



**CAMPBELLTOWN
CITY COUNCIL**

LOCAL PLANNING PANEL

18 December 2019



Urgent Items

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4. REPORTS

4.4 Supplementary Report: Use and fitout of unit 7 as a sex services premises - 4 Grange Road, Leumeah

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.1 - Support the resilience, growth and diversity of the local economy

Executive Summary

Development Application 1361/2016/DA-C for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises was considered by the Campbelltown Local Planning Panel on 24 July 2019.

The Panel deferred the determination of the development application for a period of twenty eight (28) days from 26 July 2019 for the applicant to provide owners consent from the Owners Corporation to permit the necessary site improvements to address safety and security concerns inclusive of details of a lighting plan and surveillance measures and directional signage. The Panel decision also stated that in the event that owners consent as outlined above is not provided by 23 August 2019 then the application will be determined by the Panel by electronic means including reasons for the decision.

On 26 August 2019 the Applicant advised that a request for a by-law was being sought for the proposed security measures. On 16 October 2019 the Applicant advised that the by-law was rejected by the Owners Corporation.

The applicant has failed to provide owners consent from the Owners Corporation.

It is recommended to the Panel that the application be refused, subject to the recommended reasons of refusal in attachment 1.

Officer's Recommendation

That Development Application 1361/2016/DA-C for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises be refused for the following reasons:

1. The application is not valid as owners consent has not been provided for the works proposed on, and use of, land under the control of the body corporate of the strata scheme.
2. The application does not comply with the control of the Campbelltown Sustainable City Development Control Plan 2015 including:
 - It has not been demonstrated that the development would not adversely impact on the

amenity of the area.

- It has not been demonstrated that the site is discreet and discourages clients gathering or waiting on the street.
 - It has not been demonstrated that the entrance, exit, external appearance and car parking is well lit but not to the extent where it becomes a prominent feature.
3. The development have an adverse impact upon the safety and security of adjoining businesses and clients of the sex services premises.
 4. The proposed development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

Purpose

This supplementary report specifically addresses the matter deferred by the Panel to assist the panel in its determination of the subject application in accordance with the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 7 SP 38099, 7/4 Grange Road, Leumeah NSW 2560
Application No	1361/2016/DA-C
Applicant	Hamptons Property Services
Owner	Mr Bachar Walid Dannawi and Ms Ling Yin Leuny
Date Received	6 May 2016

Report

1. Matter deferred by the Panel

Development Application 1361/2016/DA-C for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises was considered by the Local Planning Panel on 24 July 2019 (attachment 2). The Panel deferred the determination of this application for a period of twenty eight (28) days from the date the minutes were published on Council's website for the applicant to:

- Provide owners consent from the Owners Corporation to permit the necessary site improvements to address safety and security concerns inclusive of details of a lighting plan and surveillance measures and directional signage (attachment 3).

On 29 July 2019, Campbelltown City Council wrote to the Applicant to advise of the Panel decision and to stipulate the information required to satisfy the Panel is required to be provided to Council by 23 August 2019.

On 26 August 2019 the Applicant provided an electronic copy of a security plan with proposed security measures and an application for by-law works. Owners consent from the Owners Corporation was not provided with the additional material. Subsequently, on 16

October 2019, the Applicant advised that the proposed by-law was rejected by the owners corporation.

Consistent with the previous decision of the panel at its meeting on 24 July, 2019, the application must be determined on the information that has been submitted, which does not satisfy the item deferred by the Panel.

2. Conclusion

It is recommended that development application 1361/2016/DA-C for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises, be refused subject to the recommended reasons in Attachment 1.

Attachments

1. Attachment 1 - Recommended Reasons of Refusal (contained within this report)
2. Attachment 2 - Agenda 24 July 2019 (contained within this report)
3. Attachment 3 - Minutes 24 July 2019 (contained within this report)

Reporting Officer

Executive Manager Urban Centres

ATTACHMENT 1

1361/2016/DA-C

Recommended Reasons for Refusal

Development application 1361/2016/DA-C for the use of Unit 7, No. 4 Grange Road for sex services premises is refused for the following reasons identified in the assessment of the application in accordance with section 4.15 of the Environmental Planning and Assessment Act, 1979:

1. The application is not valid as owners consent has not been provided for the works proposed on, and use of, land under the control of the body corporate of the strata scheme.
2. The proposed development is not consistent with the objectives of the Campbelltown Sustainable City Development Control Plan 2015 which require that sex services premises are appropriately located so as to minimise adverse social or economic impacts on the surrounding locality.
3. The application does not comply with the controls of the Campbelltown Sustainable City Development Control Plan 2015 including:
 - It has not been demonstrated that the development would not adversely impact on the amenity of the area
 - It has not been demonstrated that the site is discreet and discourages clients gathering or waiting on the street
 - It has not been demonstrated that the entrance, exit, external appearance and car parking is well lit but not to the extent where it becomes a prominent feature
4. The development would have an adverse impact upon the safety and security of adjoining businesses and clients of the sex services premises.
5. The proposed development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

END OF CONDITIONS



4.4 Use and fitout of unit 7 as a sex services premises - 4 Grange Road, Leumeah

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.1 - Support the resilience, growth and diversity of the local economy

Referral Criteria

Pursuant to Clause 4.8 of the *Environmental Planning and Assessment Act 1979*, the consent authority for the subject development application is the Campbelltown City Council Local Planning Panel, due to the number of unique submissions received by way of objection.

Executive Summary

- An application was lodged on 6 May 2016 for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises.
- The site is zoned B5 Business Development under the provisions of Campbelltown Local Environmental Plan 2015 and the proposed use as a sex services premises is permitted with consent.
- The site is within a strata titled development. Consent from the owners corporation was not provided with the development application.
- The application was notified and publicly exhibited between 20 May 2016 and 3 June 2016. Fifteen written submissions were received and one petition with 109 signatures.
- The proposed development is not considered to be in the public interest. The application fails to consider critical aspects that have been raised through public submissions, such as safety and security concerns and the proximity to sensitive land uses and places where children and adolescents regularly gather.
- It is considered that approval of the proposed development would be contrary to the public interest.
- It is recommended to the panel that the application be refused, subject to the recommended reasons of refusal in attachment 1.

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Officer's Recommendation

That development application 1361/2016/DA-C for the use of unit 7, 4 Grange Road, Leumeah as a sex services premises at, be refused subject to the reasons for refusal outlined in attachment 1.

Purpose

To assist the panel in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 7 SP 38099, 7/4 Grange Road, Leumeah NSW 2560
Application No	1361/2016/DA-C
Applicant	Hamptons Property Services
Owner	Mr Bachar Walid Dannawi and Ms Ling Yin Leung
Provisions	Campbelltown 2027 - Community Strategic Plan State Environmental Planning Policy 55 - Remediation of Land Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	6 May 2016

Site and Surrounding Locality

The site is unit 7 at 4 Grange Road, Leumeah and located within a multi-unit development consisting of seven strata title units. The site is legally described as Lot 7 SP 38099. The multi-unit development adjoins 6 Grange Road to the west, 2 Grange Road to the east, Rose Payten Drive to the north and Grange Road to the south.



Figure 1: Development site within existing multi-unit development (Source: Exponare).

The existing multi-unit development includes 22 car parking spaces located within the common property area.

The following units are located within the existing multi-unit development at 4 Grange Road:

Tenancy	Approved Use	Approved Hours of Operation
Unit 1/4 Grange Road, Leumeah (Lot 1 SP 38099)	DA/378/1988 - Use of unit 1 for distribution and sale of steel reinforcement.	Hours of operation not a condition of development consent.
Unit 2/4 Grange Road, Leumeah (Lot 2 SP 38099)	DA/456/1990 - Use of unit 2 for the warehousing and distribution of toys	Hours of operation not a condition of development consent.
Unit 3/4 Grange Road, Leumeah (Lot 3 SP 38099)	DA/81/1988 - Use of unit 3 for the purpose of automotive repairs	Hours of operation not a condition of development consent.
Unit 4/4 Grange Road, Leumeah (Lot 4 SP 38099)	DA/3/1998 - Use of units 4 and 5 for mechanical repairs	7.00am to 9.00pm Monday to Saturday.
Unit 5/4 Grange Road, Leumeah (Lot 5 SP 38099)	DA/3/1998 - Use of units 4 and 5 for mechanical repairs	7.00am to 9.00pm Monday to Saturday.
Unit 6/4 Grange Road, Leumeah (Lot 6 SP 38099)	DA/70/1991 - Use of unit 6 for the assembly of saltwater chlorinators (currently used as Taipan Muay Thai).	Hours of operation not a condition of development consent.

The site is accessed from Grange Road, Leumeah which is a cul-de-sac providing access to the following B5 business Development zoned allotments properties:

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Address	Recent Development Consent
2 Grange Road, Leumeah (SP 37893)	
<ul style="list-style-type: none"> Unit 1/2 Grange Road, Leumeah 	DA/26/1993 - Use of unit 1 for distribution and warehousing of ball and roller bearings and associated products.
<ul style="list-style-type: none"> Unit 2/2 Grange Road, Leumeah 	1322/2012/DA-U - Use and fitout of premises as a personal training facility with an associated business identification sign. Hours of operation: Monday to Sunday 6.30am to 8pm.
<ul style="list-style-type: none"> Unit 3/2 Grange Road, Leumeah 	3145/2017/DA-C - Construction of fitout and use of premises as a café. Hours of operation: Monday to Sunday 6.30am to 10.00pm.
<ul style="list-style-type: none"> Unit 4/2 Grange Road, Leumeah 	No record.
3 Grange Road, Leumeah (Lot 501 DP 714753)	
<ul style="list-style-type: none"> Unit 1/3 Grange Road, Leumeah 	E/66/2004 - Use of premises for the light manufacture of sheet metal.
<ul style="list-style-type: none"> Unit 2/3 Grange Road, Leumeah 	2248/2010/DA-U - Formation of an outdoor area, use of premises for the storage of building formwork and materials, and reconfiguration of car parking.
<ul style="list-style-type: none"> Unit 3/3 Grange Road, Leumeah 	E/33/2004 - Use of unit 3 for storing of electrical motors and aluminum frames.
4 Grange Road, Leumeah	Proposed development site.
5 Grange Road, Leumeah (The Hermitage Inn)	BA/1202/1987 - New motel.
6 Grange Road, Leumeah	2327/2014/DA-C - Refurbishment and adaptive reuse of the existing building to create a 172 place child care centre, a recreational facility and 139 serviced apartments. The child care centre and the recreational facility are sensitive land uses.
173 Airds Road, Leumeah (SP 31021)	
<ul style="list-style-type: none"> Unit 1/173 Airds Road, Leumeah 	1566/2013/DA-U - Use of unit 1 for the sale of motor vehicles.
<ul style="list-style-type: none"> Unit 2/173 Airds Road, Leumeah 	No record.
<ul style="list-style-type: none"> Unit 3/173 Airds Road, Leumeah 	DA/252/1989 - Use of units 3 and 4 for motor vehicle spray painting.
<ul style="list-style-type: none"> Unit 4/173 Airds Road, Leumeah 	DA/252/1989 - Use of units 3 and 4 for motor vehicle spray painting.

