

Relevant Information for Central Sydney Planning Committee

FILE: D/2024/1208 **DATE:** 19 June 2025

TO: The Central Sydney Planning Committee

FROM: Graham Jahn AM, Chief Planner / Executive Director City Planning,
Development and Transport

SUBJECT: Information Relevant To Item 12 – Development Application: 923-935 Bourke
Street, Waterloo – D/2024/1208

Alternative Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/1208 following:
- (i) consideration of additional groundwater sampling within currently accessible soil areas, around retained street trees and future land to be dedicated to the City;
 - (ii) submission of a revised Remediation Action Plan outlining an appropriate remediation strategy, including details of any Long-term Environmental Management Plans to manage any residual soil contamination on site/contaminated ground water;
 - (iii) submission of a Section B Site Audit Statement prepared by a Site Auditor confirming the site is suitable or will be made suitable for the use upon the implementation of the Remediation Action Plan and, if required, any Long-Term Environmental Management Plans;
 - (iv) conclusion of the public exhibition of the VPA and consideration of any public submissions received in response;
- (B) the request made in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 to vary the floor space ratio development standard in Clause 4.4 be upheld;

- (C) the request made in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 to vary the ceiling height non-discretionary development standard under Clause 148 of the State Environmental Planning Policy (Housing) 2021 be upheld; and
- (D) if the Chief Executive Officer determines to approve Development Application No. D/2024/1208, then consideration be given to imposition 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~~):

Part A – Deferred Commencement Conditions

Schedule 1

(2) ~~CONCEPT WASTEWATER PLAN – SYDNEY WATER ASSETS~~

- (a) ~~Due to the critical nature of Sydney Water impacted assets, early approval of works requiring changes to the Sydney Water infrastructure is required. A concept wastewater design must be submitted to and approved in-principle by Sydney Water under a Section 73 application, or other Sydney Water application.~~
- (b) ~~Evidence of in-principle approval from Sydney Water must be submitted to Council.~~

Reason

~~To ensure the protection of Sydney Water assets.~~

Part B – Conditions of Consent

Schedule 1A

(47A) CONCEPT WASTEWATER PLAN - SYDNEY WATER ASSETS

- (a) ***Due to the critical nature of Sydney Water impacted assets, early approval of works requiring to the Sydney Water infrastructure is required. Prior to the issue of any Construction Certificate, a concept wastewater design must be submitted to and approved by Sydney Water under a Section 73 application, or other Sydney Water application.***
- (b) ***Evidence of approval from Sydney Water based on the current design must be submitted to and approved by Council's Area Planning Manager Planning Assessments prior to the issue of any Construction Certificate. Should the approval not work with the approved basement design, a Section 4.55 application may be required.***

Reason

To ensure the protection of Sydney Water assets.

Schedule 4 – Conditions of Consent – External Agencies

Sydney Water - Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Sydney Water - Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage [Wastewater blockages](#). For guidance on how to plant trees near our assets, see [Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets](#).

Background

The applicant has requested that condition (2) 'Concept Wastewater Plan – Sydney Water Assets' be changed from a deferred commencement condition to a standard condition of consent, to require satisfaction prior to the issue of any Construction Certificate.

The condition was requested by Sydney Water in their referral submitted to the development application and relates to the diversion of Sydney Water assets on the site to accommodate the development.

The applicant submitted a feasibility letter from Sydney Water (Attachment A) that includes a concept asset design (dated 5 February 2020) in response to Council's request for additional information. The applicant submits that the letter demonstrates that sufficient progress has been made to date on this item.

Council officers contacted Sydney Water on 18 June 2025 to seek advice on the applicant's request. Sydney Water's response (Attachment B) advised that the affected assets are critical, noting that the subject DN450 trunk wastewater main services 1484 properties upstream, and DN1350 trunk watermain functions to bulk transport drinking water in the area. Sydney Water confirmed that they could support either a deferred commencement or standard 'prior to the issue of a Construction Certificate' condition.

