

AUBURN CITY COUNCIL

ADDENDUM REPORT to Joint Regional Planning Panel: DA-268/2014

3 Burroway Road, WENTWORTH POINT (Block C)JRPP Reference: 2014SYW119 DA

Applicant	Fairmead Business Pty Limited
Owner	Fairmead Business Pty Limited
Application No.	DA-268/2014
Description of Land	Lot 4 DP 270778, 3 Burroway Road, WENTWORTH POINT NSW 2127
Proposed Development	Construction of 4, 6, 8 and 25 storey mixed use development comprising 699 residential units, 6 commercial/retail units, associated car parking, road construction and foreshore public open space (Block C) - Integrated Development (Water Management Act 2000)
Site Area	78000.00m ²
Zoning	Sydney Regional Environmental Plan No. 24 – No zoning applicable
Disclosure of political donations and gifts	Nil disclosure
Issues	<ul style="list-style-type: none">• Minor variations to SREP No. 24• Minor variations to the Homebush Bay West DCP 2004• Minor non-compliances with SEPP 65 (RFDC)

1. Recommendation

- A. That Development Application No. DA-268/2014 for Construction of 4, 6, 8 and 25 storey mixed use development comprising 699 residential units, 6 commercial/retail units, associated car parking, road construction and foreshore public open space (Block C) - Integrated Development (Water Management Act 2000) on land at No. 3 Burroway Road, WENTWORTH POINT NSW 2127 be approved as a deferred commencement approval subject to the conditions of consent listed in the attached schedule.**
- B. That the Panel note and approve the suggested amendment to the wording of condition 49 as detailed in section 2 of this report.**

2. Background

The application was referred to the Joint Regional Planning Panel – Sydney West meeting of 7 May 2015 for determination. The original report recommended approval of the application.

At the meeting of 7 May 2015, the Panel resolved to defer the decision of the application to allow for the applicant to provide a further report with regard to contamination to advise on the suitability of the site as follows:

“The panel is minded to approve the application for the reasons set out below but has decided to defer determination of this application until such time as it is provided with definite advice that the site can or cannot be remediated suitably for the proposed use.

The reasons for the decision:

1. *There has not been compliance with SEPP 55 in that the report on remediation has not yet concluded, without further investigation, that the site is suitable for proposed use. However,*
2. *The proposed facility will add to the supply and choice of housing within the Central West Metropolitan Subregion and the Auburn local government area in a location planned for this purpose with access to metropolitan transport services including ferry services and upon provision the proposed Homebush Bay bridge link to Rhodes to rail services, and also with access to the amenities offered by Olympic Park.*
3. *The proposed facility will provide additional retail services to this intensively developing residential locality.*
4. *The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP 65 Design Quality of Residential Flat Development and associated Residential Flat Design Code, SEPP (Infrastructure) 2007, SREP (Sydney Harbour Catchment) 2005 and SREP Homebush Bay Area.*
5. *The proposal adequately satisfies the provisions and objectives of Homebush Bay West DCP including amendment no.1 and is consistent with the adopted master planning for comprehensive redevelopment of Wentworth Point. In that regard the scale, architectural treatment and landscape treatment, adopted for the proposal are consistent with the character of anticipated residential development in the locality.*
6. *The proposed development will have no significant adverse impacts on the natural or built environment.*
7. *In consideration of conclusions 2-6 above the Panel considers the proposed development is a suitable use of the site subject to demonstration that it can be satisfactorily remediated."*

As a result of the Panels resolution, the applicant submitted to Council the requested supplementary report (**Attachment C – ESA, Nov 2014, ref 0263003_RP02_ESA**) on the 7 May 2015. The report was referred to Council's Environmental Health Officer for comment and the advice provided below indicated that the subject site is suitable to accommodate the proposed development as per the requirement under clause 7 of the SEPP 55.

Council's Environmental health Officer indicates that the additional soil sampling identified in the 2013 report has been undertaken and that based on the information in the report ERM considers, the site is suitable for the proposed development which includes high density residential land use.

The following amendment is therefore required to be made to condition 49 for consideration:

49. Site Audit Statement and Sit Audit report

Prior to the issue of a Construction Certificate, a Site Audit Statement (SAS) and Site Audit Report (SAR) shall be prepared by an accredited site auditor and submitted to Council. The SAS must verify the information contained in the Environmental Site Assessment and confirm that the site is suitable for the approved use.

Where remediation works are required for preparation of a SAS/SAR,

- a) A copy of the Remedial Action Plan must be submitted to Council for approval.
- b) Any Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979.

After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The validation report shall be prepared in accordance with the EPA guidelines, Consulting Reporting on Contaminated Sites, and shall:

- i. Describe and document all works performed;
- ii. Include results of validation testing and monitoring;
- iii. Include validation results of any fill imported on to the site;

- iv. Show how all agreed clean-up criteria and relevant regulations have been complied with; and
- v. Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.
- c) Following the preparation of the validation report, the accredited auditor shall to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate.

In circumstances where the SAS conditions are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979 will be required.

Reason:- to ensure the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and the Contaminated Land Management Act are complied with.”

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

In view of the above, the proposal is now considered to be acceptable having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is recommended for deferred commencement approval subject imposition of the conditions of consent as outlined in the attached schedule.