



Item 3

IVANHOE ESTATE CONSERVATION CORRIDORS PLANNING PROPOSAL

Report prepared by: Strategic Planner

Report approved by: Acting Senior Coordinator - City Places; Acting Executive

Officer - City Places; Acting General Manager - City Shaping

Report dated: 14 June 2024 **File Number:** LEP2022/10/5 - BP24/490

City of Ryde Local Planning Panel Report

Site Address and Ward	2 Mahogany Avenue, Macquarie Park NSW 2113	
ono manoso ana mara	Central Ward	
Current Planning Provisions	Zoning – MU1 Mixed Land Use and RE1 Public Recreation	
Planning Proposal Overview	Zoning – MU1 Mixed Land Use and C2 Environmental Conservation	
Property Owner	NSW Land and Housing Corporation	
Applicant	City of Ryde Council	
Report Author	Strategic Planner, Jenny Leung	
Lodgement Date	N/A	
Reason for Referral	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018	
Recommendation	That the Ryde Local Planning Panel recommend to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the Environmental Planning and Assessment Act 1979	
	Attachment 1 – Planning Proposal	
	Attachment 2 – City of Ryde Council Resolution dated on 26 February 2019	
Attachments	Attachment 3 – Office of Environmental and Heritage's comments on Ivanhoe Estate SSD-8707	
	Attachment 4 – City of Ryde Submission for Ivanhoe Estate Redevelopment Stage 3 (SSD-30530150)	



1. Executive Summary

This Planning Proposal seeks to protect, conserve and manage the unique biodiversity on the Ivanhoe Estate redevelopment site, Macquarie Park by amending *Ryde Local Environmental Plan 2014* (RLEP). The Ivanhoe Estate site is shown in Figure 1.



Figure 1: Ivanhoe Estate Redevelopment SSD Site (includes existing lots boundaries)

The Ivanhoe Estate site supports important biodiversity resources for the City of Ryde, with two native ecological communities identified on site:

- Sydney Turpentine Ironbark Forest; and
- Coastal Enriched Sandstone Moist Forest

In April 2018, NSW Land and Housing Commission lodged the State Significant Development (SSD) application for the redevelopment of Ivanhoe Estate. On 26 February 2019, Council resolved (in part): "for the existing E2 Zone [now C2 Zone] immediately adjoining the proposed Ivanhoe Estate to be extended into the Ivanhoe Estate site within the riparian corridor along the eastern side of the Estate and along



with Epping Road, to protect these areas in the long-term, as this zone will ensure stronger conservation management protection." (refer to **Attachment 2**).

The Office of Environment and Heritage (OEH) (now part of the Environment and Heritage Group of the Department of Climate Change, Energy, the Environment) provided comments to the SSD application in a letter dated 15 May 2018. It supported Council's view and recommended that "the existing adjoining E2 zone (now C2) be extended into the site within the riparian corridor ...as this zone will ensure stronger protection." (refer to **Attachment 3**).

Therefore, this Planning Proposal is prepared in response to Council's resolution and OEH's advice to extend the conservation area into Ivanhoe Estate redevelopment site.

2. The Site and Locality

The site forms part of the Ivanhoe Estate redevelopment site and is known as 2 Mahogany Avenue, Macquarie Park (Lot 132 DP 1297655). The site is irregular in shape, with sections of the site separated by the street network, equating to an estimated site area of 5.46 ha. The site is currently vacant.