The applicant's requested changes are supported. It is recommended that deferred commencement condition (2) be deleted and inserted as a standard condition (47A). Subclause (b) of the new condition is reworded to note that a Section 4.55 modification application may be required should the in-principle approval necessitate changes to the approved basement design, which reflects the Sydney Water advice. Two additional Sydney Water standard conditions are recommended to be inserted under Schedule 4 (Conditions of Consent – External Agencies) in relation to Building Plan Approval and Tree Planting to reflect Sydney Water advice.

Prepared by: Jessica Joseph, Senior Planner

Attachments

Attachment A. Sydney Water Feasibility letter

Attachment B. Sydney Water Correspondence

Approved



GRAHAM JAHN AM

Chief Planner / Executive Director City
Planning, Development and Transport

Attachment A

Sydney Water Feasibility Letter

Case Number: 181001

5 February 2020

TRITON ATLAS CORPORATION PTY LTD
c/- ROSE ATKINS RIMMER

FEASIBILITY LETTER

Developer: TRITON ATLAS CORPORATION PTY LTD
Your reference: 61/26055
Development: Lot CP SP22322, 923 - 935 BOURKE ST, Waterloo
Development Description: Proposed development consists of a full line supermarket including mezzanine for plant and office space, 2 levels of basement parking and approximately 100 apartments over 4 storeys with a 2 lot stratum subdivision to separate the retail/residential.
Your application date: 24 September 2019

Note: Level 2 water restrictions are in place from December 10, which limits how and when water can be used outdoors. This can impact you and your contractors in the activities they need to undertake for this proposal.

Using water to suppress dust is only permitted via a permit when no other water source is available.

You/your contractors will need to apply for an exemption permit to use water for most outdoor uses including:

- Cleaning equipment and the exterior of **new** buildings
- Drilling and boring, and
- Batching concrete on-site

Fines for deliberate breaches of restriction rules are in place.

For more information on the restrictions and for applying for an exemption, visit our web site at <https://www.sydneywater.com.au/SW/water-the-environment/what-we-re-doing/water-restrictions/level-2-water-restrictions/index.htm>

The more water everyone saves, the longer we can stave off the progression to stricter restrictions or emergency measures.

Please provide this information to your contractors and delivery partners to inform them of their obligations and check our web site for up to date restriction information.

Dear Applicant

This Feasibility Letter (Letter) is a guide only. It provides general information about what Sydney Water's requirements could be if you applied to us for a Section 73 Certificate (Certificate) for your proposed subdivision. **The information is accurate at today's date only.**

If you obtain development consent for that subdivision from your consent authority (this is usually your local Council) they will require you to apply to us for a Section 73 Certificate. You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (Coordinator).

Sydney Water will then send you either a:

- Notice of Requirements (Notice) and Developer Works Deed (Deed); or
- Certificate.

These documents will be the definitive statement of Sydney Water's requirements.

There may be changes in Sydney Water's requirements between the issue dates of this Letter and the Notice or Certificate. The changes may be:

- if you change your proposed development, e.g. the development description or the plan/site layout, after today, the requirements in this Letter could change when you submit your new application; and
- if you decide to do your development in stages then you must submit a new application (and pay another application fee) for each stage.

No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from Sydney Water and to the extent that it is able, Sydney Water limits its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.

What You Must Do To Get A Section 73 Certificate

To get a Section 73 Certificate you must do the following things. You can also find out about this process by visiting www.sydneywater.com.au > Plumbing, building & developing > Developing > Land development.

1. **Obtain Development Consent from the consent authority for your subdivision proposal.**
2. **Engage a Water Servicing Coordinator (Coordinator).**

You must engage your current or another authorised Coordinator to manage the design and construction of works that you must provide, at your cost, to service your development. If you wish to engage another Coordinator (at any point in this process) you must write and tell Sydney Water.

For a list of authorised Coordinators, either visit www.sydneywater.com.au > Plumbing, building & developing > Developing > Providers > Lists or call **13 20 92**.

The Coordinator will be your point of contact with Sydney Water. They can answer most questions that you might have about the process and developer charges and can give you a quote or information about costs for services/works (including Sydney Water costs).