Although the site is accessed from Grange Road, the site is visible from Rose Payten Drive through established vegetation between the car parking area and the northern property boundary of 4 Grange Road and within the road reserve.

In the broader context, the site is within a walking catchment to Campbelltown Indoor Soccer Centre, Campbelltown Skate Park, Lollipops Playland and Monkey Mania.

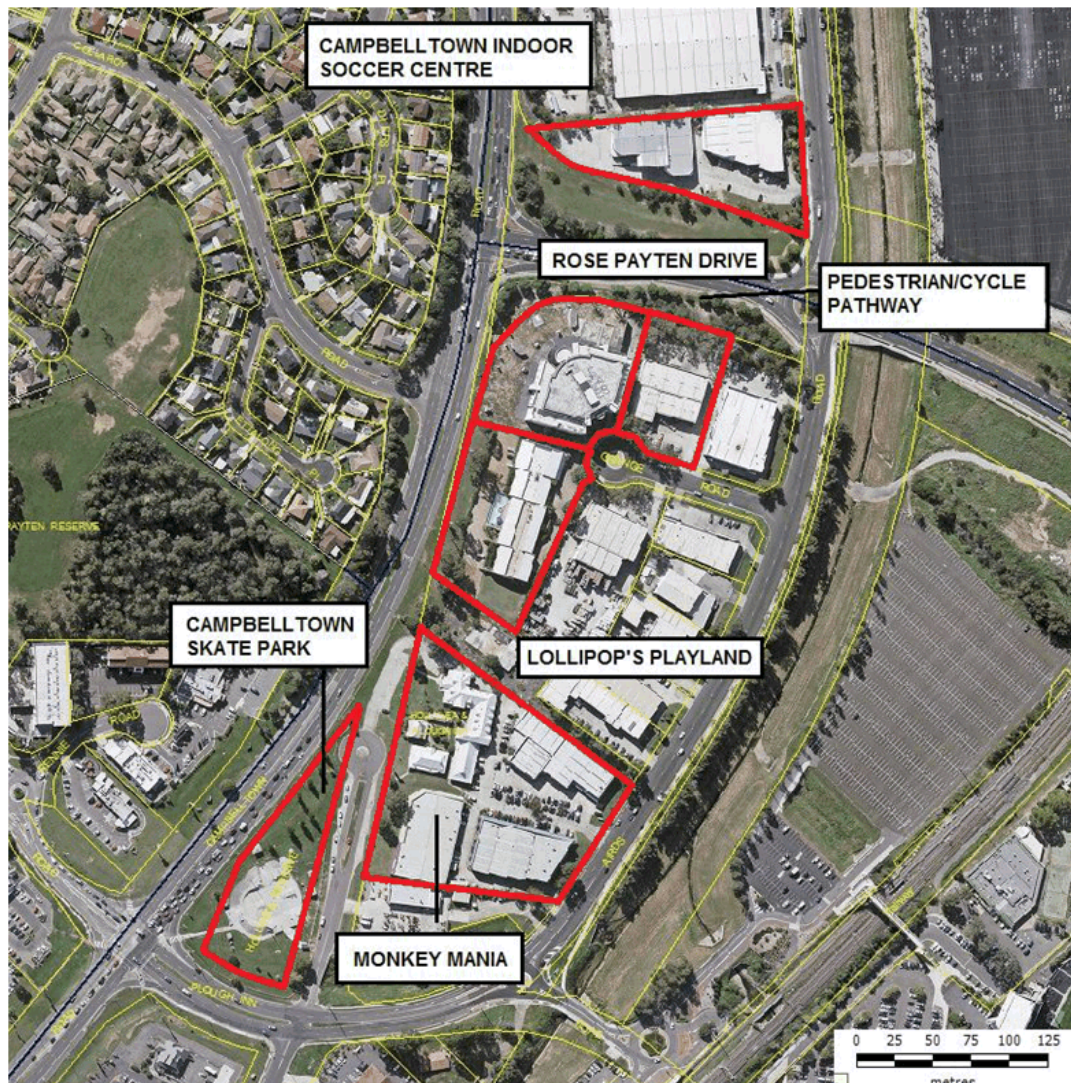


Figure 2: Locality plan of the subject site (Source: Exponare).

Site History

Development Application D86/384 was approved on 24 December 1986 for the erection of seven factory units at 4 Grange Road, Leumeah. The development consent included the construction of 22 off-street car parking spaces.

Development Application SA/51/1990 was approved 15 May 1990 for the subdivision in to seven industrial strata lots. The Strata Plan was endorsed 3 January 1991.

Application History

The following is a chronology of the actions taken by the Applicant and Council during the course of the development application:

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Date	Action
6 May 2016	Lodgment of development application without consent from the owners corporation.
16 June 2016	Advised Applicant by email that no further assessment of the application would take place until consent is received from the owners corporation.
27 July 2016	An email received from the Applicant attaching the following information: <ul style="list-style-type: none"> o A revised elevations plan illustrating 400mm x 400mm penetration for mechanical ventilation exhaust point and wire for security system o Letter from Emprise Legal to Don Williamson (Owners Corporation for Strata Plan 38099) detailing o Proposed special by-laws for minor works and associated parking plan
31 August 2016	Owner of property advised by email that if the applicant details are to change, the current applicant is to provide consent for the change.
31 August 2016	Email received from the Applicant stating the Applicant is not in a position to withdraw as the Applicant.
26 June 2019	Email received from the Applicant stating Hamptons Property Services Pty Ltd is no longer acting as the Applicant and transferring the Applicant of the development application to Mr. Bashar Dannawi (owner of site). Contact details of Mr Bashar Dannawi were not provided.
26 June 2019	Council advised the Applicant (Hamptons Property Services Pty Ltd) that an email from Mr. Bashar Dannawi is required to confirm that the role of Applicant is accepted.

Proposal

The proposal development is for the use and fitout of Unit 7 as a sex services premises at 4 Grange Road, Leumeah.

The proposed operational details are as follows:

- Hours of operation from Monday evening to Saturday morning between 8.30pm to 5.00am

- Clients would not be on site outside of the above hours, however, an additional call-out service would operate 24 hours a day, commencing 1.00pm Saturday until 5.00am Monday.
- Seven staff on site at any one time including:
 - One receptionist
 - One driver
 - Five other staff members
- It is proposed that clients would make appointments with reception staff over the phone
- Clients would be directed to use the car park to the rear of the site when arriving for scheduled appointments
- Clients would arrive at the reception area and be directed to the proposed waiting rooms and then be shown to the relevant working room
- After the scheduled appointment, the client would return to their vehicle within the car parking area and exit the site

The following physical works are proposed:

- reception/office area with lift
- two client waiting room areas
- staff room with kitchen
- laundry and bathroom accessed from staff room area
- four rooms includes ensuites (including one accessible room and ensuite)
- waste storage area in garage area
- all internal plumbing to run over floor joists to connect to existing discharge point within the site
- instillation of one security camera to the northern façade of the building
- Mechanical ventilation proposed to penetrate existing western wall (approximately 400mm x 400mm penetration for exhaust point)

Owners consent:

- The site (unit 7) is a lot within a strata scheme and works are proposed to the external walls of the unit. Consent from the owners corporation is required and has not been provided with the development application.

Report

1. Campbelltown 2027 Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan for the city of Campbelltown. The Strategic Plan addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next ten years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The key outcome most relevant to the proposed development is Outcome 3: A thriving, attractive city.

The strategy most relevant to this application is:

- Support the resilience, growth and diversity of the local economy.

The proposed use would add to the growth and diversity of the local economy.

2. Planning Provisions

The development has been assessed in accordance with heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

2.1 Campbelltown Local Environmental Plan 2015

The site is zoned B5 Business Development under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015).

The proposed use as a sex services premises is permitted with consent in the B5 Business Development zone.

Under CLEP 2015, sex service premises means a brothel, but does not include home occupation (sex services).

Under CLEP 2015, brothel has the same meaning as in the Act.

Under the *Environmental Planning and Assessment Act 1979*, brothel means a brothel within the meaning of the *Restricted Premises Act 1943*, other than premises used or likely to be used for the purposes of prostitution by no more than one prostitute.

Under the *Restricted Premises Act 1943*, brothel means premises:

- a) habitually used for the purposes of prostitution, or
- b) that have been used for the purposes of prostitution and are likely to be used again for that purpose, or
- c) that have been expressly or implicitly:

- a. advertised (whether by advertisements in or on the premises, newspapers, directories or the internet or by other means), or
- b. represented, as being used for the purposes of prostitution, and that are likely to be used for the purposes of prostitution. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

The objectives of the B5 Business Development zone are:

- to enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres
- to build and maintain the economic strength of existing centres by limiting retailing activity and discouraging office development
- to encourage the development and continuation of light industries and to enable their successful integration and coexistence with other uses permissible in the zone
- to provide for a range of facilities and services to meet the day-to-day needs of workers in the area
- to facilitate diverse and sustainable means of access and movement

The objective of the zone most applicable to the subject development application is the following:

- to provide for a range of facilities and services to meet the day-to-day needs of workers in the area

The proposed development would provide an additional service to potential workers in the area.

Clause 7.19 Location of sex services premises

The objective of Clause 7.19 of CLEP 2015 is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:

Clause 7.19 Location of sex services premises	Council Response
(a) whether the premises will be located on land that adjoins, is directly opposite to or is separated only by a local road from land:	
(i) in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or	Satisfied. The subject site is not directly opposite land (or separated only by a local road) in zone R2 Low Density Residential, zone R3 Medium Density Residential or zone RE1 Public

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	Recreation.
(ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,	<p>The site is not directly opposite land (or separated only by a local road) that is currently used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.</p> <p>However, development application 2327/2014/DA-C was approved on 21 April 2015 for the refurbishment and adaptive reuse of the existing building at 6 Grange Road adjoining the development site, to create a 172 place child care centre, a recreational facility and 139 serviced apartments. The child care centre and the recreational facility are classified as sensitive land uses.</p> <p>Council has received information that development consent 2327/2014/DA-C has been physically commenced, and therefore the consent is operational and impacts on this use are required to be considered. See assessment below table.</p>
(b) the impact of the development and its hours of operation on any place likely to be regularly frequented by children:	<p>Not satisfied.</p> <p>See assessment below table.</p>
(i) that adjoins the development, or	<p>Not satisfied.</p> <p>See assessment below table.</p>
(ii) that can be viewed from the development, or	<p>Not satisfied.</p> <p>See assessment below table.</p>
(iii) from which a person can view the development.	<p>Not satisfied.</p> <p>See assessment below table.</p>

Hours of Operation

Development Consent 2327/2014/DA-C was approved for the refurbishment and adaptive reuse of the existing building to create a 172 place child care centre, a recreational facility and 139 serviced apartments at 6 Grange Road, Leumeah. The child care centre and the recreational facility are both sensitive land uses. The outdoor play area for the child care centre is located on the ground floor, adjoining the western boundary of the subject site. The following hours are proposed for the adjoining sensitive land uses:

Use	Hours of Operation
Childcare centre	Monday to Friday 6.00am to 7.00pm Saturday Closed Sunday Closed
Recreational facility	Monday to Saturday 6.00am to 7.00pm

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Proposed use	Monday to Saturday 8.30pm to 5.00am (clients attending the site) Clients would not be on site outside of the above hours, however the site would operate a call-out service 24 hours a day, between 1.00pm Saturday until 5.00am Monday.
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From the table above, it is clear that hours when clients attend the proposed sex services premises would not overlap with the operation hours of the childcare centre or recreational facility at 6 Grange Road, Leumeah. However, the operation of the call-out service would conflict with the operation of the recreational facility during Saturday afternoons from 1.00pm to 7pm.

