

Relevant Information for Central Sydney Planning Committee

FILE: D/2025/276 **DATE:** 11 December 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 4 – Development Application: 10-16 Bay Street,
Ultimo – D/2025/276

Alternative Recommendation

It is resolved that consent be granted to Development Application Number D/2025/276 subject to the conditions set out in Attachment B to the subject report (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(6) LANDSCAPE DESIGN OF DEEP SOIL

- (a) Prior to the ***lodgement of any detailed development application for the subject site*** ~~commencement of any demolition works~~ a detailed landscape design showing the final proposed treatment of the deep soil zone at the northwestern corner of the site, must be submitted to and approved by Council's Executive Director City Planning Development & ***Transport*** ~~Transport~~. The Plan must:
- i. Replace the interim parking area with a landscaped deep soil area
 - ii. Maintain the integrity of the area as a deep soil zone
 - iii. Increase canopy cover within the site to meet the minimum 15% canopy cover as required within the DCP
 - iv. Maximise biodiversity across the site
 - v. Assist in the treatment of stormwater runoff

(9) FLOOD ASSESSMENT, FLOOD PLANNING & STORMWATER MANAGEMENT

The flood and stormwater assessment report submitted with the DA, prepared by Northrop (Ref: SY223190, Rev: B, dated 19 March 2025), is not approved. Prior to the ***lodgement of any detailed development application for the subject site*** ~~commencement of any demolition works~~, a revised flood and stormwater assessment report must be submitted to the City for review and approval. The revised report must address the following:

(a) Flood Mitigation Measures

Incorporate the modified version of FM-BB07, as adopted by the Floodplain Risk Management Advisory Panel, from the Blackwattle Bay flood risk mitigation strategy. ~~This includes upgraded trunk drainage infrastructure to improve flood conditions near and upstream of the depot site.~~

(b) Local Drainage Management Plan

Update the local drainage management plan to include:

- (i) Assessment of any expected rise in groundwater levels due to the proposed development.
- (ii) Measures to ensure pedestrian safety during flood events.
- (iii) Integration of drainage management responses with open space areas.

(c) DRAINS Modelling

Provide a revised DRAINS model that complies with the Sydney Streets Technical Specifications, including correct tailwater condition assumptions.

(d) Finished Floor Levels, Flood Planning Levels and Flood Depths

Include a plan showing the finished floor levels (FFLs) of all proposed building entrances and the corresponding 1% AEP flood levels and depths.

(e) Compliance Table

Provide a compliance table that includes:

- (i) Relevant development types.
- (ii) Reference to the City's Interim Floodplain Management Policy.
- (iii) Proposed FFLs.
- (iv) Confirmation of compliance with the Policy.

(10) SERVICE VEHICLE SIZE LIMIT

Vehicles regularly servicing the property must not exceed a maximum length of 12.5 metres. The size of vehicles servicing the property are to provide for a maximum length of 12.5m.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(18) CONSOLIDATION/SUBDIVISION PLAN Prior to the commencement of any demolition works the following is to be undertaken:

- (a) A survey 'Plan of Consolidation/***Subdivision*** of Lot 1 & 2 in DP87619 and Lot 1 in DP89317' defining the boundaries of the subject site is to be carried out by a Surveyor registered under the Surveying and Spatial Information Act 2002 and registered at NSW Land Registry Services.
- (b) Prior to the ***issue of any occupation certificate for the eastern portion of the site. commencement of any demolition works***, the Consolidation Plan must be registered with the office of NSW Land Registry Services. A copy of the new title must be provided to the Principal Certifier prior to ~~the commencement of any demolition works.~~ ***issue of any occupation certificate for the eastern portion of the subject site.***

Reason

To ensure the orderly development of land. The proposal includes the demolition of buildings shown in registered deposited plans on public record. It is necessary to have these buildings measured and examined at NSW Land Registry Services and placed on public record.

