

Relevant Information for Local Planning Panel

FILE: D/2025/89 **DATE:** 21 July 2025

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 3 – Development Application: 1 Onslow Place, Elizabeth Bay – D/2025/89

Alternative Recommendation

It is resolved that consent be granted for Development Application Number D/2025/89, subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(3) RELIANCE ON PREVIOUS DEVELOPMENT CONSENT D/2022/456, AS AMENDED

- (a) This development consent relies on, and must be read in conjunction with, the base development consent D/2022/456 (~~as modified by D/2022/456/A~~ ***as amended***).
- (b) This consent is subject to compliance with conditions of consent contained in D/2022/456 (as amended), in particular:
 - (i) Condition (1) Approved Development;
 - (ii) Condition (2) Design Modifications;
 - (iii) Condition (3) Strata Subdivision – Development Consent;
 - (iv) Condition (4) Approved Design Rooftop Plant;
 - (v) Condition (5) Building Height;
 - (vi) Condition (8) External Lighting;
 - (vii) Condition (9) No Air Conditioning Units to Façade or Balconies of Building;

- (viii) Condition (10) Associated Roadway Costs;
- (ix) Condition (11) Cost of Signposting;
- (x) Condition (12) Vehicle Access;
- (xi) Condition (13) No Obstructions or Encroachments;
- (xii) Condition (14) – Tactile Ground Surface Indicators and Handrails;
- (xiii) Condition (15) Trees Approved for Removal;
- (xiv) Condition (16) Tree Protection Zone;
- (xv) Condition (17) Affordable Housing Contribution – Residual Lane or Central Sydney – Payment in lieu of floor space contribution – Prior to Construction Certificate;
- (xvi) Condition (18) Public Art;
- (xvii) Condition (19) Retention of Existing Rock Outcrop;
- (xviii) Condition (20) Visual Privacy Screening Details;
- (xix) Condition (21) Reduction of Noise from External Sources (Residential and Serviced Apartments);
- (xx) Condition (22) Sites in the Vicinity of Buildings within a Heritage Conservation Area;
- (xxi) Condition (23) Materials and Samples Board – Major Development;
- (xxii) Condition (24) Mechanical Ventilation;
- (xxiii) Condition (25) Reflectivity;
- (xxiv) Condition (26) Letterboxes;
- (xxv) Condition (27) Allocation of Parking;
- (xxvi) Condition (28) Bicycle Parking;
- (xxvii) Condition (29) Parking Design;
- (xxviii) Condition (30) Telecommunications Provisions;
- (xxix) Condition (31) Utility Services;
- (xxx) Condition (32) Structural Certification for Design – National Construction Code (All Building Classes);
- (xxxi) Condition (33) – BASIX Certificate – Details to be lodged with a Construction Certificate;

- (xxxii) Condition (34) External Walls and Cladding Flammability;
- (xxxiii) Condition (35) Construction Traffic Management Plan;
- (xxxiv) Condition (36) Demolition, Excavation and Construction Noise and Vibration Management Plan;
- (xxxv) Condition (37) Dilapidation Report – Public Domain;
- (xxxvi) Condition (38) Survey Infrastructure – Identification and Recovery;
- (xxxvii) Condition (39) Public Domain Levels and Gradients;
- (xxxviii) Condition (40) Stormwater Drainage Design;
- (xxxix) Condition (41) Stormwater Drainage Connection;
- (xl) Condition (42) Stormwater On-Site Detention;
- (xli) Condition (43) Temporary Dewatering During Construction;
- (xlii) Condition (45) Waste and Recycling Management – Residential;
- (xliii) Condition (46) Waste and Recycling Management – General;
- (xliv) Condition (47) Landscaping of the site;
- (xlv) Condition (49) Signal system;
- (xlvi) Condition (50) Mechanical parking facilities (car lift and vehicle turntable);
- (xlvii) Condition (51) Tree Pruning Specification Report;
- (xlviii) Condition (52) Demolition, Excavation and Construction Management;
- (xlix) Condition (53) Dilapidation Report – Major Excavation/Demolition;
- (l) Condition (54) Road Opening Application;
- (li) Condition (55) Rodent Treatment Programme – Pre Demolition and/or Excavation;
- (lii) Condition (56) Hazardous Materials Survey Required
- (liii) Condition (57) Public Domain Work – Construction Approval under Section 138 Roads Act 1993
- (liv) Condition (58) Sydney Certificate (TAP-IN);
- (lv) Condition (59) Other Approvals;

