

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