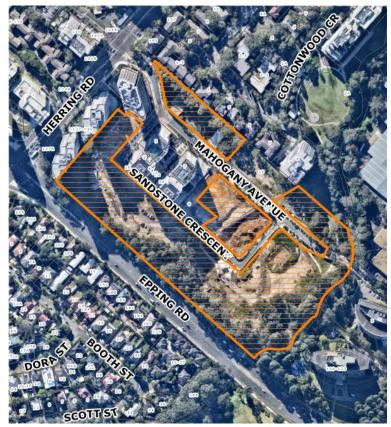


Figure 2: Context of 2 Mahogany Avenue, Macquarie Park



The site is located to the north of Epping Road and to the east of Herring Road. The site adjoins Shrimptons Creek on the eastern boundary. The site supports important biodiversity resources, with two ecological communities identified according to NSW State Vegetation Type Map 2022 (Figure 3). The Sydney Turpentine Ironbark Forest community, which is listed as a critically endangered ecological community under the *Biodiversity Conservation Act 2016*, is distributed along the boundary with Epping Road. The Coastal Enriched Sandstone Moist Forest community is distributed along the western banks of Shrimptons Creek along the site's eastern boundary. Though not listed as a threatened ecological community, the patchy distribution of Coastal Enriched Sandstone Forest represents areas that are relatively undisturbed and unaffected by weed invasion.



Figure 3: Existing ecological communities

Most of the surrounding area is zoned MU1 Mixed Use. A corridor of land along Shrimptons Creek on its east boundary is zoned RE1 Public Recreation. An irregular strip of land to the north of the site is currently zoned C2 Environmental Conservation.



Figure 3. Land Use Zoning under RLEP 2014

3. The Planning Proposal

The Planning Proposal seeks to rezone part of the Zone MU1 Mixed Use and Zone RE1 Public Recreation on the site into Zone C2 Environmental Conservation to protect, conserve and manage the present ecological communities on the site.

The Planning Proposal (refer to **ATTACHMENT 1**) is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning, Housing and Infrastructure's 'Local Environmental Plan Making Guideline' (dated August 2023). The Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed amending LEP;
- An explanation of the provisions that are to be included in the proposed amending LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation;
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken on the planning proposal; and





• A project timeline.

4. Background

This Planning Proposal is a response to Council's resolution and the Ivanhoe Estate Redevelopment SSD approval. The Concept Plan (SSD-8707) and Stage 1 (SSD-8903) were approved on 30 April 2020. This Planning Proposal assumes that the final layout form of Ivanhoe Estate will be in accordance with the existing SSD approval conditions and plans. This Planning Proposal must conform with the following approved features of the Concept Plan and Stage 1:

- The building and road footprints for residential and commercial development;
- Provision and boundary of the Shrimptons Creek riparian corridor (minimum 5,111 m²);
- Provision and boundary of the Epping Road ecological corridor (minimum 8,376 m²);
- Provision and boundary of a Forest Playground use (minimum 1,009 m²);
- Provision of a Skate Park; and
- Construction of a new road bridge over Shrimptons Creek.

Stage 3 (SSD-30530150) is currently under assessment. Proposed features of Stage 3 that the Planning Proposal needs to consider include:

- Construction and operation of a Skate Park within the Shrimptons Creek under the road bridge; and
- Proposed environmental protection works and environmental facilities within Shrimptons Creek riparian corridor.

5. Referrals

As part of the assessment of the Planning Proposal, the application was referred internally to Council's Executive Leadership Team (ELT) for comments. No objections were raised in the comments received from the ELT referrals.

Department of Planning, Housing and Infrastructure (DPHI) officers from the Northern Planning District were briefed in September 2022 on the draft Planning Proposal. DPHI's officers supported applying Zone C2 to the area of Sydney Turpentine Ironbark Forest endangered ecological community along Epping Road. However, DPHI's officers did not support Zone C2 over vegetation that was not of high conservation significance (i.e. Coastal Enriched Sandstone Moist Forest along Shrimptons Creek). The alternative Zone RE1 Public Recreation was instead suggested to be consistent with the land's open space or passive recreation purpose. This contradicts with Council's resolution and OEH's advice to extent the Zone C2 into the riparian corridor along Shrimptons Creek.

The Planning Proposal is prepared with the intention to pursue Council's resolution in



full, as it aligns with the advice from the previous State Government's agency OEH. At this stage, Council has received officer specific advice from DPHI in an informal format. The formal position of DPHI will be provided at the Gateway Determination stage.

