

## Resolution of Central Sydney Planning Committee

**19 June 2025**

### **Item 12**

#### **Development Application: 923-935 Bourke Street, Waterloo - D/2024/1208**

Moved by Abbie Galvin, seconded by Councillor Miller -

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; and
  - (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 of 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~~**

~~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.~~

~~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)

***ue to the critical nature of Sydney Water impacted assets, early approval of works requiring changes 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)

***vidence 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.***

## **Reasons for Decision**

The application was recommended for determination by the Chief Executive Officer for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.4 Floor Space Ratio of the Sydney Local Environmental Plan 2012.
  - (ii) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the Ceiling Heights non-discretionary development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 148 of the State Environmental Planning Policy (Housing) 2021 and Part 4C of the Apartment Design Guide.

- (C) The development is permissible with consent in the MU1 mixed-use zone and is consistent with the objectives of the zone.
- (D) The proposed development complies with the maximum height of buildings development standard contained in Clause 4.3 of Sydney Local Environmental Plan 2012.
- (E) The proposed development is consistent with the Voluntary Planning Agreement between The Council of the City of Sydney, Fabcot Pty Ltd, Triton Atlas Corporation Pty Ltd and The Owners Strata Plan No. 22322.
- (F) The proposed development is consistent with the design intent of the selected scheme of the competitive design alternatives processes for the site, held in accordance with the City of Sydney Competitive Design Policy.
- (G) The proposed development is consistent with the aims and objectives of relevant planning controls including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances or are resolved by the recommended conditions of consent.
- (H) The proposed development provides a positive contribution that is suitable in terms of its context, scale and building form which is consistent with the desired future character of the area. The proposed development exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (I) The proposed development has a form, bulk and massing that is suitable for the site and its context and is appropriate in the setting of the Waterloo Park locality.
- (J) Condition (2) was amended in line with a request by the applicant, to require satisfaction prior to the issue of any Construction Certificate.
- (K) Condition 47(A) was inserted in line with Sydney Water infrastructure requirements.
- (L) Two additional Sydney Water conditions were inserted to reflect Sydney Water advice.

Carried unanimously.

D/2024/1208