

Attachment A

Recommended Conditions of Consent
--

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application Number D/2025/894 dated 17 September 2025 and the following drawings prepared by NTARCH Architects:

Drawing Number	Drawing Name	Date
DA-103 Issue F	Ground Floor – Demolition	27/08/2025
DA-104 Issue F	Level 1 – Demolition	27/08/2025
DA-107 Issue F	Ground Floor – Proposed	27/08/2025
DA-108 Issue F	Level 1 – Proposed	27/08/2025
DA-201 Issue F	North Elevations	27/08/2025
DA-202 Issue F	East and South Elevations	27/08/2025
DA-901 Issue F	Finishes Schedule	27/08/2025

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) NO RETROSPECTIVE APPROVAL

This development consent does not grant approval for any works already completed or undertaken at the premises prior to the date of this consent.

Reason

To clarify the scope of the consent.

(3) DESIGN MODIFICATIONS – 101 ALBION STREET FRONT ENTRY

The design of the front entry to 101 Albion Street building must be modified as follows:

- (a) FRONT DOOR: The design of the door and fanlight must match as closely as possible the other existing front door and fanlights at 93 Albion Street in timber.

- (b) ARCH: Retain the existing arch and place a new lintel under the existing arch and use removed bricks to repair the vent in the wall and any damage caused through insertion of new lintel.
- (c) SIDE LIGHT: A fixed panel side light adjacent to the door is required rather than a replacement brick wall. The side light must be constructed in lightweight timber v jointed boards vertically placed and painted to match the door / fanlight
- (d) FENCE: The existing balcony verandah and balustrade fencing west of the ramp line must be retained as existing.
- (e) GATE: The existing front gate and balustrade fencing to be removed for the new ramp must be relocated to the eastern edge of balcony between the ramp and balcony to return to the front elevation of the terrace.
- (f) RAMP: A compatible dark finish must be nominated (dark concrete may be appropriate) and tile the edge of cut balcony to match the rest of balcony.

Detailed 1:20 drawings are required of the front entry elevation and a section through the door and the existing front wall. The drawings must illustrate retention of the arched brickwork above the lintel of the door entry.

The modifications must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(4) DESIGN MODIFICATION – REMOVAL OF AWNINGS

The existing awnings at the front of 95 Albion Street and 99 Albion Street are to be removed and fascias made good to match others in the row.

No approval is granted for the installation of new awnings.

Revised architectural drawings showing the awnings removed are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(5) UPDATES TO PLAN OF MANAGEMENT

The submitted Plan of Management for the premises prepared by George Nehme dated September 2025 (revision B) is to be updated to the satisfaction of Council to confirm the following:

a) Separation of Staff Spaces

Confirmation that spaces designated exclusively for sex workers such as locker rooms, kitchens, and changing areas must not be accessible to patrons and will be secured using a lock or swipe card access system. Additionally, a dedicated toilet for staff and sex workers must be provided.

b) Alarm Systems

Confirmation that all working rooms and staff areas must be provided with intercoms or duress alarm systems linked to a central base and monitored at all times.

Reason

To ensure appropriate management of the premises.

(6) REPAIRS AND WORKS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profile and properties.

Reason

To ensure repairs and works for making good are appropriate.

(7) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Reason

To clarify the scope of the consent.

(8) SEX INDUSTRY PREMISES - LIGHTING

All worker areas of the premises must be provided with an adequate level of lighting that achieves a minimum luminance of 80lx. This must be achieved either through the provision of a separate zoned lighting system or incorporated into the design of the local lighting system. User adjustable dimmer switches may be installed to achieve this.

Reason

To protect the health and safety of sex workers.

(9) SEX SERVICE PREMISES STAFF FACILITIES

Staff facilities must be provided within the premises, in an area which is not accessible by clients and is adjacent to and accessible from work areas. The facilities must have controlled access and appropriate facilities including: a rest area with seating; toilet with hand basin; sink with running water, water boiling facilities and fridge; food and drink preparation areas; staff lockers and health information noticeboard.

Reason

To ensure appropriate staff facilities are provided on the premises.

(10) SYDNEY DCP COMPLIANCE

The premises must comply with the health provisions contained in Section 4.4.6 of the *Sydney Development Control Plan 2012*.

Reason

To ensure relevant health provisions are complied with.