6. Planning Assessment

The assessment of the subject Planning Proposal has been undertaken in accordance with the NSW Department of Planning, Housing and Infrastructure's 'Local Environmental Plan Making Guideline' (dated August 2023)

Part 1 Objectives or intended outcomes

The intended outcomes of this Planning Proposal are to protect, conserve and manage the remnant native vegetation communities on the land it applies, including:

- (1) Sydney Turpentine Ironbark Forest ecological community along Epping Road; and
- (2) Coastal Enriched Sandstone Moist Forest ecological community along Shrimptons Creek

Part 2 Explanation of provisions

The Planning Proposal prepared seeks to amend the RLEP 2014 as follows:

- 1. Rezone the corridors of land along Shrimpton Creek from Zone RE1 Public Recreation to Zone C2 Environmental Conservation (refer to Figure 4)
- 2. Rezone the corridors of land along Epping Road from Zone MU1 Mixed Use to Zone C2 Environmental Conservation (refer to Figure 4)



Figure 4: Proposed Zoning



The Zone C2 is proposed to respond to the following matters (refer to **Attachment 1**):

- Distribution of ecological communities on the site
- The requests of OEH and Council's resolution to rezone part of the land to Zone C2
- The boundary of Zone C2 will follow the "Riparian Corridor" and "Deep soil within Ecological Corridor along Epping Road" lines shown on the Stamped Plans of SSD-8707. The Zone C2 will not intrude into the approved buildings and roads footprints.
- Provision of the Forest Playground will not intrude into the proposed Zone
 C2 and will meet the minimum area requirement.
- The land on which the road bridge over Shrimptons Creek is located will be retained as Zone MU1 Mixed use in accordance with the approved plans.

Part of the proposed Skate Park in Stage 3 (SSD-30530150) is located within the proposed Zone C2. If Stage 3 is approved prior to the finalisation of this Planning Proposal, the Skate Park will become an 'existing use' and may continue in perpetuity in accordance with Division 4.11 of the EP&A Act. If this Planning Proposal is finalised prior to Stage 3 determination, Clause 4.38 (3) of the EP&A Act allows development consent to be granted for SSD despite the development being partly prohibited by an environmental planning instrument. Thus, the Planning Proposal will not prohibit the development of a Skate Park. Other proposed environmental protection works and environmental facilities are permitted with consent in Zone C2.

Part 3 Justification

Need for the Planning Proposal

The NSW Department of Planning, Housing and Infrastructure's 'Local Environmental Plan Making Guideline' requires the following two questions be answered to demonstrate the need for the proposal:

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Environmentally Sensitive Land Structure Plan in City of Ryde's endorsed local strategic planning statement identified part of the site along the Shrimptons Creek and Epping Road as the biodiversity corridor that need to be carefully protected and managed. The endorsed Ryde Biodiversity Plan 2016 also categorised the Sydney Turpentine Ironbark Forest and Coastal Enriched Sandstone Moist Forest ecological communities identified on site as being of high biodiversity conservation priority.



2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The site is not owned by Council. While the Stage 3 proposal (SSD-30530150) suggested the Shrimptons Creek corridor is intended to be dedicated to Council, Council's current position is to not accept the dedication of the Shimptons Creek Corridor (see **Attachment 4**). The proposed Zone C2 that cover the ecological communities on the site could provide controls over how the land will be managed in the future. Therefore, the Planning Proposal is the best means to protect, conserve and manage the ecological communities on site.

Relationship to Strategic Planning Framework – The Strategic Merit Test

A strategic merit test is provided in the following table.

