

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**PART A – DEFERRED COMMENCEMENT CONDITIONS**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination:

**(1) AMENDED PLANS**

Amended plans are required to delete reference to Bedroom 6 (to be amended to provide either a Manager’s office and/or storage) and detailing the maximum number of lodgers per room (as conditioned by this application), the location of the waste storage area, and including fixtures such desks, chairs and bar fridges within the bedrooms.

**(2) PLAN OF MANAGEMENT**

An updated Plan of Management must be submitted and approved, and must contain the name and contact details of the on-site manager; the house rules which will ensure safety and amenity of occupants and neighbours; the maximum capacity of each room (as conditioned under this application); waste management; and cleaning arrangements.

**(3) CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$18,749.00
Community Facilities	\$9,178.79
Traffic and Transport	\$588.00
Stormwater Drainage	\$0.00
Total	\$28,515.79

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 114.0 for the June 2018 quarter.

The contribution must be paid prior to the activation of the consent in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

#### **(4) BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)**

(a) Pursuant to Clause 93 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Category 1 fire safety provisions and structural adequacy provisions as required by Clause 143 of the Regulations. Documentation detailing compliance with the provisions as prescribed below must be submitted and approved by Council's Area Planning Manager through Part 1.0 of the National Construction Code Volume Two:

- (i) Structural provisions - Part B1;
- (ii) Fire Separation – Part 3.7.1;
- (iii) Smoke alarms and lighting to assist evacuation – Part 3.7.2;
- (iv) Facilities – Part 3.7.1;
- (v) Light – Part 3.8.4;
- (vi) Ventilation – Part 3.8.5;

(b) The measures listed in the following Fire Safety Schedule must be provided in the building in accordance with Clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

Note: The obligation under the above condition to comply with the Category 1 fire safety provisions \* may require building work to be carried out even though none is proposed or required in this consent. A Construction Certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

\* *Category 1 fire safety provisions* are the following provisions of the *Building Code of Australia*, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of the Code and P2.3.2 in Volume Two of the Code.

- (A) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (B) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (C) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

**PART B – CONDITIONS OF CONSENT**

**SCHEDULE 1**

**(5) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2018/340 dated 27 July 2018 and the following drawings prepared by Ciolino Constructions:

Drawing Number	Drawing Name	Date
1 of 3	Site Plan	27 July 2018
2 of 3	Floor Plans	27 July 2018
3 of 3	Elevation, Section and Roof Plan	27 July 2018

and as amended by the conditions of this consent.

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

**(6) NO CONSENT FOR PHYSICAL WORKS**

No consent is granted or implied for any physical works, with the exception of BCA upgrade works required by Condition 15.

**(7) USE OF UPPER LEVEL COURTYARD**

The use of the upper level courtyard is restricted to between 7.00am and 8.00pm Monday to Sunday.

**(8) RESTRICTION ON BOARDING HOUSE**

The building must be used as a boarding house only. The minimum length of stay for lodgers is 3 months.

**(9) LIMIT OF RESIDENTS**

There shall be no more than 8 residents residing in the premises at any given time. The following restriction on maximum lodgers per bedroom applies:

- Bedroom 1 (Ground floor) – 2 lodgers
- Bedroom 2 (First floor – front) – 2 lodgers
- Bedroom 3 (First floor – middle – 1 lodger
- Bedroom 4 (Second floor – front) – 2 lodgers
- Bedroom 5 (Second floor – middle) – 1 lodger
- Bedroom 6 (Second floor – rear) – 0 lodgers

Bedroom 6 shall be used as a manager's office and/or store room.

**(10) RESTRICTION ON STRATA SUBDIVISION**

In accordance with the provisions of Clause 52 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Sydney Development Control Plan 2012, the boarding house cannot be strata subdivided.

**(11) ACCOMMODATION - REGISTRATION AND CARETAKER**

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

**(12) BOARDING HOUSE - USE AND OPERATION**

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local

Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010, the Boarding Houses Act 2012 and regulations thereunder and the *Sydney Development Control Plan 2012 – 4.4.1*.

**(13) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

**(14) CLEANLINESS**

Cleanliness shall be maintained at all times to reduce the likelihood of vermin in and around the premises.

**(15) 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.
- (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 2011* and the NSW Government and Work Cover 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.
- (l) 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
- (i) site activities and time frames.

#### **(16) HOURS OF WORK AND NOISE – OUTSIDE CBD**

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 (eg. 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.

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 Unit, 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 96 of the *Environmental Planning and Assessment Act 1979*.

**(17) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

**(18) 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.

**(19) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

A Fire Safety Certificate must be submitted to the Principal Certifier for all the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

**(20) ANNUAL FIRE SAFETY STATEMENT FORM**

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Safety Certificate is issued or the use commencing, whichever is earlier.



## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>