The call-out service would be appointment based and employees would be driven to the appointments by the driver. Outbound employees would enter and exit the site from within the garage. The potential conflict is considered to be unlikely given the nature of the call-out service and the location of the recreational facility.

However, the development application has failed to consider the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children within the immediate locality. It is likely that the adjoining serviced apartment development at 6 Grange Road, Leumeah, approved under development consent 2327/2014/DA-C, would be a place regularly frequented by children from which a person could both view and be viewed from the proposed sex services premises site.

Additionally, the site is within close proximity to 3/2 Grange Road, Leumeah, which benefits from development consent (3145/2017/DA-C) for the use as a café to operate Monday to Sunday from 6.30am to 10.00pm.

To assess the social impact of the proposed sex services premises on the immediate and wider locality, it is essential that proposed security and access to the site and to the entrance of 4 Grange Road, Leumeah, is understood. The development application does not demonstrate how clients would access the site in a safe and secure manner, particularly whilst maintaining the security of the existing multi-unit development. The lack of proposed security measures could result in adverse environmental impacts for the adjoining units within the multi-unit development and the broader locality.

The application fails to adequately address the objective of Clause 7.19 of Campbelltown Local Environmental Plan 2015.

2.2 State Environmental Planning Policy 55 - Remediation of Land

State Environmental Planning Policy 55 (SEPP 55) provides a state-wide planning framework for the remediation of contaminated land. In particular, the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

In accordance with Clause 7(1) of SEPP 55, the land is not identified as being contaminated. Further, the proposed use does not involve any uses identified in sub clause 7(2) of SEPP 55.

Clause 7 of SEPP 55 is satisfied.

2.3 Campbelltown (Sustainable City) Development Control Plan 2015

All development is required to conform to all relevant requirements contained in Part 2 of Campbelltown (Sustainable City) Development Control Plan 2015 (DCP 2015). The below table details the assessment of the proposal in accordance with the relevant requirements of DCP 2015.

Part 2 - Requirements Applying to All Types of Development

Part	Requirement	Proposed	Compliance
2.15 Waste Management			
2.15.1 Waste Management Plan			
a)	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1.	A satisfactory waste management plan was provided.	Satisfactory

Part 13 - Sex Industry Premises

This part sets out controls relating to sex services industry premises within the City of Campbelltown.

The objectives of Part 13 of Council's (Sustainable City) Development Control Plan 2015 are:

- to ensure sex industry premises are appropriately located so as to minimise any potential adverse social or economic impacts upon the surrounding locality
- to control the location of sex industry premises to avoid a concentration of these facilities in a particular location and to minimise any cumulative impacts
- to identify relevant public health and safety standards for sex industry workers and their clients
- to provide appropriate locational restrictions for any sex industry premises to ensure such premises are located at a reasonable distance away from residential areas and other sensitive land uses

Part	Requirement	Proposed	Compliance
13.3 Location Requirements			
13.3.1 General Requirements			
a)	Sex industry premises shall be strategically located to avoid unreasonable exposure to sensitive land uses, and to places where young people (less than 18 years old) regularly gather. Sex industry premises shall not adjoin areas that are zoned residential, or be clearly visible from them.	<p>The proposed development does not adjoin areas that are zoned residential and is not clearly visible from land zoned residential.</p> <p>However, the proposed development would be visible from Rose Payton Drive, through existing established vegetation.</p> <p>The application has failed to address the impact of the proposed sex services premises on uses within the locality where young people regularly gather.</p>	Not satisfactory. See discussion below table.
b)	Sex industry premises shall not adjoin, or be clearly visible from schools, educational institutions for young people (less than 18 years old) or places where children and adolescents regularly gather. This would include places such as bus stops routinely used by school buses.	<p>The proposed development would not adjoin or be visible from a school.</p> <p>The site is not in close proximity to a bus service.</p> <p>The site is visible from Rose Payten Drive which includes a shared pedestrian/cycle pathway within the road reserve.</p> <p>The bus stop (stop ID: 256043) in closest proximity to the site is located on Campbelltown Road on the eastern side of Campbelltown Road, adjacent to 6 Grange Road, Leumeah. The subject site cannot be viewed from the bus stop.</p> <p>The application has failed to address the impact of the proposed sex services premises on uses within the locality where young people regularly gather.</p>	Not satisfactory. See discussion below table.
c)	Sex industry premises shall not be located where they are	The proposed development would not be located where it	Satisfactory

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	clearly visible to sensitive community groups, such as places where worshippers regularly gather.	would be clearly visible to sensitive community groups.	
d)	Sex industry premises shall be located so as to minimise adverse impacts on the amenity of the area, such as noise disturbance and overlooking to surrounding properties.	The proposed development would be located within an existing multi-unit development. Insufficient details have been provided to determine whether noise from within the site would result in environmental impacts for the immediate locality.	Not satisfactory
e)	Sex industry premises shall be adequately separated to avoid the cumulative impacts of clustering which may adversely impact upon the character of a locality.	No registered sex industry premises within the locality.	Satisfactory
f)	Development applications for sex industry premises must consider the location requirements (as outlined above), both within and outside the local government area, including sites with a current approval to operate as a sex industry premises.	LGA boundaries are not in proximity of the subject site.	Satisfactory
g)	In order to adequately satisfy the objectives and performance requirements of this Part, applications shall provide a locality plan (drawn to scale) to demonstrate compliance with the prescribed separation distances as outlined below.	A locality plan demonstrating the separation distances has not been provided with the development application.	Not satisfactory
13.3.2 Separation Distance to Sensitive land uses			
a)	A minimum separation distance of 150 meters (as measured from any point(s) of client access and egress at the building proposed to be so used) to sensitive land uses and places where children and adolescents regularly gather. This includes child care centres, places of worship, community facilities, residential areas, hospitals, medical centres, schools, and places regularly frequented by children.	The Statement of Environmental Effects states that the development site is within the vicinity of sensitive land uses, however the use would operate outside of the hours of the sensitive land uses. See below compliance table for discussion.	Not satisfactory

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13.3.3 Separation Distance to Other Sex Industry Premises			
a)	Sex industry premises must not be located within a 150 metre radius (as measured from any point(s) of client access and egress at the building proposed to be so used) of another sex industry premises.	The subject site is not located within 150 metres of a registered sex industry premises.	Satisfactory
13.4 External Design Requirements for Sex Industry Premises			
a)	The building design for sex industry premises shall be compatible with the surrounding built form.	The proposed development would retain the facade which would be compatible with the surrounding built form.	Satisfactory
b)	The access to sex industry premises shall be discreet and discourage clients gathering or waiting on the street.	Two waiting rooms are provided. However, information has not been provided pertaining to the frequency/number of clients attending the site at any given time.	Not satisfactory
c)	The entrances, exits and external appearance of sex industry premises shall be well lit but not to the extent where it becomes a prominent feature in the streetscape. Flashing lights shall not be permitted.	Lighting/pedestrian access plan has not been provided.	Not satisfactory
d)	Sex industry premises shall not display sex workers, or sex related products from the windows, doors or outside of the premises.	The development does not include window displays.	Satisfactory
e)	Signage is limited to identification of the street address, which must be clearly legible visible from the street to minimise nuisance to neighbours.	Signage is not proposed.	N/A
f)	The paint finishes on external walls of brothels should not be such that they become a prominent feature in the streetscape (e.g. fluorescent or excessively bright colours). Note: The premises must also comply with the requirements of the Building Code of Australia and disabled access requirements.	Changes are not proposed to the existing façade facing Rose Payton Drive.	Satisfactory
13.5 Car Parking			
a)	Sex services premises shall provide on-site car parking at a minimum rate of two car	Four working rooms are proposed which equates to eight required car parking	Not satisfactory – consent has

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	parking spaces per working room.	spaces. One car parking space is proposed within the existing industrial unit. Seven spaces are proposed within the existing common car parking area. Consent has not been granted by the owners corporation for the use of any car parking within the common area.	not been provided from the owners corporation.
c)	Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended).	Utilisation of existing parking proposed.	Satisfactory. However, owners consent has not been granted for the use of the common car parking.
d)	Car parks should be well lit and clearly legible for staff and customers to easily access. Note: Council may consider a variation to this requirement where the applicant can demonstrate that there is adequate available on-street car parking or public transport services close to the premises.	Lighting is not proposed as part of the development application. Car parking spaces are not easily identifiable within the existing car parking area.	Not satisfactory.
13.6 Waste Disposal and Collection			
a)	Operators are to make their own arrangements for trade waste collection, and ensure that any potentially hazardous waste is collected by a clinical waste contractor.	Can be satisfied through a condition of development consent.	Can be satisfied.
b)	Sex services premises shall make provision for the safe and convenient disposal of used condoms, soiled tissues, gloves and the like. All waste containers shall be kept in a clean condition and be stored and collected from within the site.	Can be satisfied through a condition of development consent.	Can be satisfied.
c)	Waste disposal operations must comply with the NSW Department of Health and WorkCover NSW guidelines.	Can be satisfied through a condition of development consent.	Can be satisfied.