Strategic Merit Issue	Comment
State Environmental Planning Policies and Local Directions	The Planning Proposal is generally consistent with the relevant State Environmental Planning Policies and Local Planning Directions under Section 9.1 of the EP&A Act. An analysis of compliance with these policies is provided in the attached Planning Proposal (see Attachment 1).
Greater Sydney Region Plan - A Metropolis of Three Cities	The Planning Proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities. An analysis of compliance with the Plan is provided in the attached Planning Proposal (see Attachment 1).
North District Plan	The Planning Proposal is generally consistent with the North District Plan. An analysis of compliance with the Plan is provided in the attached Planning Proposal (see Attachment 1).
Ryde Local Planning Study	The Planning Proposal is generally consistent with the Ryde Local Strategic Planning Statement. An analysis of compliance with the Statement is provided in the attached Planning Proposal (see Attachment 1).

Key Assessment Issues

An assessment of the key issues relevant to the planning proposal is provided in the following table.

Site Specific Issues	Assessment
Natural environment	This Planning Proposal will have positive impact on
	the natural environment as it seeks to protect and
	conserve the Sydney Turpentine Ironbark Forest and

City of Ryde Local Planning Panel, dated 25 July 2024, submitted on 8 August 2024.



Site Specific Issues	Assessment
	Coastal Enriched Sandstone Moist Forest ecological communities on the site.
	An environmental consideration of this Planning Proposal is the risk of bushfires in vegetation communities. The Hunter's Hill/Lane Cove/Parramatta/Ryde Bushfire Management Committee has prepared a Bush Fire Risk Management Plan for City of Ryde that will continue to be implemented over time to manage the risk at an acceptable level.
Social impact	This Planning Proposal will have indirect positive social impact through the retention of local amenity and maintenance of liveability for nearby residential areas.

7. Conclusion

The Planning Proposal proposes to protect, conserve and manage the ecological communities by rezoning part of the Ivanhoe Estate redevelopment site to Zone C2 Environmental Conservation.

The Planning Proposal is prepared as a response to Council's resolution and OEH's advice. Analysis showed the Planning Proposal is consistent with the strategic planning framework and does not have adverse site specific issues. Therefore, it is recommended that the Planning Proposal be supported.

8. Recommendation

That the Ryde Local Planning Panel recommend to Council that the Planning Proposal (Attachment 1) be submitted for Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

- 1 Ivanhoe Estate Conservation Corridors Planning Proposal
- 2 City of Ryde Council Resolution dated on 26 February 2019
- 3 Office of Environment and Heritage's comments on Ivanhoe Estate SSD-8707
- **4** City of Ryde Submission for Ivanhoe Estate Redevelopment Stage 3 (SSD-3053150)

Report Prepared	By:
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ITEM 3 (continued)
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Planning Proposal Ivanhoe Estate Conservation Corridors

August 2024



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Introduction

City of Ryde has a longstanding commitment to the protection, conservation and management of the City's remnant native vegetation. Continued growth is placing increasing pressure on the City's natural areas and biodiversity in general. In response to this pressure, the City of Ryde confirmed in its Local Strategic Planning Statement (LSPS) a planning priority to protect and enhance native vegetation, biodiversity, waterways, scenic and cultural landscapes.

In April 2018, the State Significant Development (SSD) application for the redevelopment of Ivanhoe Estate was lodged by NSW Land and Housing Commission. Prior to the development concept approval, a Mayoral Minute was prepared to Council's meeting of 26 February 2019 (Mayoral Minute and Council minutes provided at Appendix 1). Council resolved (in part):

'That the General Manager write to the NSW Minister for Planning, the NSW Land and Housing Corporation and Fraser's Property as a matter of urgency strongly advocating for the existing E2 zone (now C2 zone) immediately adjoining the proposed Ivanhoe Estate to be extended into the Ivanhoe Estate site within the riparian corridor along the eastern side of the Estate and along with Epping Road, to protect these areas in the long-term, as this zone will ensure stronger conservation management protection.'