(20) COMPLIANCE WITH REG 63 OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2024

The Consolidation/***Subdivision*** plan must show offsets where appropriate to ~~the final surfaces of the~~ ***any*** major structural components of the building that are located within one metre of any proposed or existing vertical, horizontal or inclined boundary or easement, sufficient to satisfy sub-clauses (i), (j), (k) & (l) of Reg 63 of the Surveying and Spatial Information Regulation 2024 and to the satisfaction of Council. ~~All structural components of the buildings located within one metre of any proposed or existing boundary must be fully completed, with their final surfaces applied or constructed, prior to the subdivision plan being finalised.~~

Reason

To ensure the integrity of the Cadastre, compliance with the Regulation, and to inform lot owners and other stakeholders.

~~(30) Underground petroleum storage system decommissioning report recommended by Rob Staker~~

- ~~(a) The underground petroleum storage system must be investigated for contamination in accordance with NSW EPA guidelines and a site investigation report obtained from a suitably qualified environmental consultant.~~
- ~~(b) The report must be submitted to Council within 60 days of completion confirming that no site remediation is necessary, or completion of any necessary remediation works. The report must confirm that the site is suitable for continued approved land use or prior approved remediation criteria.~~

Reason

~~To ensure the decommissioning and/or removal of underground petroleum storage tanks is investigated and a report is submitted to Council within 60 days of remediation works being carried out to ensure that any contamination on the site is appropriately managed.~~

(31) Contamination/remediation/decommissioning of underground petroleum storage tanks – recommended by Rob Staker

- (a) The removal of any underground petroleum storage tanks must be carried out in accordance with SafeWork NSW, NSW EPA requirements and all relevant EPA guidelines and Australian Standards.
- (b) ~~Before the Construction Certificate or Occupation certificate, installation of a new underground petroleum storage system (UPSS), the UPSS and any associated contamination must be remediated in accordance with the approved Remediation Action Plan, prepared by insert name dated insert date reference insert reference, and in compliance with AS 4976–2008.~~
- (c) **The UPSS and any associated contamination must be remediated in accordance with the approved Remediation Action Plan.** Remediation must be supervised by a suitably qualified professional in accordance with the Protection of the Environment Operations (Underground Storage Systems) Regulation 2019.
- (d) Validation of the UPSS removal and remediation or decommissioning must be documented in a final validation report.
- (e) The validation report must be:
- (f) Submitted to Council no later than 60 days after the UPSS has been removed or decommissioned;
- (g) Retained for a minimum of seven years from the date of creation or tank decommissioning;
- (h) Prepared in accordance with relevant NSW EPA guidelines and the Protection of the Environment Operations (Underground Storage Systems) Regulation 2019.

Reason

To ensure the removal of underground petroleum storage tanks is appropriately managed.

(34) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of **any construction certificate for the eastern portion of the subject site**, ~~the commencement of any demolition works~~ a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation, if necessary, to determine the position and level of services.
- (b) Prior to the **any construction certificate for the eastern portion of the subject site** the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(35) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to **lodgement of any detailed development application for the subject site** ~~commencement of any demolition works~~, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(36) STORMWATER DRAINAGE DESIGN

Prior to ***lodgement of any detailed development application for the subject site*** ~~commencement of any demolition works~~ a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to ***issue of the final occupation certificate for the detailed development application for the eastern portion of the subject site***.

(37) STORMWATER QUALITY ASSESSMENT

The development must comply with MUSIC Link Report dated 26/09/2025 approved with this development application.

Prior to ***lodgement of any detailed development application for the site*** ~~the commencement of any demolition works~~, a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(42) HERITAGE INTERPRETATION PLAN

- (a) An interpretation plan must be submitted to and approved by Council's Area Planning Manager prior to ***lodgement of any detailed development application for the subject site*** ~~the commencement of any demolition works~~. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.