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13.7 Sanitary Facilities			
a) i)	Premises must be regularly cleaned and kept in a good state of repair at all times. Care should be taken to regularly clean and disinfect toilets, baths, spas, showers and similar fixtures. These are subject to mould growth and have the potential to accumulate and spread fungi, such as tinea	Can be satisfied through a condition of development consent.	Can be satisfied.
a) ii)	Soap and single-use towels shall be provided to all washbasins required in the premises. Soap dispensers and air hand dryers should be used where difficulty in maintaining supplies of soap and towels is experienced	Can be satisfied through a condition of development consent.	Satisfactory
a) iii)	Brothels and Sex on premises establishments must provide adequate laundry facilities and appropriately sized hot water systems (minimum 70°C) to deal with the onsite demands of linen washing	Can be satisfied through a condition of development consent.	Satisfactory
a) iv)	Ensuites must be provided in each working room, including a shower, toilet and hand basin	Provided on the proposed floor plan.	Satisfactory
a) v)	Separate toilet, shower, change room, and rest facilities must be provided for staff in accordance with the Building Code of Australia. To ensure the privacy of the clients and workers, development applications must demonstrate that the internal layout of the premises is designed so that these facilities are in close proximity to client rooms	The floor plan indicates that the facilities are in close proximity to client rooms.	Satisfactory
a) vi)	A minimum of one client room with sanitary facilities located and designed in accordance with the Building Code of Australia to be suitable for use by people with disabilities	One accessible room with ensuite is proposed.	Satisfactory
a) vii)	All required wash hand basins and showers must be provided with an adequate supply of hot and cold water.	Can be satisfied through a condition of development consent.	Satisfactory
13.8 Health and Safety			
a)	Details are required to demonstrate compliance with the provisions of the Health and	A Plan of Management has been provided with the development application	Satisfactory

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	Safety Guidelines for Brothels in NSW, published by NSW Health and WorkCover NSW. This requires the provision of proposed management practices to address relevant public health and workplace health and safety issues for the proposed development, and includes the following items:	(attachment 3).	
i)	Risk assessment management of workplace hazards	The POM details that the manager would regularly undertake a risk management assessment with employees to determine if persons are at risk from any hazards.	Satisfactory
ii)	Provision of information, instruction, training and supervision needed to ensure the health and safety of all employees	The POM details that an operations handbook would be provided to enable employees to perform their work in a safe manner. The handbook was not provided with the development application documentation.	Satisfactory
iii)	Provision and use of personal protective equipment	The POM details that employees would have access to personal protective equipment free of charge.	Satisfactory
iv)	Monitoring of workers health to prevent sexually transmissible infections	The POM details that staff would be required to submit a sexual health check every three months and provided to the manager. All employees are required to be immunised against Hepatitis B. Further, staff would have access to information in relation to the transmission of sexually transmitted infections.	Satisfactory
v)	Workplace drug and alcohol policy	The POM refers to a drug and alcohol handbook, however it was not provided with the development application.	Not satisfactory. However, this requirement can be satisfied through a condition of development consent.
vi)	Accident reporting	The POM details that WorkCover NSW would be notified of accidents.	Satisfactory

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vii)	First aid procedures	The POM details that a first aid kit would be provided on the premises.	Satisfactory
viii)	Management of Public Health complaints.	The POM details that complaints would be recorded within a complaints register for the premises. The manager would be responsible for the management of complaints.	Satisfactory
13.9 Council Registration			
a) i)	The following provisions apply to brothels and sex-on-premises establishments: i) All operating premises must be registered with Council under the provisions of the <i>Local Government Act 1993</i> for ongoing health surveillance services;	A condition of development consent can be applied.	Can be satisfied
a) ii)	ii) A condition of any development consent issued will require written notification to Council of the person responsible for operating the premises (proprietor / licensee); and	A condition of development consent can be applied.	Can be satisfied.
a) iii)	A condition of any development consent issued will require an environmental health inspection by Council prior to commencement of use.	A condition of development consent can be applied.	Can be satisfied.

Planning Principles – Location of brothels

In *Yao v Liverpool City Council* [2017] NSWLEC 1167, Brown C set out objective based considerations for the location of brothels for consent authorities to take into consideration as are relevant to the development application. The non-compliances with the Campbelltown (Sustainable City) Development Control Plan 2015 are discussed under the headings set out by the planning principles.

1. The proximity to any sensitive land uses, such as, but not exclusively educational establishments, places of public worship, child care centres etc

Part 13.3.2 a) of Council's (Sustainable City) Development Control Plan 2015 states that a minimum separation distance of 150 meters (as measured from any point(s) of client access and egress at the building proposed to be so used) to sensitive land uses and places where children and adolescents regularly gather. This includes child care centres, places of worship, community facilities, residential areas, hospitals, medical centres, schools, and places regularly frequented by children. The site is within 150 metres of the following places regularly frequented by children, or places that are benefited by a development consent for uses likely to be frequented by children:

- The Hermitage Inn located at 5 Grange Road, Leumeah
- Serviced apartments and a 172-place child care centre and recreational facility approved under development consent 2327/2014/DA-C located at 6 Grange Road, Leumeah
- Campbelltown Indoor Soccer Centre at 167 Airds Road, Minto
- A café approved under development consent 3145/2017/DA-C at 3/2 Grange Road, Leumeah

In relation to the proximity with the child care centre at 6 Grange Road, the Applicant states that the proposed development would not be unreasonably exposed to that sensitive land use for the following reasons:

- The proposed use will close one hour before the opening of the child care centre and open one hour after it closes. As a result, there will be no overlap between clientele arriving for appointments on the site when children are being dropped off or collected from the future child care centre.
- Drop off and pick up of children to the child care centre is confined to the basement level of No. 6. Children are not dropped off, nor collected, from within Grange Road. Additionally, clientele will be utilising parking to the rear of the site, which is not visible from the child care centre entrance.
- Access to the subject tenancy is not visible from the child care centre.
- Whilst the subject tenancy and the child care centre both face a common side boundary, the subject tenancy presents as part of an existing industrial complex and will be in no way identifiable in terms of the intended use.
- Windows approved to the shared side boundary (eastern elevation) of the child care centre are located at ground level, below the line of the existing boundary fence. The subject tenancy is therefore partially screened by the existing timber section of the fence. Whilst additional screening is unlikely to be necessary given that the entrance to the subject tenancy is not visible and the proposed operating hours do not align with the child care centre, the applicant is prepared to replace the mesh wire fence with an extension of the timber fence in order to screen the car park should this be considered beneficial.
- The approved outdoor play area for the child care centre is bordered by a 2.20 metre high fence along the eastern boundary, as identified on Architectural Plan N14-201 which screens any view towards the site.
- Therefore, having regard to the opposing hours of operation, the location of the entrance points to each of the uses and the screening treatment between these already existing, it is not considered that, despite the close physical relationship, there will be any consequential impact between the uses.

Overall, the Applicant provides the argument that the operating hours of the proposed use would be outside of the operating hours of the child care centre. However, the application fails to address possible cumulative impacts resulting from the proximity of the site to places

frequented by children such as 3/2 Grange Road, Leumeah, The Hermitage Inn, Campbelltown Indoor Soccer Centre and the serviced apartments approved under development consent 2327/2014/DA-C at 6 Grange Road, Leumeah.

2. The proximity to any premises used for residential accommodation

Residential dwellings within the suburb of Woodbine adjoining Campbelltown Road are within 150 metres of the site. However, it is considered that Campbelltown Road acts as a sufficient physical barrier to the residential allotments.

3. Paths of travel for different members of the community near the premises

The development application does not demonstrate paths of travel for different members of the community near the site. This is of concern, particularly noting there is shared pedestrian/cycle pathway along the southern side of Rose Payten Drive, which adjoins the site.

4. The hours of operation

The proposed hours of operation raise security concerns to the existing units within the multi-unit development. The application has not demonstrated how clients would access the site in a safe and secure manner, particularly if clients access the site via public transport or other means.

Further, the hours of operation conflict with the adjoining serviced apartments development at 6 Grange Road, Leumeah, approved under development consent 2327/2014/DA-C. It is likely that the serviced apartment use would be regularly frequented by children and a person could both view and be viewed from the proposed sex services premises site.

It is considered that the lack of proposed security measures could result in adverse environmental impacts for the adjoining units within the multi-unit development and the broader locality.

5. Signage

N/A – signage does not form part of the proposed works.

6. Means of access to the premises

The development application does not detail specific means of access to the site.

7. Safety of patrons and employees

The development application fails to consider the safety of clients accessing the site. A Crime Prevention through Environmental Design assessment was provided with the development application, however does not detail the security measures on site to ensure the safety of clients and adjoining businesses. The development application was referred to the Crime Prevention Officer at NSW Police - Campbelltown Local Area Command. A response was received 23 June 2016 which is detailed in Section 2.5 of this report.

8. Streetscape appearance

N/A – the existing streetscape, as viewed from Rose Payten Drive, is not proposed to be altered by any external works to the site, despite the inclusion of a security camera.

9. The existing or anticipated character of the area

N/A – sex services premises are permitted in the B5 Business Development zone.

10. Car parking and public transport access

Part 13.5 a) of Council's (Sustainable City) Development Control Plan 2015 requires two car parking spaces per working room. Eight car parking spaces are required to be provided. One car parking space is proposed within the existing unit and the remaining seven spaces are proposed within the common car parking area. Owner's consent has not been provided for the use of the common car parking area.

Additionally, the development application details that the use would include seven staff on site at any one time. A client frequency/appointment schedule was not provided with the development application to ascertain whether the car parking spaces provided are sufficient.

Further, access to the site, pedestrian or otherwise, would require the gates to the site to be opened during hours when the adjoining units at 4 Grange Road, Leumeah are not in use. The development application does not provide details in relation to proposed security measures for the multi-unit building or for clients accessing the site.

11. Social impact

An assessment of the social consequences of the proposed use has not been provided as part of the development application.

12. Impacts of clustering multiple sex services premises.

N/A – The proposed development would not result in clustering of sex services premises within Campbelltown LGA.

2.4 Environmental Planning and Assessment Regulation 2000

The proposal involves works to the external walls and use of common car parking. Consent from the owner's corporation is required to be provided. Owner's consent from the owner's corporation was not provided with the development application. The development application fails to comply with Clause 49(1)(b) of the Environmental Planning and Assessment Regulations 2000.

3. Planning Assessment

3.1 Impacts on the natural and built environment

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment.

The key matters for consideration when considering the development's potential impact on the natural and built environment are as follows:

- Car parking
- Building Code of Australia

Car Parking

Part 13.5 a) of Council's (sustainable City) Development Control Plan 2015 requires two car parking spaces per working room. Four working rooms are proposed, therefore requiring eight car parking spaces. Eight car parking spaces are proposed.

The Plan of Management (POM) states that the proposed development would rely on the existing parking to accommodate seven of the required eight spaces, the eighth space being provided within the garage of the site.

Further, the POM details that there would be up to seven staff on site at any one time. However, the application proposes to only provide eight car parking spaces, with seven of the spaces accessed within the external car parking area. The frequency of appointments and number of clients accessing the site during operating hours was not provided with the development application to ascertain whether the car parking spaces provided are sufficient.

Building Code of Australia

The development application was referred to Council's Senior Building Surveyor for review and comment. The response identified the following issues:

- Egress exceeds 20 metres to a single exit
- Circulation space non-compliance with room one ensuite
- Disabled WC required for staff
- Doorway circulation space - all doorways required to be a minimum 920mm.

The development application fails to address the above issues. However, amended plans could be provided to satisfy these issues.

3.2 Social, economic and environmental impacts

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the likely impacts of the development, including social and economic impacts in the locality.

The key matters for consideration when considering the development's potential impact with regard to social and economic impacts are as follows:

- Crime Prevention Through Environmental Design (CPTED)
- Security
- Proximity to sensitive land uses
- Health and safety

Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighborhoods. The development application was referred to the Crime Prevention Officer at NSW Police -

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Campbelltown Local Area Command. A response was received 23 June 2016 which details that a Safer by Design Evaluation was conducted at the existing multi-unit development where the development was identified as medium crime risk.