In a letter dated 15 May 2018, the Office of Environment and Heritage (OEH), now part of the Environment and Heritage Group of the Department of Climate Change, Energy, the Environment, provided extensive comments in relation to the exhibition of a concept redevelopment application for mixed-use development on the Ivanhoe Estate (See attached correspondence at Appendix 2). The correspondence supports Council's view on the importance of retaining the existing threatened ecological Sydney Turpentine Ironbark Forest (STIF) community and the Coastal Enriched Sandstone Moist Forest ecological community on and adjoining the Estate. This includes protecting an irregular strip of land along Epping Road and the Shrimptons Creek Riparian Corridor. The letter also recommended that the existing Zone C2 Environmental Conservation Zone on land to the north of the site be extended southwards into the site to protect the STIF Threatened Ecological Community and corridor area.

This Planning Proposal is therefore prepared in response to Council's resolution and OEH's advice to extend the conservation area into Ivanhoe Estate redevelopment site. It is also a further step towards achieving the Council's vision of a liveable, prosperous city that provides for our future while protecting nature and heritage. The Ivanhoe Estate redevelopment is a positive example of balancing the need for new housing and conserving biodiversity that combine to create unique liveable neighbourhoods.

This Planning Proposal has been prepared in accordance with requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) (in particular Section 3.33) and the relevant guidelines produced by the Department of Planning, Housing and Infrastructure (DPHI).

DPHI's 'Local Environmental Plan Making Guidelines' (dated September 2022) requires a Planning Proposal to cover the following main parts which also form the basis of this document:

- Part 1 A statement of the objectives and intended outcomes of the proposed instrument;
- Part 2 An explanation of the provisions to be included in the proposed instrument;
- Part 3 The justification of those objectives, outcomes and process for their implementation;
- Part 4 Maps, where relevant, to identify intent of a Planning Proposal and the area to which it applies;
- Part 5 Community Consultation proposed to be undertaken on the Planning Proposal; and
- Part 6 Project Timeline to detail anticipated timeframe for the LEP making process.

Part 1 - Objectives and Intended Outcomes

The purpose of this Planning Proposal is to amend the *Ryde Local Environmental Plan 2014* (RLEP) to continue the process of protecting City of Ryde's unique biodiversity on Ivanhoe Estate redevelopment site, Macquarie Park.

The Ivanhoe Estate redevelopment site comprises of three separate lots. This Planning Proposal applies to part of the Ivanhoe Estate site, Macquarie Park, which includes the following land:

- Address: 2 Mahogany Avenue, MACQUARIE PARK NSW 2113
- Legal Description: Lot 132 DP 1297655

The intended outcomes of this Planning Proposal are to protect, conserve and manage the remnant native vegetation communities on the land it applies, including:

- Sydney Turpentine Ironbark Forest ecological community along Epping Road; and
- Coastal Enriched Sandstone Moist Forest ecological community along Shrimptons Creek

Part 2 - Explanation of provisions

The objectives and intended outcomes to the land of 2 Mahogany Avenue, Macquarie Park will be achieved by the following proposed amendments to the RLEP:

- 1. Rezone the corridors of land along Shrimpton Creek from Zone RE1 Public Recreation to Zone C2 Environmental Conservation (refer to Part 4, Map 5)
- 2. Rezone the corridors of land along Epping Road from Zone MU1 Mixed Use to Zone C2 Environmental Conservation (refer to Part 4, Map 5)

The land supports important biodiversity resources. According to NSW State Vegetation Type Map 2022, the Sydney Turpentine Ironbark Forest community and Coastal Enriched Sandstone Moist Forest communities have been identified on the subject site (refer to Part 4, Map 3). The Sydney Turpentine Ironbark Forest community, which is listed as a critically endangered ecological community under the *Biodiversity Conservation Act 2016*, is located along the boundary with Epping Road. The Coastal Enriched Sandstone Moist Forest community is located on the eastern boundary along the western bank of Shrimptons Creek. Though not listed as a threatened ecological community, the patchy distribution of Coastal Enriched Sandstone Forest represents areas that are relatively undisturbed and unaffected by weed invasion. Therefore, the proposed Zone C2 could achieve the intended outcome to protect, conserve and manage important ecological communities on the land in response to the SSD approved development (Appendix 3.3).

