in 100 year flood level plus 500mm freeboard) shall be constructed from flood compatible materials;
- b) The storage of toxic or potential polluting goods, materials or products, which maybe hazardous or pollute waters during property inundation, shall be stored above RL 2.85m AHD; and
- c) All new electrical equipment and wiring shall be waterproofed, protected or installed above RL 2.85m AHD.

Detailed plans and information complying with the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To protect the site and occupants from rising flood waters during a 1 in 100 year storm event.

40. The following security measures must be implemented during fit out and use of the development:

- a) High quality door and window locks must be fitted to all openings that are accessible by the public. The locks must comply with the building code of Australia.
- b) The premises must have a secure entry and controlled internal and external access, preferably with remote door release mechanisms.
- c) A security gate system must be fitted to the end/s of the main reception counter to assist in restricting unauthorised entry to the "staff only" area.
- d) A digital CCTV system 'MUST' be installed and is to be in constant operation covering all entry/exit points and the cash register and the cameras must be fitted so as to capture images of the face of potential offenders that may be wearing caps or hats. The CCTV system and installation must be in accordance with Australian Standards.
- e) CCTV must cover the entry/exit points of the location, waiting room areas and areas where staff members travel to and from working rooms.
- f) TV monitors should be in a position to enable staff to monitor activities on cameras.

- g) CCTV system set up in staff only areas where customers cannot easily access and minimise tampering.
- h) Signs must be erected to alert patrons that CCTV is in operation and to indicate "staff only" areas.
- i) Staff must be provided with a secure and safe place to leave their belongings (e.g lockers) whilst at work.
- j) The cash register must be regularly cleared to keep the total cash held in the register under \$250 or as minimal as practicable and the cleared cash must be directly placed into a safe.
- k) The installation and specifications of the safe needs to be in accordance with the Australian Standards.
- l) There are to be no secure locks to be installed on the doors of the working rooms. Should a working room door be installed with a lock, it must be the type of lock which can be easily unlocked from the outside to allow access in an emergency.
- m) Each working room must have intercoms and duress alarm systems in all working rooms and staff areas which are linked to a central base and monitored at all times.

Reason: To ensure on-site security is in accordance with Police requirements.

41. The following requirements are to be undertaken in relation to lighting:
- a) Internal and external lighting are to meet the required Australian Standards to enhance surveillance opportunities during hours of darkness and the safety of staff and customers.
  - b) Lighting is to be positioned in all areas where CCTV Cameras are installed to maximise the identification and effect of CCTV cameras;
  - c) Adequate lighting must be provided to all entrances and exits of the premises, to ensure the safety of all staff and visitors as they arrive, use and leave the premises; and
  - d) Lighting is to have an even distribution with no glare.

Reason: To ensure on-site lighting is in accordance with Police requirements.

#### **SITE WORKS**

42. All excavation, demolition, construction and deliveries to the site necessary for the carrying out of development being restricted to between 7.00am to 5.30pm Mondays to Saturdays excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.
- Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.
43. The area surrounding the building work being reinstated to Council's satisfaction upon completion of the work.
- Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.
44. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (g) can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) After excavation for, and prior to the placement of, any footings;
- c) Prior to pouring any in-situ reinforced concrete building element;
- d) Prior to covering of the framework for any floor, wall, roof or other building element;
- e) Prior to covering waterproofing in any wet areas;
- f) Prior to covering any stormwater drainage connections; and
- g) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

45. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:
  - a) protect and support the adjoining premises from possible damage from the excavation, and
  - b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents shall be obtained prior to the required works commencing; and
  - c) at least seven (7) days notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent shall be responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received shall be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

46. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

47. A certificate of survey from a registered land surveyor shall be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.  
**Reason:** To ensure all works are contained within the boundaries of the allotment.
48. A clear unobstructed path of travel of not less than 1,000mm must be provided to all exits and paths of travel to exits.  
**Reason:** To provide safe egress in case of fire or other emergency.
49. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.  
**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).  
**Reason:** To conserve water.
50. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.  
**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).
51. The window on the front elevation of the building (fronting Sydenham Road) is to be reinstated as per the Front Elevation Plan with the note 'Existing Exterior to Remain' submitted with the application on 2 August 2017.  
**Reason:** To improve the building presentation to the street.

#### **BEFORE OCCUPATION OF THE BUILDING**

52. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
  - b) Copies of any documents that were lodged with the Occupation Certificate application;
  - c) A copy of Occupation Certificate, if it was issued;
  - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
  - e) A copy of any missed inspections;
  - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
- Reason:** To comply with the provisions of the Environmental Planning and Assessment Regulations.

53. Occupation of the building must not be permitted until such time as:
- All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
  - The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
  - An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

54. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:
- Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
  - Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

55. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure person acting on this consent completes all required work.

56. The damaged heavy duty vehicular crossing shall be reconstructed and extended to match the roller door openings in accordance with Council's standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate.

Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.

57. The existing damaged kerb and footpath adjacent to the site must be restored in accordance with Council's standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", and at no cost to Council. The works must be completed to Council's satisfaction before the issue of the Occupation Certificate.

Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.

58. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of the Occupation Certificate.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.

#### ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information ☎ 1300 650 908 weekdays 2:00pm - 5:00pm  
[www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Department of Fair Trading ☎ 13 32 20  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig ☎ 1100  
[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

Landcom ☎ 9841 8660  
To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation ☎ 131441  
[www.lspc.nsw.gov.au](http://www.lspc.nsw.gov.au)

Inner West Council ☎ 9392 5000  
[www.innerwest.nsw.gov.au](http://www.innerwest.nsw.gov.au)  
Copies of all Council documents and application forms can be found on the web site.

NSW Food Authority ☎ 1300 552 406  
[www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diy-safe.nsw.gov.au">www.diy-safe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	☎ 13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	☎ 1300 851 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	☎ 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

This consent is effective and operates from 12 October 2017. The consent will lapse unless the proposed development is commenced in accordance with Section 95 of the Act.

Under Section 82A of the Act you may, within six (6) months of receipt of this notice, request Council to review this determination. A review request of this determination may be made under Section 82A of the Act. That review request must be made and determined by Council within six (6) months of the date hereon.

Under Section 97 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

All conditions imposed by the Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Yours faithfully



**Daniel East**  
**Team Leader Development Assessment**

Enquiries: Albert Madrigal on 9392 5375.

Ref: **D1** TRIM No: 111793.17