The police response and Council comment is listed in the below table under the four key strategies of CPTED being surveillance, access control, territorial reinforcement and space/activity management:

NSW Police Comment	Council Comment
Surveillance	
<ul style="list-style-type: none"> • Surveillance equipment should be installed to enhance the physical security of the premises and assist in the identification of people involved in anti-social or criminal behaviour; <ul style="list-style-type: none"> ○ Cameras should be installed both within and around the premises to maximize surveillance opportunities, including once facing the entry/exit point ○ A camera should also face the car park which will be used by clients ○ Recording equipment should be installed away from the counter area to avoid tampering ○ Once installed, staff should be trained in the operating procedures of the equipment ○ Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested ○ Ensure that the requirements of the surveillance and Privacy Act are adhered to. 	<p>The proposed plans do not detail the location of surveillance equipment.</p> <p>The use of surveillance equipment could be recommended as a condition of development consent, however owner's consent from the owner's corporation has not been provided with the application.</p>
<ul style="list-style-type: none"> • There is little, if any, street activity in the area at night, being a commercial populated area. This raises concern with the application proposing 24-hour business over the weekend and late hours during the week, as there will be little natural surveillance and guardianship during hours of darkness. 	<p>The development application does not include a lighting plan.</p>
Lighting	
<ul style="list-style-type: none"> • Lighting should be designed to the Australian and New Zealand Lighting Standards. 	<p>The development application does not include a lighting plan.</p> <p>The inclusion of lighting could be recommended as a condition of development consent, however consent from the owner's corporation has not been provided with the application.</p>

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NSW Police Comment	Council Comment
<ul style="list-style-type: none"> Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels. 	<p>The development application does not include a lighting plan.</p> <p>The inclusion of lighting could be recommended as a condition of development consent, however consent from the owner's corporation has not been provided with the application.</p>
<ul style="list-style-type: none"> A lighting maintenance policy should be established for the development. 	<p>The development application does not include a lighting plan.</p> <p>The inclusion of lighting could be recommended as a condition of development consent, however consent from the owner's corporation has not been provided with the application.</p>
<ul style="list-style-type: none"> Lighting should work in conjunction with surveillance cameras. 	<p>The development application does not include a lighting plan.</p> <p>The inclusion of lighting could be recommended as a condition of development consent, however consent from the owner's corporation has not been provided with the application.</p>
Landscaping	
<ul style="list-style-type: none"> Remove obstacles and rubbish from property boundaries, footpaths, driveways, car parks and buildings to restrict concealment of offenders. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Any new landscaping should be designed so that it does not provide concealment or entrapment areas, and should be maintained regularly. 	N/A – landscaping does not form part of the proposed works.
Territorial Re-enforcement	
<ul style="list-style-type: none"> Effective signage and/or directional signs must be installed to provide guidance to visitors in locating prohibited areas. 	<p>Not satisfied.</p> <p>Signage does not form part of the proposal.</p>
<ul style="list-style-type: none"> Warning signs can assist in controlling activities and movements throughout the premises and grounds. Signage needs to be provided at the doorways (secure area) and also to the work rooms indicating staff access etc. 	<p>Not satisfied.</p> <p>Signage does not form part of the proposal.</p>
<ul style="list-style-type: none"> The reception area needs to be clearly defined. 	The proposed floor plans indicate that the reception area is clearly defined.
<ul style="list-style-type: none"> Post warning signs around the perimeter of the business to warn intruders of what security treatments have been implemented to reduce opportunities for crime. 	Can be satisfied through a condition of development consent, however would require the consent of the owners corporation.

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Environmental Maintenance	
<ul style="list-style-type: none"> A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a 48 hour period. 	Can be satisfied through a condition of development consent.
Space/Activity Management	
<ul style="list-style-type: none"> Furniture should pose no threat to being used as a weapon or used to cause malicious damage. This includes chairs, tables, decorations etc. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> A safe should be installed within the premises and utilised when dealing with large amount of cash. An EFTPOS machine should be fitted and utilised to reduce cash being kept on site. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> The business should provide a secure place, for example lockers, for clients to keep personal belongings such as mobile phones and wallets. 	Can be satisfied through a condition of development consent.
Access Control	
<ul style="list-style-type: none"> The internal 'working room' doors should not have internal door locks. External door locks should be installed on these doors to allow for other staff to unlock working room doors in case of emergency. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> The main entry/exit points for this development should be fitted with single cylinder locksets, which comply with the BCA. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Windows can also be re-inforced to restrict unauthorised access by applying a shatter resistance film. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Intercom facilities should be incorporated into these entry/exit points to enable employees to communicate and identify with people prior to admitting them to the development. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Intercom facilities should also be installed within working rooms to allow for workers to contact other staff in case of emergency. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Height of reception desk to be considered to hinder unlawful access. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> A monitored intruder alarm system should be installed, including a 'panic alarm' within the reception area for staff. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Duress alarms should be installed throughout the premises. 	Can be satisfied through a condition of development consent.
<ul style="list-style-type: none"> Fire exit doors must be one way doors. 	Can be satisfied through a condition of development consent.

Overall, it is considered that the lack of security measures and CPTED assessment could result in adverse social impacts for the adjoining units within the multi-unit development and the broader locality.

Security

The NSW Police also raise concerns in relation to the security risk of the adjoining units in the multi-unit development. If approved, the existing building at 4 Grange Road, Leumeah would not be able to be secured with the gate and security fencing, due to the hours of operation of the development. This would pose a security risk to the other businesses in the building which may be targeted for break enter and steal, intentionally damage property, graffiti and steal from motor vehicle.

The development application does not include information in relation to security management of the multi-unit development or for the site.

Proximity to sensitive land uses

The CPTED response provided by the Crime Prevention Officer at NSW Police – Campbelltown Local Area Command, dated 23 June 2016 included additional concerns and general recommendations as follows:

NSW Police Comment	Council Response
<ul style="list-style-type: none"> The development is located next to an already established Martial Arts Centre, 'SAAM Muay Thai'. Police have concerns regarding the members of this centre – including children and the close vicinity of the development. 	<p>Council's records indicate that the most recent development consent for issued for unit 6/4 Grange Road, Leumeah was for the assembly of saltwater chlorinators (DA/70/1991).</p>
<ul style="list-style-type: none"> The development is at a distance of approximately 300 metres from both 'Lollipops' and 'Monkey Mania' – both locations subject to large amounts of young children, especially over the weekend. 	<p>Part 13.3.2 a) of Council's (Sustainable City) Development Control Plan requires a minimum separation distance of 150 metres to sensitive land uses and places where children and adolescents regularly gather. The location of 'Lollipops' and 'Monkey Mania' is approximately 550 metres from the development site (when walking along Rose Payten Drive and Airds Road). The distance of the subject site to these businesses is considered satisfactory.</p>
<ul style="list-style-type: none"> The development is also approximately 300 metres from the Leumeah Skate Park. The skate park is a destination which is utilised by local youth, especially over the weekend. The skate park is subject to numerous community events held throughout the year, usually run by Campbelltown Council. 	<p>Part 13.3.2 a) of Council's (Sustainable City) Development Control Plan requires a minimum separation distance of 150 metres to sensitive land uses and places where children and adolescents regularly gather. The location of the Leumeah Skate Park is approximately 750 metres from the subject site (when walking along Rose Payten Drive and Airds Road). The distance of the subject site to Campbelltown Skate Park is considered sufficient.</p>
<ul style="list-style-type: none"> The pathway running along Rose Payton Drive is at a distance of no more than 20 metres from the entrance to the development, and can easily be viewed from this pathway. This pathway is often used by the children who attend the skate park regularly. 	<p>The development application has not detailed pedestrian movements around the site.</p>
<ul style="list-style-type: none"> The development is also located next door to an 	<p>An assessment of the hours of operation has</p>

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approved (but yet to be constructed) child care centre (DA 2327/2014/DA-C). If this development opens, it will be in close proximity to the development subject to this application.	been undertaken under Part 13.3.2 a) of Council's (Sustainable City) Development Control Plan 2015.
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As noted in the NSW Police response, particular concern is raised in relation to the location of the shared pedestrian/cycle pathway along the southern side of Rose Payten Drive, which adjoins the site. Users of the shared path would have a reasonably clear view of the site entrance, particularly if lighting was used to identify the entrance and the car parking area. However, the application does not provide an assessment of pedestrian movements along Rose Payten Drive or does not address whether the entrance to the site would be sufficiently lit for clients to identify the entrance to the site.

Health and Safety

The development application was referred to Council's Senior Environmental Health Officer for review and comment. It was advised that conditions of development consent could be applied to the development to ensure the sex services premises would be consistent with the regulations and the *Local Government Act 1993*.

3.3 Site Suitability

Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the suitability of the site for the proposed development.

The site is not considered suitable for the proposed use due to the failure to achieve the minimum separation distance of 150 metres from the site to a sensitive land uses and places where children and adolescents regularly gather. Evidence has not been provided which has analysed the surrounding area, including pedestrian routes utilised, to understand how and where children and adolescents move around the immediate locality. Further, the development does not include adequate security devices or an assessment of the safety and security impacts on adjoining businesses and clients accessing the site.

4. Public Participation

Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* requires Council to consider submissions. The development application was notified and exhibited from 20 May 2016 for 14 days. Fifteen written submissions were received and one petition with 109 signatures. The submissions have been grouped into theme, issue and Council response in the table below.

Theme	Issue	Response
Impact on adjoining tenancy (6/4 Grange Road, Leumeah)	Concerns in relation to proposed use operating next to 6/4 Grange Road, Leumeah (SAAM Maury Thai Campbelltown).	Council's records indicate that the most recent development consent for issued for unit 6/4 Gange Road, Leumeah was for the assembly of saltwater chlorinators (DA/70/1991).

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Theme	Issue	Response
Parking issues	Existing multi-unit development site at 6 Grange Road does not have enough car parking to service existing units.	Eight car parking spaces are proposed which complies with Part 13.5 a) of Council's (Sustainable City) Development Control Plan 2015.
Impact on trade	Use of tenancy would impact on current customer base of adjoining businesses.	The proposed hours of operation of the sex services premises would conflict with Units 4 and 5. The approved hours of operation (D/3/1998) are 7.00am to 9.00pm Monday to Saturday The application fails to consider the approved hours of units within the multi-unit development at 4 Grange Road, Leumeah.
Adverse impact on the resale value of surrounding businesses and premises	The use would have an adverse impact on the resale value of businesses in the immediate vicinity of the development site.	Not a matter for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Site security	4 Grange Road is secured behind locked gates 50 percent of the time. The proposed use would allow 24 hour access to the entire complex allowing unsecured access to the site.	Security concerns are valid and have not been addressed in the development application.
Site Security	Security of other tenancies within the industrial building threatened as the gates would be left open throughout the night.	Security concerns are valid and have not been addressed in the development application.
Site Security	Reduced security could lead to increased insurance premiums.	Security concerns are valid and have not been addressed in the development application.
Security of adjoining allotments	Security concerns at night and the impact on adjoining businesses.	Security concerns are valid and have not been addressed in the development application.
Children accessing adjoining units within multi-unit site	Concerns of children attending the site during school holidays.	The proposed hours of operation of the sex services premises would conflict with Units 4 and 5. The approved hours of operation (D/3/1998) are 7.00am to 9.00pm Monday to Saturday The application fails to consider the approved hours of units within the multi-unit development at 4 Grange Road, Leumeah.

