

Attachment A

Recommended Conditions of Consent
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CONDITIONS OF CONSENT
SCHEDULE 1A

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/89 dated 10 February 2025 and the following drawings prepared by Tzannes:

Drawing Number	Drawing Name	Date
P-0000 Rev F	Cover Sheet	4 July 2025
P-1010 Rev E	Roof Terrace Amended Plan	17 June 2025
P-1011 Rev E	Roof Amended Plan	17 June 2025
P-2001 Rev A	Elevation (North)	19 December 2024
P-2002 Rev D	Elevation (South)	17 June 2025
P-2003 Rev B	Elevation (East)	30 May 2025
P-2004 Rev D	Elevation (West)	17 June 2025
P-3001 Rev C	Sections	17 June 2025
P-3002 Rev E	Sections	17 June 2025

and as otherwise 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.

Reason

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

(2) MODIFICATION OF DEVELOPMENT CONSENT D/2022/456

- (a) The existing base development consent D/2022/456 (as modified by D/2022/456/A), dated 17 May 2022, must be modified pursuant to Section 4.17(1)(b) and (c) of the *Environmental Planning and Assessment Act, 1979*.

- (b) The drawings by Tzannes set out in the following schedule must be modified by the approved drawings nominated at Condition 1 (Approved Development) in Schedule 1A of this consent:

Drawing Number	Drawing Name	Date
0000 Rev F	Cover Sheet	06/06/2023
1010 Rev N	Roof Terrace Plan	03/07/2023
1011 Rev K	Roof Plan	03/07/2023
2001 Rev I	Elevation (North)	06/06/2023
2002 Rev I	Elevation (South)	06/06/2023
2002 Rev I	Elevation (East)	06/06/2023
2004 Rev I	Elevation (West)	06/06/2023
3001 Rev I	Sections	06/06/2023
3002 Rev H	Sections	06/06/2023

- (c) The following condition of the base development consent D/2022/456 (as modified by D/2022/456/A) in the left column of the table below must be amended to be replaced with the condition specified in the right column of the table below which appears in Schedule 1B of this development consent.

Condition Number and Title – D/2022/456/A	Condition Number and Title – D/2025/89
(48) INACCESSIBLE GREEN ROOFS	(10) INACCESSIBLE GREEN ROOFS

- (d) Notice of such modifications must be given to Council in accordance with Section 67 of *Environmental Planning and Assessment Regulation, 2000*, prior to the issue of any Occupation Certificate.

Reason

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

(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).
- (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;
- (xliv) 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;
- (lxxxi) 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.
- (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.

(4) PREVIOUS CONDITIONS SATISFIED UNDER D/2022/456 (AS AMENDED)

All conditions previously satisfied under D/2022/456 (as amended) are enforced under this consent.

Reason

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

SCHEDULE 1B

(5) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The area to the south-east of the approved plunge pool / spa is to be reduced to a depth of 1 metre for the full length of the trafficable rooftop terrace.

The modifications 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.

(6) LOCATION OF PLANT EQUIPMENT

The plant equipment for the plunge pool / spa must be wholly contained within the frame of the pool / spa.

Reason

To ensure that acceptable visual amenity and acceptable view impacts / view sharing are achieved.

(7) MINIMISE IMPACT OF POOL ON NEIGHBOURING PROPERTIES

- (a) To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/spa area, the design and construction of the swimming pool/spa and associated equipment and fencing must comply with the following requirements:
 - (i) The *Swimming Pools Act 1992* and Regulations.
 - (ii) The swimming pool must have safety barriers installed in accordance with the requirements of AS 1926.1 - 2007 - 'Safety barriers for swimming pools' and AS 1926.2 - 2007 'Location of safety barriers for swimming pools'.
 - (iii) Australian Standards 1926.3 - Water Recirculation and Filtration; and
 - (iv) *Protection of the Environment Operations Act 1997*

Reason

To minimise the impact of the pool on adjoining properties and to ensure the safety of the pool/ spa area.

(8) SWIMMING POOL - WASTE AND OVERFLOW WATERS

Swimming pool waste and overflow waters must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for a Construction Certificate to the satisfaction of the Registered Certifier.

Reason

To ensure waste and overflow waters are managed appropriately.

(9) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by PWNA, dated 19 August 2024, ref R1, titled 240518 – 1 Onslow Place, Elizabeth Bay – Rooftop Pool Acoustic Review – R1, Council Ref 2025/096601 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

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

(10) INACCESSIBLE (GREEN) ROOFS

This condition relates to the green roofs located at roof terrace level.

- (a) A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
 - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.

- (iii) Details of soil types and depth including any mounding.
 - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
 - (v) Provide a diverse species rich inaccessible green roof with plant species selected to grow no taller than the parapet height (RL 42.505).
 - (vi) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (vii) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates and transport of materials and green waste.
 - (viii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to the issue of a Construction Certificate, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
 - (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.
 - (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

Reason

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(11) USE OF INTRUSIVE APPLIANCES

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992".

A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992.

Reason

To ensure the acoustic amenity of surrounding developments is maintained.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.