- (b) The interpretation plan must detail how information on the history and significance of the site, particularly in relation to the buildings being demolished will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

Background

Conditions proposed for amendment

On 9 December 2025, the applicant requested the amendment of the following conditions of consent to defer the delivery of the following conditions to “Stage 2 Construction Certificate or Occupation Certificate”:

- Condition 6 ‘Landscape Design of Deep Soil’ – Canopy cover
- Condition 9 ‘Flood Assessment, Flood Planning & Stormwater Management’
- Condition 18 ‘Consolidation Plan Prior to the commencement of any demolition works the following is to be undertaken’
- Condition 20 ‘Compliance with REG 63 of the Surveying and Spatial Information regulation 2024
- Condition 34 ‘Utility Services’
- Condition 35 ‘Public Domain levels and gradients – major’
- Condition 36 ‘Stormwater Drainage Design’
- Condition 37 ‘Stormwater Quality Assessment’
- Condition 42 ‘Heritage Interpretation Plan’

The “Stage 2” or Detailed Development application has been identified as relating to the eastern portion of the site only. Therefore, conditions relating to the western portion of the site must be captured as part of this concept development application which encompasses the entire site. However, the staging of the above following conditions has been amended where possible to not unnecessarily delay stage 1 demolition works.

The following conditions are also proposed to be amended:

- Condition 6 ‘Landscape Design of Deep Soil’ – Canopy cover

The deletion of the requirement to provide 15% canopy cover is not supported. There is sufficient space across the site to achieve the 15% requirement. The size of the depot building is not required to be reduced to accommodate the canopy.

- Condition 31 'Contamination/remediation/decommissioning of underground petroleum storage tanks'

This condition has been amended to remove requirements for UPSS installation as this is not included in the proposal.

- Condition 84 'Land Dedication Remediation Capping Layer'

The City's Land Policy requires a 1.5m capping layer. As such, the amendment of this condition to remove the minimum depth for capping is not supported.

- Condition 43 'Photographic Archival Documentation (minor Works)'

This condition requires capture of all existing structures including those approved for demolition as part of the Stage 1 Concept works. As such, amendment of this condition would be inappropriate.

- Condition 44 'Salvage, Reuse and Recycling of Traditional Building Materials – Major Development'

This condition is advisory only and does not require satisfaction. As such, its removal is not supported.

Conditions proposed for deletion

In addition to the above, the applicant requested the deletion of the following conditions

- Condition 10 'Service Vehicle Size Limit'

Council's Transport & Access Officer recommended amendment of this condition rather than deletion to enable one-off deliveries by vehicles larger than 12.5m.

- Condition 30 'Underground petroleum storage system – decommissioning report'

Council's Environmental Health Officer advised that Condition 30 could be deleted given no Underground petroleum storage system (UPSS) is proposed as part of this development application.

- Condition 50 'Public Domain Lighting Upgrade'

The removal of this condition is not supported. The removal of this condition may result in insufficient public domain lighting and is not supported by Council's Public Domain Unit.

Should the Central Sydney Planning Committee be of a mind to support the amendment, the following conditions are modified as follows:

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- i. Replace the interim parking area with a landscaped deep soil area
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Incorporate the modified version of FM-BB07, as adopted by the Floodplain Risk Management Advisory Panel, from the Blackwattle Bay flood risk mitigation strategy. ~~*This includes upgraded trunk drainage infrastructure to improve flood conditions near and upstream of the depot site.*~~

(b) Local Drainage Management Plan

Update the local drainage management plan to include:

- (i) Assessment of any expected rise in groundwater levels due to the proposed development.
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(c) **DRAINS Modelling**

Provide a revised DRAINS model that complies with the Sydney Streets Technical Specifications, including correct tailwater condition assumptions.

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Include a plan showing the finished floor levels (FFLs) of all proposed building entrances and the corresponding 1% AEP flood levels and depths.

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- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Reason

To ensure that the heritage of the site is appropriately interpreted and incorporated into the development.

Prepared by: Elizabeth Jones, Specialist Planner
Jeremy Swan, The Planning Hub

Approved

A handwritten signature in black ink, appearing to read 'GJAHN', with a large, stylized initial 'G'.

GRAHAM JAHN AM

Chief Planner / Executive Director City
Planning, Development and Transport