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Theme	Issue	Response
Proximity to existing uses	Unsuitable location due to proximity to The Hermitage Restaurant.	The Hermitage is considered to be a place frequented by children. The proposal has not considered the impact of the proposed use on the proximity to The Hermitage Inn. Security issues have not been addressed.
Proximity to uses	Use would detract from family friendly atmosphere with rooms over-looking Grange Road.	The Hermitage overlooks Grange Road which is used to access the site. It is unclear how access to the site would be achieved during the opening hours of the premises.
Inappropriate location However, the development application has failed to consider the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children. The adjoining serviced apartments development at 6 Grange Road, Leumeah, approved under development consent 2327/2014/DA-C. It is likely that the serviced apartment use would be a place regularly frequented by children from which a person could both view and be viewed from the proposed sex services premises site.	The area around the site is a community hub of family and youth activities including Minto sports complex, tennis complex, athletics stadium and within a few hundred metres of residential developments in Woodbine and Leumeah.	Part 13.3.2 a) of Council's (Sustainable City) Development Control Plan 2015 states that a minimum separation distance of 150 meters (as measured from any point(s) of client access and egress at the building proposed to be so used) to sensitive land uses and places where children and adolescents regularly gather. The site is within 150 metres of the following identified uses: -Campbelltown Indoor Soccer Centre and -A 172-place child care centre and recreational facility approved under development consent 2327/2014/DA-C at 6 Grange Road, Leumeah, -3/2 Grange Road, Leumeah, which has development consent 3145/2017/DA-C for the use as a café, -The Hermitage Inn at 5 Grange Road, Leumeah. Further, the application fails to demonstrate paths of travel for different members of the community near the premises, particularly as a shared pedestrian/cycle pathway is provided along the southern side of Rose Payten Drive, which adjoins the site.

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Theme	Issue	Response
Campbelltown Image	Consider the image of Campbelltown one would get using a main thoroughfare like Rose Payten Drive having a brothel as the focus.	The proposal does not include signage or changes to the façade that would identify the site as a sex services premises. However, the development application fails to identify how the site would be identified at night through the use of lighting as a means of security.
Insufficient access	Limited access which would negate the discrete element.	Access to the site is provided from Grange Road. The application fails to detail the security measures to ensure the clients entering the site in a safe manner.
Leasing Issues	Ability to lease properties would become more difficult.	Not a matter for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Religious Beliefs	Conflict with religious beliefs.	Not a matter for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Proximity to other sex services premises	Macarthur has many brothels already within proximity to one another.	No evidence provided.
Social Impacts	Correlation between brothels and marriage breakdowns.	No evidence provided.
Social Impacts	Brothel brings more sex trafficking.	No evidence provided.
Exposure to contraceptives and drug paraphernalia	Existing adjoining units exposed to the presence of contraceptives in the car park and bins, along with drug paraphernalia and alcohol related articles.	Waste would be required to be kept within the premises. Could be resolved through a condition of development consent.

5. Public Interest

The public interest is a comprehensive requirement that requires consent authorities to consider the long-term impacts of development and the suitability of the proposal in a larger context. The public interest is serviced through the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and having regard to the reasonable amenity expectation of surrounding land users.

In the circumstances of this case, the proposed development is not considered to be in the public interest. The application has failed to consider critical aspects of the proposal that have been raised through public submissions, such as safety and security concerns for the site and for the adjoining units at 4 Grange Road, Leumeah.

Further, the application fails to achieve the minimum separation distance from the site to a sensitive land use and places where children and adolescents regularly gather. The

application does not provide sufficient analysis of how and where children and adolescents move around the immediate locality.

It is considered that approval of the proposed development would be contrary to the public interest. Refusal of the proposed development is considered to be in the public interest.

6. Conclusion

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development is permissible with consent under the provisions of Campbelltown Local Environmental Plan 2015.

The issues and concerns raised in the submissions received, particularly in relation to adverse security and safety impacts to the adjoining and surrounding businesses and the proximity of the site to places regularly frequented by children have not been adequately addressed by the development application.

Overall, having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant matters discussed within this report, it is recommended that the development for the use and fitout of unit 7, 4 Grange Road, Leumeah for a sex services premises be refused subject to the recommended reasons for refusal detailed in Attachment 1.

Attachments

1. Attachment 1 - Reasons of Refusal (contained within this report)
2. Attachment 2 - Plan of Management (contained within this report)
3. Attachment 3 - Stormwater (contained within this report)
4. Attachment 4 - Site Plan and Calculations (contained within this report)
5. Attachment 5 - Elevations (contained within this report)
6. Attachment 6 - Floor Plan (due to confidentiality) (distributed under separate cover)

Reporting Officer

Executive Manager Urban Centres

ATTACHMENT 1
1361/2016/DA-C
Recommended Reasons for Refusal

Development application 1361/2016/DA-C for the use of Unit 7, No. 4 Grange Road for sex services premises is refused for the following reasons identified in the assessment of the application in accordance with section 4.15 of the Environmental Planning and Assessment Act, 1979:

1. The application is not valid as owners consent has not been provided for the works proposed on, and use of, land under the control of the body corporate of the strata scheme. Such consent is not likely to be obtained given the submissions in objection from other Units in the strata scheme.
2. The application does not comply with either the objectives or controls of Clause 7.19(2) of the Campbelltown Local Environmental Plan, 2015. The development will operate at times where adjoining and nearby development will be frequented by children.
3. The proposed development is not consistent with the objectives of the Campbelltown Sustainable City Development Control Plan 2015 which require that sex services premises are appropriately located so as to minimise adverse social or economic impacts on the surrounding locality.
4. The application does not comply with the controls of the Campbelltown Sustainable City Development Control Plan 2015 including:
 - It has not been demonstrated that the site is strategically located to avoid unreasonable exposure from places where children and adolescents gather
 - It has not been demonstrated that the site is strategically located to avoid sensitive land uses
 - The site does not comply with the minimum separation requirement to sensitive land uses and places where children and adolescents gather
 - It has not been demonstrated that the development would not adversely impact on the amenity of the area
 - It has not been demonstrated that the site is discreet and discourages clients gathering or waiting on the street
 - It has not been demonstrated that the entrance, exit, external appearance and car parking is well lit but not to the extent where it becomes a prominent feature
 -
5. The development would have an adverse impact upon the safety and security of adjoining businesses and clients of the sex services premises.
6. The site is not suitable for the development as the location is in close proximity to places where children and adolescents gather.
7. The site is not suitable for the proposed development having regard to the nature and type of existing premises and the impacts this development would have on the security of these premises.
8. The proposed development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

END OF CONDITIONS

HAMPTONS PROPERTY SERVICES

Plan of Management
7/4 Grange Road, Leumeah NSW 2560

Town Planning, Project & Development Management 2016

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PROJECT PARTICULARS

Project No. HPS 2015.083
Client Bachar Dannawi
Site Address 7/4 Grange Road, Leumeah
Document Name Plan of Management
Prepared By William Hodgkinson
Edited by Rachel Condon
Review By Kristy Hodgkinson

Revision	Revision Date	Details	Authorisation	
			Name/Position	Signature
Final	24 April 2016	Rep001(Draft)	Kristy Hodgkinson	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

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1 PURPOSE

This Plan of Management (PoM) has been prepared to accompany a development application for 7/4 Grange Road, Leumeah (the subject tenancy). The proposed development is for a change of use to the existing warehouse tenancy to a brothel. This will be accompanied by an outcall service, which will also operate from the premises. The proposed hours of operation are from Monday evening to Saturday morning, between the hours of 8:30pm and 5:00am. It is proposed that the tenancy would operate 24 hours per day, commencing 1:00pm Saturday until 5:00am Monday morning. Clientele will not be accepted on-site outside of these hours.

The purpose of this PoM is to assist the operation of the proposed use to ensure that there is not an unreasonable exposure to surrounding land uses. This PoM will also demonstrate compliance with the *Health and Safety Guidelines for Brothels in NSW*.

It is anticipated that, as part of any future development consent, this PoM would form a requisite condition for compliance purposes.

2 SITE AND PROPOSED USE DETAILS

2.1 SITE DETAILS

This PoM applies to the subject tenancy, legally described as Lot 7 in Strata Plan 38099. The subject tenancy is located within an industrial warehouse building at No. 4 Grange Road, Leumeah (the site).

2.2 USE OF THE SUBJECT TENANCY

The proposed development is for a brothel with four working rooms and an outcall service.

The subject tenancy will incorporate the following:

- A combined reception/entry area;

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- Two waiting rooms;
- Four working rooms with ensuites, including one accessible room;
- A staff room with a bathroom and rest area;
- A laundry;
- A store room; and
- A car space and waste storage area.

2.3 USE OF ON-SITE CAR PARKING

No. 4 Grange Road provides parking in an informal shared arrangement between tenancies. To the rear there is approximately 19 line marked car spaces, with a further six line marked spaces available in a tandem arrangement. The proposed development will rely on the existing parking available to accommodate seven of the required eight spaces (two *per* room). An additional space for the driver-employee and their vehicle will be accommodated within the internal garage.

2.4 REGISTRATION

The proposed use will be registered with the Council in accordance with the provisions of the Local Government Act 1993 for ongoing health monitoring services.

Written notification to the Council of the person responsible for operating the premises will be provided prior to occupation as outlined in Section 13.9 of the DCP 2015.

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3 OPERATIONAL DETAILS

3.1 Hours of Operation

The proposed use will operate Monday evening to Saturday morning between the hours of 8:30pm and 5:00am and 24 hours *per* day between 1:00pm Saturday until 5:00am Monday morning. Clientele will not be accepted on-site outside of the nominated operating hours and the use will operate on an appointment basis only. This will be stipulated on the premises website and any walk-ins will be turned away. Potential clientele will be able to easily obtain contact details for the premises from a yellow pages or a google search.

3.2 Staffing

There will be up to seven staff members on site at any one time. These include

- One reception employee;
- One driver;
- Five other staff members.

The site will be staffed during the entirety of operating hours by the reception employee who will manage the premises. Their role in relation to the use will be to receive appointments over the phone, greet clientele upon arrival and direct them to one of the two designated waiting rooms. This is set out at section 3.3 below. They will also manage outcall appointments.

3.3 Client Procedure

The following procedure will be followed on premises:

- Clientele will make appointments with the reception staff member over the phone;
- During that conversation clientele will be directed to use the car park to the rear of the site when arriving for the appointment;

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- Clientele will be greeted upon arrival by the reception staff member within the reception area and directed to one of the two waiting rooms;
- Clientele will be collected from the waiting room and shown to the relevant working room;
- Following the appointment, clientele will then return to the reception area where the reception staff member will direct them to their vehicle; and
- The client will then exit the site.