3. **Developer Works Deed**

It would appear that your feasibility application is served from existing mains and does not require any works to be constructed at this time. Sydney Water will confirm this with you after you have received Development Approval from Council and your Coordinator has submitted a new Development application and Sydney Water has issued you with a formal Notice of Requirements.

4. **Water, Sewer and Stormwater Works**

4.1 **Water**

Your development must have a frontage to a water main that is the right size and can be used for connection.

Sydney Water has assessed your application and found that:

- The proposed development can be served via the 250mm main in Bourke Street.
- Any building over the existing 1350mm trunk main traversing the site will require approval and may require geotechnical studies to verify the suitability of the construction of the basement levels.

4.2 **Sewer**

Your development must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within each lot's boundaries.

Sydney Water has assessed your application and found that:

- The local development can be accommodated by the broader wastewater system however, conventional gravity connections cannot be supported below ground levels of approximately 22m RL without the development being exposed to a risk of surcharge under extreme wet weather conditions.
- The proposed development can otherwise be served through an appropriately sized extension from the 450mm.
- **Building over or adjacent to sewer guidelines will also apply. Building over the DN450 sewer main IS NOT ALLOWED as it is a critical sewer main and will pose a significant risk to Sydney Water. DN450 sewer main is to be deviated around the building footprint.**
- Designs should be developed using an appropriate hydraulic consultant and are subject to Sydney Water review.
- Because your development may require adjustment/deviation of a “live” wastewater main you must work with your Water Service Coordinator to ensure that:
 - Your Building Plans are approved prior to temporary pipework and excavation,
 - You submit your temporary pipework design (if required) with your permanent wastewater deviation design for approval,
 - Accept in writing to bonding conditions that will be provided in the Bond Agreement,
 - Submit your Bond and signed Bond Agreement,
 - Submit the Construction Commencement Notice for construction of the temporary pipework,
 - Have your temporary pipework constructed by a listed provider, and then
 - Complete your permanent deviation works

4.3 Stormwater Requirements.

Sydney Water has assessed your application and found that:

Stormwater connections to Sydney Water's Stormwater Channel

If the development has the intention to make direct stormwater connection to Sydney Water's stormwater system which is located in the Young Street, then the connection is to be carried out according to the Asset Adjustment and Protection Manual. Further details regarding this process can be obtained from your Water Servicing Coordinator. The applicant is advised of the following:

- For pipes with a diameter 300mm or more the connection angle is to be no greater than 30 degrees in the direction of the channel flow.
- Proposed connections that are 300mm or more in diameter require a qualified structural engineer to design the connection. A structural engineer's certificate is to be attached with the design drawings.
- Proposed connections that are less than 300mm in diameter can use Sydney Water's standard drawings to design the connection drawings.

On-site Stormwater Detention (OSD)

The proposed development will require an OSD system to offset stormwater run-off. To determine the required On Site Detention and Permissible Site Discharge (PSD), the following site specific information is required to be submitted to the following email address:

stormwater@sydneywater.com.au

- Total site area (m^2)
- Existing pre-development impervious area (m^2)
- Proposed post-development impervious area (m^2)

If a percentage of the site area does not drain into the OSD system, the rate of discharge from the OSD storage must be restricted so that the total flow from the site (from the OSD storage and free runoff) does not exceed the specified PSD.

On Site Detention is to be designed according to the Sydney Water's values and the details of the On Site Detention are to be submitted to Sydney Water for review and approval.

The following details are to be included in your submission for On Site Detention approval:

- Location of the On Site Detention in relation to the development
- Location of the On Site Detention in relation to overall stormwater network of the property
- Plan and Elevation of the On Site Detention tank with all dimensions
- Orifice plate calculation

5. Ancillary Matters

5.1 Asset adjustments

After Sydney Water issues this Notice (and more detailed designs are available), Sydney Water may require that the water main/sewer main/stormwater located in the footway/your property needs to be adjusted/deviated. If this happens, you will need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it **before we can issue the Certificate**. Sydney Water will need to see the completed designs for the work and we will require you to lodge a security. The security will be refunded once the work is completed.

