

## Relevant Information for Council

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**FILE:** X083066 **DATE:** 14 November 2022

**TO:** Lord Mayor and Councillors

**FROM:** Graham Jahn AM, Director City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 6 – Public Exhibition - Planning Proposal - 923-935 Bourke Street Waterloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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### Alternative Recommendation

It is resolved that:

- (A) Council approve Planning Proposal - 923-935 Bourke Street, Waterloo, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, ***subject to the following amendment:***
- (a) Drafting Instruction on page 42: notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of **a shops** with a gross floor area not greater than 3,200 square metres;
- (B) Council approve Planning Proposal - 923-935 Bourke Street, Waterloo, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination, ***subject to the following amendment:***
- (b) Drafting Instruction on page 42: notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of **a shops** with a gross floor area not greater than 3,200 square metres;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 923-935 Bourke Street, Waterloo;

- (D) Council approve draft Development Control Plan - 923-935 Bourke Street, Waterloo Amendment, shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal, **subject to the following amendment:**
- (c) On page 10: (2) Any dedication of land to Council is required to secure an appropriate remediation outcome that is endorsed by Council to confirm the land is fit for purpose. ~~and is not constrained by a long-term Environmental Management Plan.~~
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 923-935 Bourke Street, Waterloo and Draft Sydney Development Control Plan 2012 - 923-935 Bourke Street, Waterloo Amendment to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to prepare and exhibit a draft planning agreement in accordance with the letter of offer dated ~~31 August 2020 at Attachment D to the subject report~~ **11 November 2022 as shown at Attachment A to the subject Information Relevant To memorandum - Item 6 Transport, Heritage, Environment and Planning Committee meeting on 14 November 2022** and the requirements of the Environmental Planning and Assessment Act 1979.

## Purpose

This memo is to also update the Committee about the revised letter of offer by Fabcot Pty Ltd (Woolworths Group) submitted on 11 November 2022 and minor changes to the planning proposal for 923-935 Bourke Street, Waterloo, and the draft Development Control Plan - 923-935 Bourke Street, Waterloo Amendment.

## Background

The landowner, Fabcot Pty Ltd (Woolworths Group) has submitted a revised letter of offer to enter into a planning agreement with Council, dated 11 November 2002, providing a commitment to build affordable housing on site and dedicated to a registered Community Housing Provider (CHP) on completion.

In addition, based on discussions with the landowner, minor changes are proposed to the planning proposal for 923 -935 Bourke Street, Waterloo, to update the site specific provision allowing the development of a supermarket on the site, and to the draft Development Control Plan - 923-935 Bourke Street, Waterloo Amendment, to update the provision for managing contamination on site.

## Public benefit offer

On 11 November 2022, the landowner submitted a revised letter of offer to enter into a planning agreement with Council. The revised letter of offer makes a commitment to build the affordable housing on the site, rather than paying a monetary contribution. The equivalent number of affordable housing units remains the same at 10 to 12 depending on size. Provision of affordable housing on the site will be in accordance with the City's Affordable Housing Program.

### **Planning proposal - site specific provision**

It is proposed to amend the drafting instruction on page 42 of the planning proposal (in Attachment A to the subject report) to clarify that the 3,200 square metre cap is for a single 'shop' or supermarket tenancy at this maximum amount, rather than to cap the total quantum of retail permitted within the site (which would include smaller shops at street level). The site will also support finer grain neighbourhood retail shops as part of the mixed-use development. This minor amendment clarifies any potential for misinterpretation at the development application stage.

### **Draft DCP - contamination provision**

It is proposed to amend the provision for contamination on page 10 of the draft DCP (in Attachment B to the subject report) to clarify that where remediation may be required of any land that is to be dedicated to Council, that the dedication of that land will be in accordance Council's contamination management policy.

### **Memo from Graham Jahn AM, Director City Planning, Development and Transport**

Prepared by: Ash Chand, Specialist Planner

### **Attachments**

**Attachment A.** Revised Public Benefit Offer – 923-935 Bourke Street, Waterloo

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Approved



**GRAHAM JAHN AM**

Director City Planning, Development and Transport