3.4 Health and Safety

Risk Assessment Management of Workplace Hazards

- All employees will be able to consult with the on-site reception staff member/manager during their shift. Employees will also be provided with the phone number of the manager of the premises;
- The manager will regularly undertake a risk management assessment with employees to determine if persons are at risk from any hazards. This will involve;
 - Identifying the foreseeable hazard;
 - Assessing the risks to people's health and safety arising from the hazards;
 - Using appropriate control measures to eliminate or reduce the risk; and
 - Monitoring and reviewing the control measures implemented to ensure continual safety.
- The manager will also ensure:
 - The availability of good lighting for physical examination of clients to detect any visible evidence of sexually transmitted infections (STIs). Before any sexual encounter each client will be examined by the sex worker to detect any visible evidence of STIs. The examination of clients will not be seen as an alternative to, or as lessening the need for, observing safe sex practices. The staff member will be able to refuse to engage in a sexual practice where the staff member believes that they are at risk of acquiring an STI. Any client with evidence of an STI will be referred for medical consultation;
 - The provision of safe equipment including beds, bondage equipment and apparatus; and

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- That staff are provided with reasonable access to staff from the Sex Workers Outreach Project.

Information, Instruction, Training and Supervision of Employees

- The manager will provide employees with an operations handbook to enable employees to perform their work in a safe manner. The manager will take reasonable steps to ensure that the information within the handbook is medically accurate. The handbook will be provided in English and other languages as required. It will include information relating to:
 - Safe sex practices;
 - Including information on the use of personal protective equipment.
 - Sexually transmitted infections including HIV, hepatitis A and B;
 - Blood borne infections including hepatitis C;
 - Cleaning practise for equipment;
 - First aid;
 - The Sex Workers Outreach Project and local sexual health services, including contact details; and
 - The workplace alcohol, drugs and smoking policy.
- An induction session will be provided for all new staff members. This will address all matters covered in the handbook and this PoM.

Provision and Use of Personal Protective Equipment and Sex Aids

Personal protective equipment will be stored within the storage cupboard on the premises. This will include an adequate supply of condoms of varying size and thickness, dams, gloves, water-based lubricants, towels and linen, all free of charge to staff. The storage cupboard is freely accessible within the premises and will not be exposed to high temperatures or light that will cause deterioration.

Employees will be directed to ensure that equipment such as sex aids are covered with a new condom for each client. The condom will be removed and discarded within the designated waste bins after each use and the equipment will be cleaned in accordance with the manufacturer's instructions. Staff will be provided with adequate cleaning fluids and as part of their induction they will be shown how to clean the equipment.

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Monitoring of Workers Health to Prevent Sexually Transmitted Infections

- Staff will be required to submit to a sexual health check every three months by a doctor of their choosing. Evidence of this will need to be provided to the manager;
- Staff will be immunised against hepatitis B; and
- Written information will be provided within the premises for clientele about the transmission of sexually transmitted infections.

Workplace Drug and Alcohol Policy

The handbook provided to staff will detail the workplace drug and alcohol policy.

Accident Reporting

WorkCover NSW will be notified by the manager if, as a result of an accident at their workplace, a person dies or is injured so that he or she cannot carry out their usual duties for at least 7 continuous days. WorkCover NSW will also be notified if there is a dangerous occurrence at work. A register of injuries in the workplace will also be maintained on the premises.

First Aid Procedures

A first aid kit will be provided on the premises and managed by the reception staff member. It will be stored in the storage cupboard, be fully equipped at all times and be appropriately sized to cater for the maximum capacity on site.

Management of Public Health Complaints

A hierarchical response which includes an Assessment Panel chaired by the Director, Sydney Sexual Health Centre (Phone: 02 9382 7440) is used to manage people with sexually transmitted disease who risk infecting others. The Area Medical Officer of Health will be the first point of contact for complaints related to sexually transmitted infections. Contact details will be provided within the handbook.

Complaints that practices, or the environment at a workplace, are a risk to public health are also investigated by NSW Health. Complaints about workplace practices may be referred to the Assessment Panel directly or *via* the Public Health Unit Director. Complaints about the workplace environment are

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investigated by Area Medical Officers of Health and/or the appropriate Public Health Unit Director.
Contact details will be provided within the handbook.

3.5 Waste Management

Waste containers will be stored within the subject tenancy and the applicant will enter into an agreement with a waste contractor to have the waste bins collected from the entrance to the site on a weekly basis.

Waste associated with the activities of the premises will be stored in specialised containers within the designated area of the premises. These will be collected from within the site. Waste disposal operations will comply with the Health and Safety Guidelines for Brothels in NSW.

3.6 Cleaning

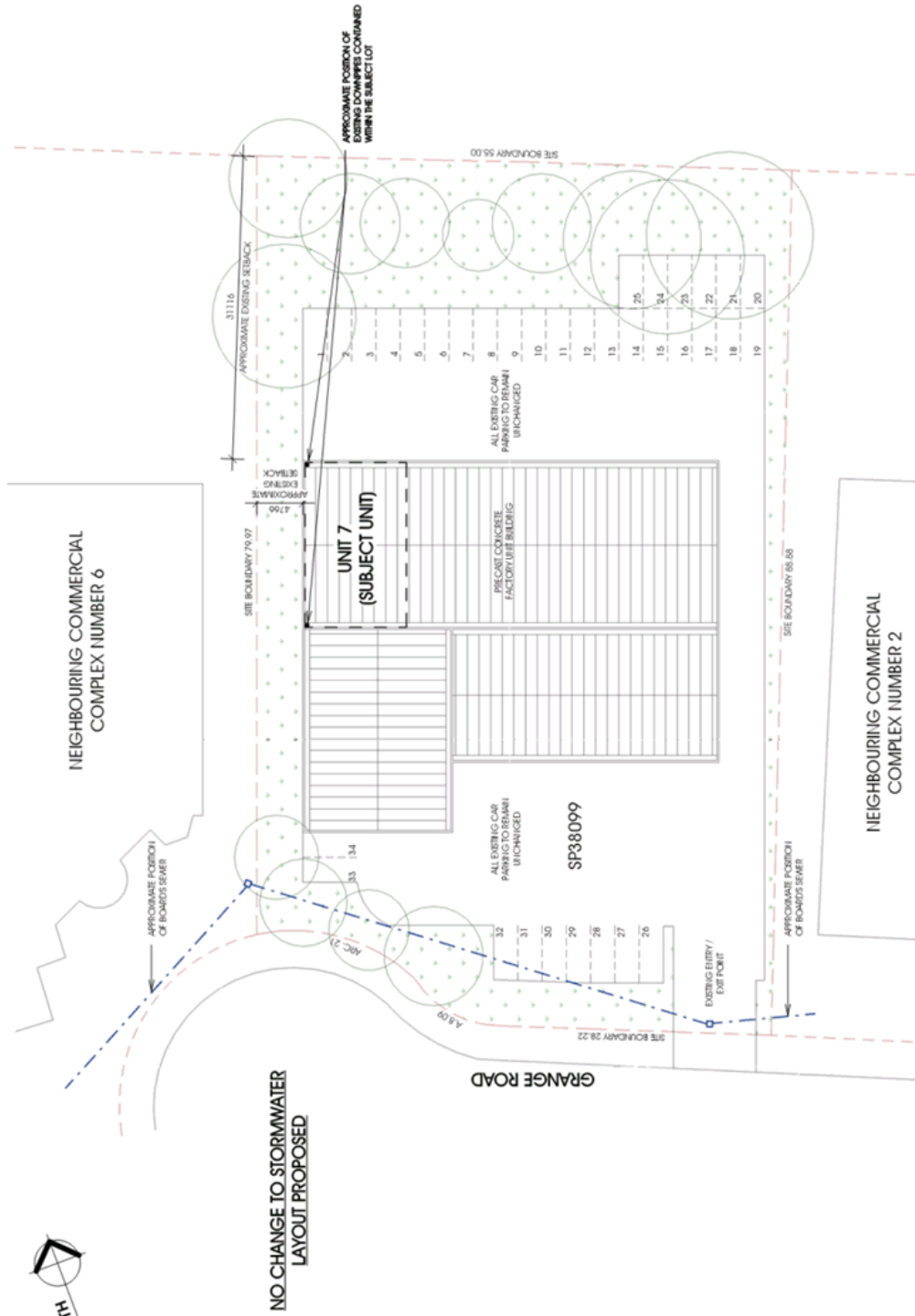
- The premises will be professionally cleaned once a week;
- Staff will undertake spot cleaning as required, including replacing the linen and towels within a working room immediately following an appointment. Additionally, bloody or body substance spills will be cleaned immediately following an appointment;
- Clean Linen and towels will be provided to each room for free use by staff and clientele;
- Used linen and towels will be stored temporarily within a designated receptacle within the laundry before being washed collectively daily;
- Washing of linen and towels will occur within a hot water wash using laundry detergent and all items will be thoroughly dried;
- Each room will be provided with temporary storage facilities for waste that will be emptied after each appointment and transferred to the designated waste storage area within the garage.

3.7 Complaints

Complaints received from neighbours will be recorded within a complaints register for the premises. The manager will be responsible for managing all complaints, by informing complainants that their complaints are being addressed and that action is being taken to remedy their grievance.

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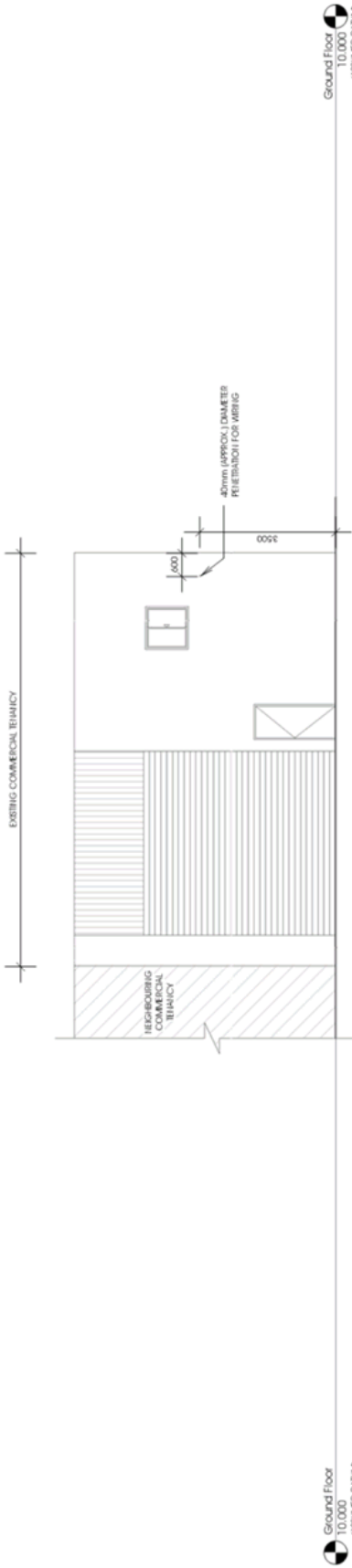
DEVELOPMENT APPLICATION DRAWINGS



NOTE: All dimensions in millimetres unless otherwise stated. Square dimensions for all in plan unless otherwise stated. Refer to other drawings and site plan for all dimensions in elevation. Confirm: All major sites and drawings are subject to change and may be updated without notice. Confirm: All major sites and drawings are subject to change and may be updated without notice. Confirm: All major sites and drawings are subject to change and may be updated without notice.