- (lvi) Condition (60) Survey;
- (lvii) Condition (61) Hours of Work and Noise;
- (lviii) Condition (62) Application for Hoardings and Scaffolding Installed On or Above a Public Road and Operating Hoisting Devices including Building Maintenance Units over a Public Road;
- (lix) Condition (63) Loading and Unloading During Construction;
- (lx) Condition (64) No Obstruction of Public Way;
- (lxi) Condition (65) Use of Mobile Cranes;
- (lxii) Condition (66) Covering of Loads;
- (lxiii) Condition (67) Erosion and Sediment Control;
- (lxiv) Condition (68) Vehicle Cleansing;
- (lxv) Condition (69) Compliance with Demolition, Excavation & Construction Noise and Vibration Management Plan;
- (lxvi) Condition (70) Asbestos Removal Works;
- (lxvii) Condition (71) Classification of Waste;
- (lxviii) Condition (72) Notification – New Contamination Evidence;
- (lxix) Condition (73) Stockpiles;
- (lxx) Condition (74) Imported Fill Materials;
- (lxxi) Condition (75) Hazardous and Industrial Waste;
- (lxxii) Condition (76) Use of High Noise Emission Appliances / Plant;
- (lxxiii) Condition (77) Public Domain Plan Detailed Documentation for Construction;
- (lxxiv) Condition (78) Hold Points;
- (lxxv) Condition (79) Public Domain Works Security Bond;
- (lxxvi) Condition (80) Tree Protection Plans;
- (lxxvii) Condition (81) Site Supervision and Reporting;
- (lxxviii) Condition (82) Archaeological Discovery During Excavation;
- (lxxix) Condition (83) Sydney Water Certificate;
- (lxxx) Condition (84) Protection of Stone Kerbs;

- (lxxxix) Condition (85) Notification of Excavation Works or Use of High Noise Emission Appliances/Plant;
- (lxxxii) Condition (86) Site Notice of Projects Details and Approvals;
- (lxxxiii) Condition (87) Overhead Powerlines – Ausgrid Condition;
- (lxxxiv) Condition (88) Underground Cables – Ausgrid Condition;
- (lxxxv) Condition (89) Stormwater Completion Deed of Agreement and Positive Covenant;
- (lxxxvi) Condition (90) Restriction on Residential Development;
- (lxxxvii) Condition (91) Restriction on Use of Car Spaces – Residential;
- (lxxxviii) Condition (92) Survey Certificate at Completion;
- (lxxxix) Condition (93) Compliance with Hazardous Materials Survey Report;
- (xc) Condition (94) Public Domain Works Completion;
- (xci) Condition (95) Survey Infrastructure – Restoration;
- (xcii) Condition (96) Public Domain Completion – Work as Executed Documentation;
- (xciii) Condition (97) Drainage and Service Pit Lids;
- (xciv) Condition (98) Public Domain Damage Security Bond;
- (xcv) Condition (99) Traffic Management Plan;
- (xcvi) Condition (100) BASIX;
- (xcvii) Condition (101) Submission of Electronic CAD Models prior to Occupation Certificate;
- (xcviii) Condition (102) Occupation Certificate to be submitted;
- (xcix) Condition (103) Encroachments – Neighbouring Properties;
- (c) Condition (104) Encroachments – Public Way;
- (ci) Condition (105) Ventilation Minor Works;
- (cii) Condition (106) Car Park Ventilation;
- (ciii) Condition (107) Defects Liability Period – Public Domain Works;
- (civ) Condition (108) Emissions;
- (cv) Condition (109) Annual Fire Safety Statement Form;

- (cvi) Condition (110) Number of Adults Per Room;
- (cvii) Condition (111) Waste/Recycling Collection.

and is subject to compliance with the Terms of Approval for Integrated Development as advised by Water NSW contained in Schedule 3 of D/2022/456 (as amended), in particular:

- (cviii) ***Condition (113) GT0116-00001***
- (cix) ***Condition (114) GT0117-00001***
- (cx) ***Condition (115) GT0118-00001***
- (cxi) ***Condition (116) GT0119-00001***
- (cxii) ***Condition (118) GT0121-00001***
- (cxiii) ***Condition (119) GT0122-00001***
- (cxiv) ***Condition (120) GT0123-00001***
- (cxv) ***Condition (121) GT0150-00001***
- (cxvi) ***Condition (122) GT0151-00001***
- (cxvii) ***Condition (123) GT0152-00001***
- (cxviii) ***Condition (124) GT0155-00001***

- (c) This consent is **not** subject to compliance with the following conditions contained in D/2022/456 (as amended):
 - (i) Condition (6) Window Operability to Unit 6 Rooftop Retreat;
 - (ii) Condition (7) Non-Trafficable Rooftop Space.

Reason

To ensure consistency between the approved development under D/2022/456 (as amended) and this amended development application.

Background

Following the publishing of the subject report and attachments for Item 3, two administrative errors were identified in Condition 3 (in Attachment A). This condition seeks to ensure that there is consistency between the approved development under D/2022/456 (as amended) and this amended development application (D/2025/89). Specifically, the amendments in bold italics above achieve the following:

- The proposed rewording of Condition 3(a) removes the reference to Modification D/2022/456/A. This change is necessary as this will not be the latest modification to the base DA once it is amended in accordance with this amending DA and pursuant to Section 4.17(1)(b) and (c) of the *Environmental Planning and Assessment Act, 1979*. The proposed rewording of 'D/2022/456 **as amended**' is more appropriate.
- The change to Condition 3(b) includes reference to the Terms of Approval for Integrated Development as advised by Water NSW contained in Schedule 3 of D/2022/456 (as amended). These conditions were omitted from Condition 3(b) in error and should be included for consistency as the amending DA will be required to comply with these conditions.

The amendments represent minor changes to reflect the above and it is recommended that the Panel adopt the suggested rewording to Condition 3.

Prepared by: Kerryanne Lewis, Senior Planner

Approved



ANDREW THOMAS

Executive Manager Planning and
Development