(11) MANAGEMENT OF PREMISES

A maximum of 12 sex workers are allowed to be employed on the site at any one time.

Reason

To ensure appropriate operation of the premises.

(12) SEX INDUSTRY/ADULT ENTERTAINMENT/STRIP CLUBS CLEANING

All performance areas must be cleaned on a daily basis and should also be assessed for cleaning after every performance with spot cleaning occurring as necessary and as frequently as possible.

Reason

To ensure safety and cleanliness within working areas.

(13) WASTE AND RECYCLING MANAGEMENT - GENERAL

Prior to the issue of a Construction Certificate, the development must be amended to the satisfaction and approval of Council's Area Planning Manager or Area Coordinator, Planning Assessments, in order to provide waste storage facilities to comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(14) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier. The Certificate must verify that the structural integrity of the existing 'Party Wall(s)' will not be adversely affected as a consequence of the development and that the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia.

Reason

To ensure the structural integrity of the existing party wall/s is verified.

(15) DILAPIDATION REPORT

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

Reason

To ensure that dilapidation reports are prepared and to identify damage to for adjoining/nearby properties resulting from building work on the development site.

BEFORE BUILDING WORK COMMENCES

(16) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

DURING BUILDING WORK

(17) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(18) HOURS OF WORK AND NOISE

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993*.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act, 1979*.

Reason

To protect the amenity of the surrounding area.

(19) COVERING OF LOADS

All vehicles involved in the demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(20) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(21) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(22) PUBLIC SWIMMING POOLS AND SPA POOLS

Prior to the issue of an Occupation Certificate associated with the public spas the occupier of premises must notify the Council in writing on the prescribed form of the installation of a pool/spa within the premises under the Public Health Act 2010. Notification forms are available on Council's website www.cityofsydney.nsw.gov.au

Reason

To ensure the Council is notified of the installation of the pool/ spa.

OCCUPATION AND ONGOING USE

(23) PLAN OF MANAGEMENT – SEX SERVICES PREMISES

The operation of the premises must be conducted in accordance with a Plan of Management that has been approved by Council. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, then the plan of management must be appropriately reviewed and submitted to and approved by Council.

Reason

To ensure appropriate management of the premises.

(24) SPA POOL CLEANING

All spa pools are to be emptied and cleaned with disinfectant with water replaced between each use.

Reason

To ensure the spas are adequately cleaned.

(25) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(26) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT U/00589, AS MODIFIED

- (a) This development consent relies on, and must be read in conjunction with, the existing development consent U/00589 (as modified).

- (b) This consent is subject to compliance with all of the operational conditions of consent contained in existing development consent U/00589 (as modified, except as may be amended by this development consent).

Reason

To ensure that the operation of the premises is consistent with the existing development consent.

(27) TRADING HOURS - SENSITIVE USES

The trading hours are regulated as follows:

- (a) The permitted trading hours are restricted to between 11.00am and 5.00am (the following day), Monday to Sunday.

Reason

To ensure the premises trades within the approved trading hours.

(28) NOISE FROM ENTERTAINMENT ACTIVITIES

During ongoing use of the premises, the cumulative emission of noise from any entertainment activities must comply with Requirement 3, *NOISE FROM ENTERTAINMENT ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(29) NO SPRUICKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(30) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(31) SCHEDULED COLLECTIONS – COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.
- (b) Waste and recycling stream(s) bins must not be placed on the street for collection. The waste contractor must wheel the bins from the waste storage area of the property to the waste collection vehicle upon arrival and return them to the waste storage area following collection. Unimpeded access must be provided to the waste and recycling storage area(s) at all times.
- (c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(32) HEALTH SERVICES ACCESS

The proprietor must give access to health service providers to provide information and educational activities on disease transmission issues and any other issues.

Reason

To ensure access to health service providers is provided.

(33) SEX SERVICE PREMISES - SHARPS WASTE DISPOSAL EQUIPMENT

A least one sharps container of a one litre or more capacity is to be provided and kept on premises at all times for use by clients or staff as required.

The container(s) are to comply with the requirements of AS4261:1994 and/or AS4031:1992 and be disposed of in accordance with the Department of Environment and Conservation's requirements.

Reason

To ensure sharps waste can be disposed of appropriately.