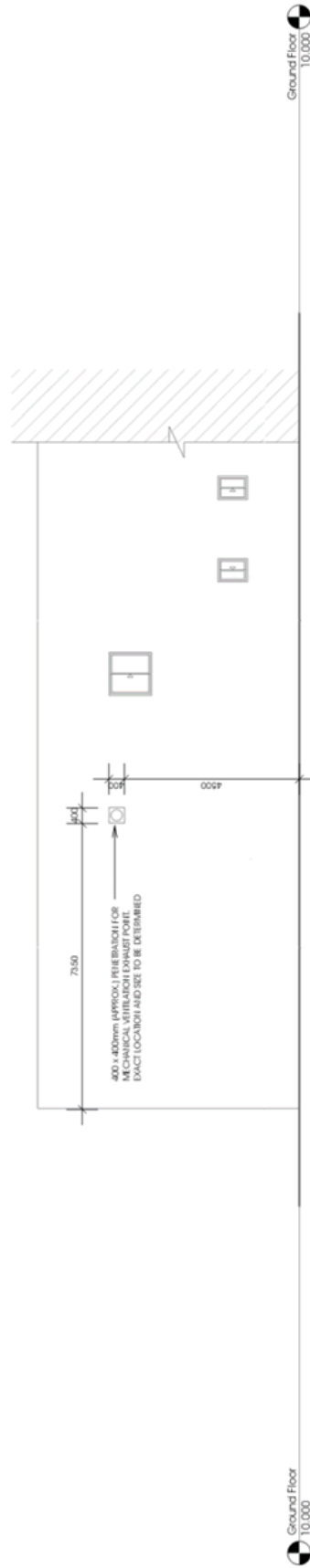
Issue:	Title:	Sheet No:
A	ISSUED FOR COUNCIL LODGEMENT	5
Date:	Scale:	Drawn:
01/04/19	1 : 400	Daniel Chapman
Project No:	Start Date:	Project No:
	OCT 2015	
Proposed address for:	Scale:	Scale:
BACHAR DANINAMI	0	0
7/4 GRANGE ROAD, LEUMEAH	1 : 400	1 : 400
Zone:	Lot:	EP:
B5	7	38099
Consent:	Proposed address for:	Proposed address for:
CAMPBELLTOWN	BACHAR DANINAMI	7/4 GRANGE ROAD, LEUMEAH





1 Northern Elevation

1 : 100



2 Western Elevation

1 : 100

NOTE: All dimensions in millimetres unless otherwise indicated. Figures dimensioned by the architect are subject to construction tolerances. Builders to check dimensions on the plans by commencement of work. Contractor to design, site and construct in accordance with the specifications, or in part thereof, unless permitted otherwise in writing by the architect.

Rev	Issue	Date	Sheet No.
A	ISSUED FOR COUNCIL LODGEMENT	01/04/16	3
B	ISSUED FOR COUNCIL COMMENTS	23/06/16	
C	WALL AND CEILING DETAIL ADDED	20/07/16	
D	WALL PHE BRANCHES INDICATED	20/07/16	

ELEVATIONS

Zone	B5	Project No.	0
Contract	CAMPBELLTOWN	Start Date	OCT 2015
Proposed by	BACHAR DANWAMI	Scale	1 : 100
Address	7/4 GRANGE ROAD, LEUMEAH	Drawn	Daniel Chapman

Scale	0 5m
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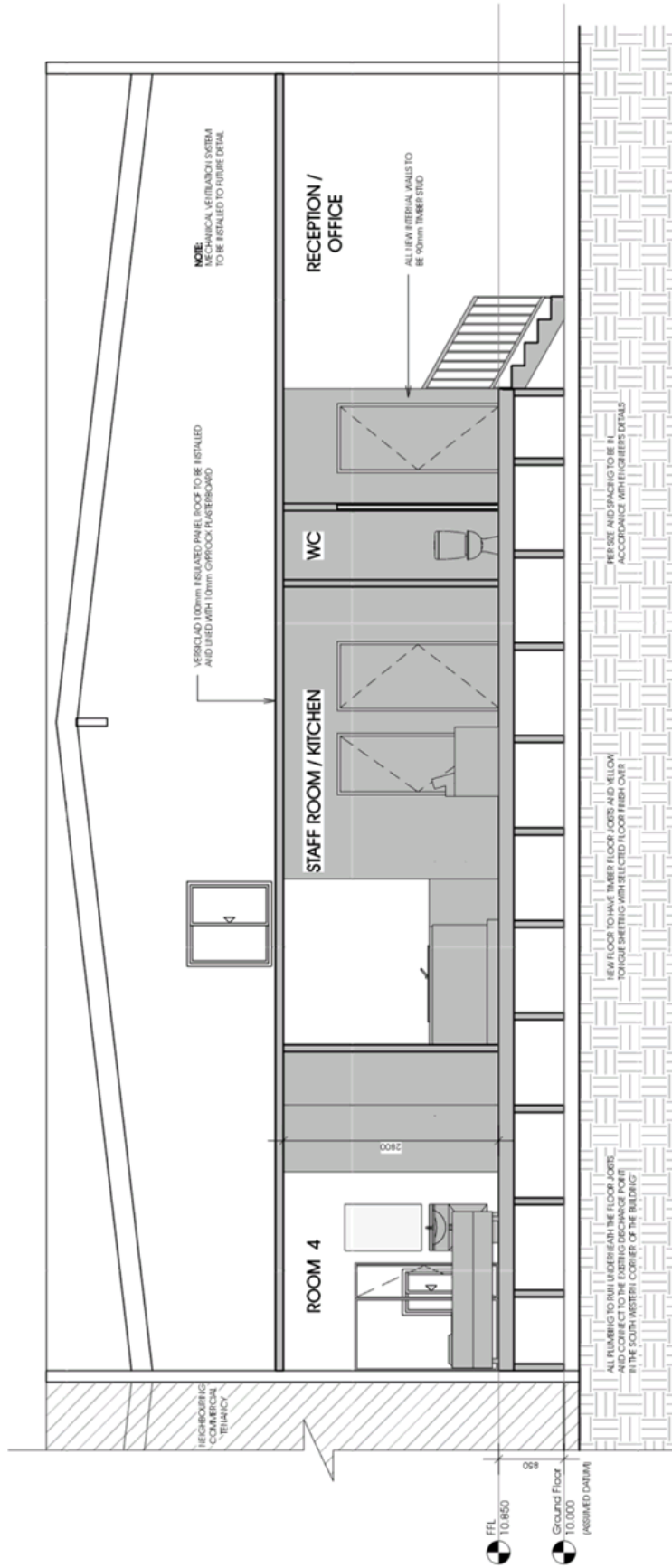


DEVELOPMENT APPLICATION DRAWINGS

NOTE:
ALL STRUCTURAL ELEMENTS TO BE IN ACCORDANCE WITH ENGINEERS DETAILS, RELEVANT AUSTRALIAN STANDARDS AND THE BUILDING CODE OF AUSTRALIA.

NOTE:
ALL TIMBER FLOOR, WALL AND ROOF FRAMING IN ACCORDANCE WITH ENGINEERS DETAILS AND TIMBER FRAMING CODE

NOTE:
1. EXTERIOR SHOW IN WHITE
2. HEAVY WORK SHOW IN COLOURED



NOTE: All dimensions in millimetres unless otherwise stated. Figures given in brackets for all in parentheses or in circles. Refer to sheet dimensions on all plans for commencement of work. **CONTRACT:** If major sites and drawings are subject to change and may be reproduced, or in part, about the author permission of the author designs.

Block:	A
Title:	ISSUED FOR COUNCIL LODGEMENT
Date:	01/04/19

Client Ref:	SECTION A - A		
Zone:	B5	Lot:	7
Council:	CAMPBELLTOWN	BP:	38099

Proposed address of the:	BACHAR DANINAMI		
7/4 GRANGE ROAD, LEUMEAH			
Start Date:	OCT 2015	Scale:	0
Project No:		Drawn:	Doniel Chapman
Sheet No:	4	Scale:	1:50

Scale:	1:50
Scale:	0
Scale:	2.5m



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- a. Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided by the Principal Certifying Authority with the application for a Construction Certificate.
- b. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Voting

The Local Planning Panel voted 4/0

4.4 Use and fitout of unit 7 as a sex services premises - 4 Grange Road, Leumeah

Executive Summary

- An application was lodged on 6 May 2016 for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises.
- The site is zoned B5 Business Development under the provisions of Campbelltown Local Environmental Plan 2015 and the proposed use as a sex services premises is permitted with consent.
- The site is within a strata titled development. Consent from the owners corporation was not provided with the development application that would permit any required improvements on common property associated with the application inclusive of lighting and security measures.
- The application was notified and publicly exhibited between 20 May 2016 and 3 June 2016. Fifteen written submissions were received and one petition with 109 signatures.
- The proposed development is not considered to be in the public interest. The application fails to consider critical aspects that have been raised through public submissions, such as safety and security concerns and the proximity to sensitive land uses and places where children and adolescents regularly gather.
- It is considered that approval of the proposed development would be contrary to the public interest.
- It is recommended to the Panel that the application be refused, subject to the recommended reasons of refusal in attachment 1.

Public Address

The Local Planning Panel meeting was addressed by objector Judith Bond and Lara Merhi

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on behalf of the owner.

Panel members asked questions that were responded to directly at the meeting.

Panel Considerations and Reasons for Decision

The Panel notes that the works proposed in the application include works on common property and the owner's consent of the strata scheme has not been provided with the application.

Decision of the Panel

The Panel defers the determination of this application for a period of twenty eight (28) days from the date the minutes are published on Council's website for the applicant to provide owners consent from the Owners Corporation to permit the necessary site improvements to address safety and security concerns inclusive of details of a lighting plan and surveillance measures and directional signage.

In the event that owners consent as outlined above is not provided within the 28 days then the application will be determined by the Panel by electronic means including reasons for the decision.

In the event that the owner's consent is provided the Panel is to be provided with draft conditions of consent and a decision may be made by the Panel by electronic means including reasons for the decision.

Voting

The Local Planning Panel voted 4/0

4.5 Multi Dwelling Housing development and strata subdivision at 5-7 Fields Road, Macquarie Fields.

Executive Summary

- Council is in receipt of a development application pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP), that proposes the construction of five multi dwelling housing units, strata subdivision and associated site works at No. 5 – 7 Fields Road, Macquarie Fields. The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (LEP2015). One of those dwellings is nominated as an affordable rental dwelling under the provisions of the ARHSEPP.
 - The application was notified to adjoining and nearby properties between 6 December 2018 and 21 December 2018. One submission was received which sought clarification on the proposal.
 - An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and found that the proposal is generally compliant with the relevant environmental planning instruments.
-

Minutes of the Local Planning Panel Meeting

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