5.2 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use Sydney Water's **Permission to Enter** form(s) for this. You can get copies of these forms from your Coordinator or the Sydney Water website. Your Coordinator can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

6. Approval of your Building Plans

You must have your building plans approved **before the Certificate can be issued**. **Building construction work MUST NOT commence until Sydney Water has granted approval**. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water and sewer mains).

Your Coordinator can tell you about the approval process including:

- Your provision, if required, of a "Services Protection Report" (also known as a "pegout"). This is needed to check whether the building and engineering plans show accurately where Sydney Water's assets are located in relation to your proposed building work. Your Coordinator will then either approve the plans or make requirements to protect those assets before approving the plans;
- Possible requirements;
- Costs; and
- Timeframes.

You can also find information about this process (including technical specifications) if you either:

- visit www.sydneywater.com.au > Plumbing, building & developing > Building > Building over or next to assets. Here you can find Sydney Water's *Technical guidelines - Building over and adjacent to pipe assets*; or
- call 13 20 92.

Notes:

- **The Certificate will not be issued until the plans have been approved and, if required, Sydney Water's assets are altered or deviated;**
- **You can only remove, deviate or replace any of Sydney Water's pipes using temporary pipework if you have written approval from Sydney Water's Urban Growth Business. You must engage your Coordinator to arrange this approval; and**
- **You must obtain our written approval before you do any work on Sydney Water's systems. Sydney Water will take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.**

7. Special Requirements - Multi-level individual metering requirements

Your development must either allow for or provide individual metering. This means that you must:

1. comply at all times and in all respects with the requirements of Sydney Water's "*Multi-level Individual Metering Guide*" (version 6 dated 1 July 2015);
2. provide and install plumbing and space for individual metering in accordance with Sydney Water's "*Multi-level Individual Metering Guide*";
3. if and when you implement a strata/ stratum plan (or strata/ stratum subdivide) you must:
 - a. engage an Accredited Metering Supplier ("**AMS**") to provide individual metering in accordance with the "*Multi-level Individual Metering Guide*" and meet the cost of the meters and metering system;
 - b. transfer the meters and metering system to Sydney Water once the Testing Certificate has been issued by Sydney Water to the AMS and the AMS has confirmed that payment for the meters and metering system has been paid in full.

Before the Section 73 Certificate can be issued, you will be required to sign an undertaking to show that you understand and accept these metering requirements and associated costs.

Visit www.sydneywater.com.au > Plumbing, Building & Developing > Plumbing > Meters & metered standpipes to see the *Multi-level individual metering guide* and find out more.

OTHER THINGS YOU MAY NEED TO DO

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement of Sydney Water in the future because of the impact of your development on our assets. You must read them before you go any further.

Disused Sewerage Service Sealing

Please do not forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to a Sydney Water sewer main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Soffit Requirements

Please be aware that floor levels must be able to meet Sydney Water's soffit requirements for property connection and drainage.

Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A **Boundary Trap** is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable **Backflow Prevention Containment Device** appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on **1300 889 099**.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a **contingency plan** for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on **1300 985 227** or businesscustomers@sydneywater.com.au

Fire Fighting

Definition of fire fighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the fire fighting flow of the subdivision and the ability of Sydney Water's system to provide that flow in an emergency. Sydney Water's Operating Licence directs that Sydney Water's mains are only required to provide domestic supply at a minimum pressure of 15 m head.

A report supplying modelled pressures called the Statement of Available pressure can be purchased through Sydney Water Tap inTM and may be of some assistance when defining the fire fighting system. The Statement of Available pressure, may advise flow limits that relate to system capacity or diameter of the main and pressure limits according to pressure management initiatives. If mains are required for fire fighting purposes, the mains shall be arranged through the water main extension process and not the Section 73 process.

Large Water Service Connection

A water main are available to provide your subdivision with a domestic supply. The size of your subdivision means that you will need a connection larger than the standard domestic 20 mm size.

