



**Planning &  
Infrastructure**

***ADDENDUM REPORT  
North Eveleigh Affordable Housing  
Project  
Wilson St, Redfern***

***(MP08\_0015 MOD 1 and SSD 5708)***



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

October 2013

## 1. BACKGROUND

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City West Housing Pty Ltd ('the applicant') has lodged two applications for an affordable housing development at North Eveleigh (City of Sydney Local Government Area). The applications comprise a Section 75W application to modify building envelopes approved under Concept Plan approval MP08\_0015 and a State Significant Development (SSD)(5708) application for a new affordable housing building.

The applications have been assessed by the Department. The Director-General's Environmental Assessment Report, dated September 2013, included an assessment of both applications and recommended their approval.

A copy of the report, draft development consent and draft modifying instrument, were placed on the Department's website on 18 September 2013. The draft development consent for the SSD application included the following condition of approval:

### **Site Audit Statement**

B22 Prior to issue of any construction certificate, a Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to the Certifying Authority clearly stating that the site is suitable for the proposed use.

The applicant has requested that this condition be amended to require a Notice of Completion (as required by Clause 18 of State Environmental Planning Policy No. 55 (Remediation of Land)) to be submitted to the Certifying Authority prior to issue of any Construction Certificate. The applicant has further requested a new condition be imposed requiring provision of a Site Audit Statement prior to occupation.

## 2. DEPARTMENT'S CONSIDERATION OF ISSUES

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The site is currently being remediated under the terms of a Part 5 approval issued by UrbanGrowth NSW Development Corporation (then Sydney Metropolitan Development Authority). The remediation works are being overseen by a Site Auditor.

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55) states that a consent authority must not grant consent unless it has considered whether a site is contaminated; if contaminated, whether the site is suitable for or can be remediated to be made suitable for the proposed use; and whether the site will be remediated prior to the use commencing. This assessment satisfies these requirements as:

- consideration has been given to the condition of the site and it has been found that the previous railway uses have contaminated it;
- it has been identified that a Part 5 approval has been issued for remediation and that the remediation works are well advanced. The goal of the remediation is to make the site suitable for residential development, including a high density apartment building with a basement and landscaped gardens;
- it has been further identified that a site audit statement is to be prepared as part of the remediation, certifying the suitability of the site for the use. If a condition is imposed specifying that the site audit statement must be issued prior to

occupation, then the Department will have satisfied its requirement to ensure the site has been made suitable for the proposed use prior to it commencing.

The applicant's requested amendments to the conditions are supported for the following reasons:

- SEPP 55 requires a notice of completion to be provided to Council within 30 days of the completion of works. The condition requested by the applicant would prevent issue of a Construction Certificate before this requirement had been met, but does not lessen any statutory obligations;
- SEPP 55 requires the Department to be satisfied that the site is suitable for the proposed use prior to it commencing. An amendment to the conditions allowing the submission of a Site Audit Statement prior to issue of an occupation certificate rather than prior to issue of any construction certificate still satisfies the requirements of SEPP 55.

The Department sought clarification as to whether the undertaking of works under this approval prior to issue of the Site Audit Statement, would impact on the ability of the Site Auditor to issue the Site Audit Statement. The Site Auditor has been consulted and has advised:

- the conditions as sought by the applicant will not affect his ability to subsequently sign off on the residential use; and
- no further assessment/remediation/validation works are required.

### **3. RECOMMENDATION**

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The requested amendments to the conditions are supported. It is recommended that condition B22 is amended to require provision of a Notice of Completion prior to issue of any construction certificate and new condition E22 is inserted requiring provision of a Site Audit Statement prior to occupation. The amended and new conditions are as follows:

#### **Notice of Completion**

B22 Prior to issue of any construction certificate, a copy of the Notice of Completion required by Clause 17 of State Environmental Planning Policy No. 55 (Remediation of Land), must be submitted to the Certifying Authority.

#### **Site Audit Statement**

E22 Prior to issue of any Occupation Certificate, a Site Audit Statement from a NSW EPA Accredited Site Auditor is to be submitted to the Certifying Authority clearly stating that the site is suitable for the proposed use.

It is recommended that the Executive-Director Development Assessment Systems and Approvals

- (a) consider the Director Generals report and its findings and approve the modification request under section 75W of the *Environmental Planning and Assessment* request by signing the attached modifying instrument (**Appendix A**);

- (b) give notice that the Redfern-Waterloo Authority Contributions Plan 2006 and Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006, do not apply to the development; and
- (c) consider all relevant matters under Section 79C of the *Environmental Planning and Assessment Act 1979*, including those contained in the findings and recommendations of the Director-Generals and this report and grant consent to the development application, subject to conditions, under section 89E of the *Environmental Planning and Assessment Act 1979* and sign the attached instrument of consent (**Appendix B**).

Prepared by:



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Endorsed by:



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Approved by:



17.10.17

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