To get approval for your connection, you will need to lodge an application with Sydney Water Tap inTM. You, or your hydraulic consultant, may need to supply the following:

- A plan of the hydraulic layout;
- A list of all the fixtures/fittings within the property;
- A copy of the fireflow pressure inquiry issued by Sydney Water;
- A pump application form (if a pump is required);
- All pump details (if a pump is required).

You will have to pay an application fee.

Sydney Water does not consider whether a water main is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

Disused Water Service Sealing

You must pay to disconnect all disused private water services and seal them at the point of

connection to a Sydney Water water main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

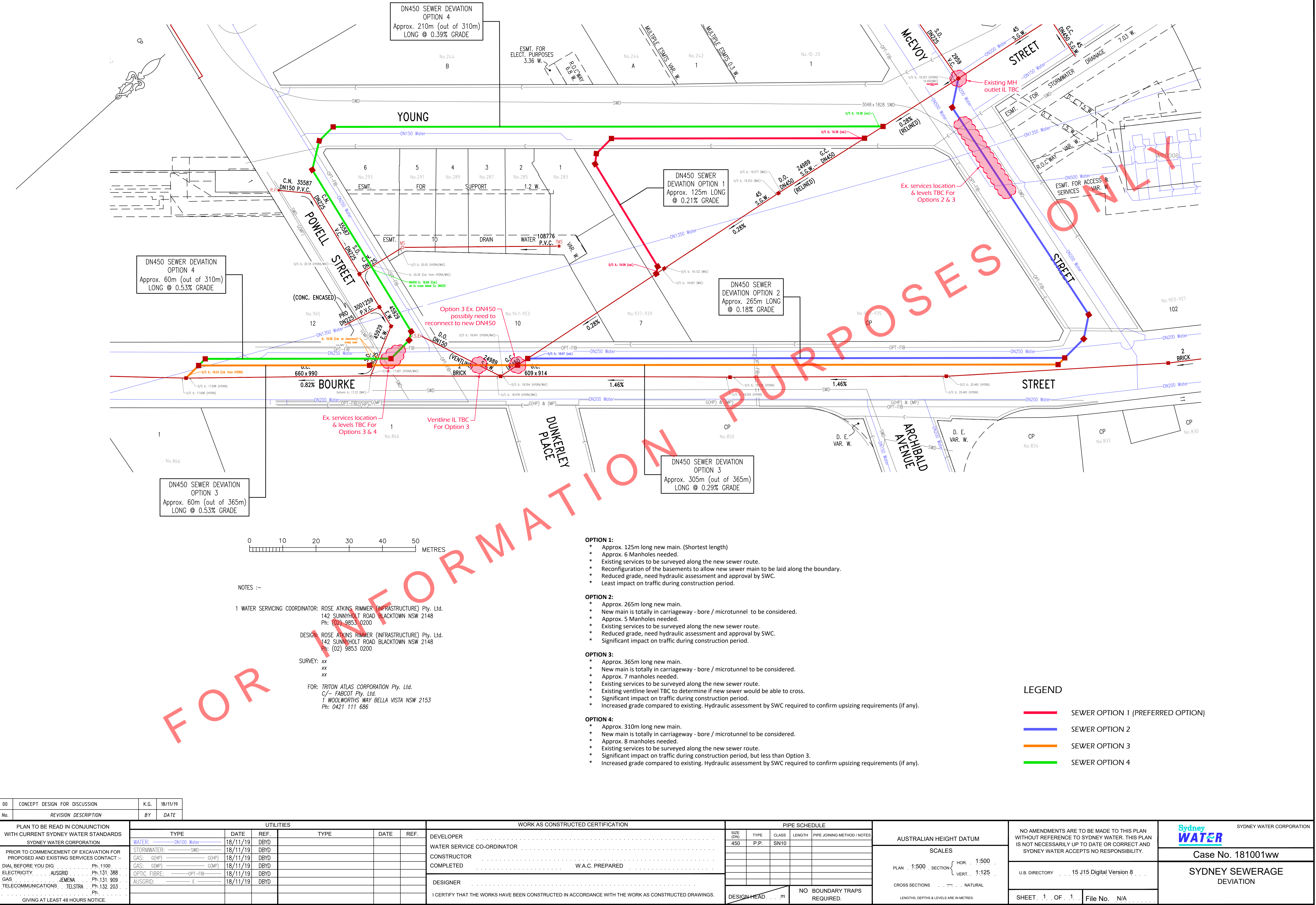
Other fees and requirements

The requirements in this Notice relate to your Certificate application only. Sydney Water may be involved with other aspects of your development and there may be other fees or requirements. These include:

- plumbing and drainage inspection costs;
- the installation of backflow prevention devices;
- trade waste requirements;
- large water connections and
- council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your subdivision as soon as possible. Your hydraulic consultant can help you here.)

No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from Sydney Water and to the extent that it is able, Sydney Water limits its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.

END



Attachment B

Sydney Water Correspondence

Jessica Joseph

From: Fiona Feng <FIONA.FENG@sydneywater.com.au>
Sent: Wednesday, 18 June 2025 5:34 PM
To: Jessica Joseph
Cc: UrbanGrowth
Subject: RE: [External] URGENT - CNR-77983 - D/2024/1208 - 923-935 Bourke Street Waterloo

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Jessica,

Thanks for your time on the phone earlier.

As discussed, the DN450 trunk wastewater main services 1484 properties upstream. The DN1350 trunk watermain functions to bulk transport drinking water to the area. Both assets are critical in servicing the surrounding area and there is a risk that significant amendments to this development application may be required, resulting in additional work for the developer (modification applications, redesign). At this time, we do not have enough information to determine whether the proposed basement design and indicative sewer diversion strategy provided will be permitted or is feasible which is why we had recommended in principle approval of a concept wastewater servicing strategy prior to DA approval.

As noted in the 2020 advice, building over the DN450 trunk wastewater asset will not be permitted due to the possible impacts to over 1484 properties upstream, as well as risk to Sydney Water. Deviation of this asset will be required, and there may be significant timeframes associated with the assessment of this due to the criticality and age of the asset.

While we can support both deferred commencement and standard 'prior to the issue of a Construction Certificate' conditions, there is a risk that if the basement design and sewer diversion strategy are found to not be feasible, significant variations to the proposal may be required.

Regardless of the outcome, the developer must submit their sewer diversion strategy as soon as possible. The nature and age of the assets will likely result in longer than normal Sydney Water assessment timeframes.

Please do not hesitate to contact me if you have any questions.

Kind regards,

Fiona Feng
Growth Intelligence Consultant
Growth and Development

Phone 0427 401 946
fiona.feng@sydneywater.com.au

Sydney
WATER

Jessica Joseph

From: Fiona Feng <FIONA.FENG@sydneywater.com.au>
Sent: Thursday, 19 June 2025 12:11 PM
To: Jessica Joseph
Cc: UrbanGrowth
Subject: RE: [External] URGENT - CNR-77983 - D/2024/1208 - 923-935 Bourke Street Waterloo

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Jessica,

Thanks for your time on the phone. I have included our standard recommended development conditions below:

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate (remove if not applicable)

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

As noted above, Building Plan Approval will be required prior to the issue of a Construction Certificate. The Building Plan Approval for the development will be based on the deviation of the wastewater asset, so some kind of approval for the deviation works will be required prior to Building Plan Approval being issued. We can support removal of the specifics (in principle approval of concept wastewater strategy prior to CC) as this should be covered by the Building Plan Approval.

Let me know if you require any further information, happy to discuss.

Kind regards,

Fiona Feng

Growth Intelligence Consultant

Growth and Development

Phone 0427 401 946

fiona.feng@sydneywater.com.au



Sydney Water respectfully acknowledges the traditional custodians of the land and waters on which we work, live and learn. We pay respect to Elders past and present.

[Read more](#) about our commitment to reconciliation.



At Sydney Water, we work flexibly. If you receive my email outside of normal business hours I don't expect you to read it or reply until it is within a flexible time that suits you.