The Ivanhoe Estate Redevelopment SSD Concept Plan (SSD – 8707) and Stage 1 (SSD-8903) was approved on 30 April 2020. In accordance with the conditions of the consent approval, all physical works and subsequent stages of the mixed-use development are subject to future development applications. Subsequently, Stage 2 (SSD-15822622) was approved on 28 November 2022. The Planning Proposal assumes that the final layout form of Ivanhoe Estate will be in accordance with the existing SSD approval conditions and plans. Thus, the Planning Proposal should align with Concept Plan and Stage 1 approval.

Approved features of Concept Plan (SSD – 8707) that the Planning Proposal must conform to include:

- The building and road footprints as shown on the stamped Envelope Control Plan (Appendix 3.2)
- Provision of the Shrimptons Creek riparian corridor (minimum 5,111 m²), with a boundary as shown on the stamped Envelope Control Plan (Appendix 3.2)
- Provision of the Epping Road ecological corridor (minimum 8,376 m²), with a boundary as shown on the stamped Envelope Control Plan (Appendix 3.2)
- Provision of a Forest Playground use (minimum 1,009 m²). The proposed boundary was identified on the Active and Passive Open Spaces Plan (Appendix 5) submitted as part of the Concept Plan Modification Application (SSD-8707 MOD 3), which is currently responding to submission.
- Provision of a Skate Park use located under or in the vicinity of the proposed bridge

Approved features of Stage 1 (SSD-8903) that the Planning Proposal must conform to include:

• Construction of a new road bridge over Shrimptons Creek that transects the riparian corridor, as shown on the stamped Lot Subdivision Plan (Appendix 6)

These features will be integrated into the proposed Zone C2 Environmental Conservation of the Planning Proposal in the following ways:

• The proposed Zone C2 boundary will follow the "Riparian Corridor" and "Deep soil within Ecological Corridor along Epping Road" lines shown on the Stamped Plans of SSD-8707

and be setback a minimum of 1 metre from the approved buildings and roads footprints. The proposed conservation area will not intrude into the approved buildings and roads footprints (Appendix 4)

- Provision of the Forest Playground will partially intrude into the proposed Zone C2 and will meet the 1,009 m² area requirement (Appendix 5).
- The land on which the road bridge over Shrimptons Creek is located will be retained as Zone MU1 Mixed use in accordance with the approved plans. The land use "roads" is permissible with consent in this zone. The definition of "roads" includes bridges within the meaning of the Roads Act 1993

Stage 3 (SSD-30530150) was lodged. The application is currently under assessment. Proposed features of Stage 3 that the Planning Proposal needs to consider include:

- Construction and operation of a Skate Park, located within Shrimptons Creek riparian corridor and under the road bridge, as shown in the Landscape Plan (Appendix 7.1)
- Other proposed works within Shrimptons Creek riparian corridor, including creek remediation, vegetation management, landscaping, new pedestrian access and facilities (e.g. deck, perch, picnic settings etc.) as shown in the Landscape Plan (Appendix 7.1 & 7.2)

A significant part of the Skate Park is located under the road bridge which is in Zone MU1 Mixed Use. A Skate Park use may be considered as recreation area, which is permitted with consent in Zone MU1. However, part of the Skate Park is located within the proposed Zone C2. Development of a Skate Park is prohibited in Zone C2. If Stage 3 is approved prior to the finalisation of this Planning Proposal, the Skate Park will become an 'existing use' and may continue in perpetuity in accordance with Division 4.11 of the EP&A Act 1979. If this Planning Proposal is finalised prior to Stage 3 determination, Clause 4.38 (3) of the EP&A Act 1979 allows development consent to be granted for SSD despite the development being partly prohibited by an environmental planning instrument. Thus, the Planning Proposal will not prohibit the development of a Skate Park. Other proposed works within Shrimptons Creek may be considered as environmental protection works or environmental facilities, which are permitted with consent in Zone C2.

The Planning Proposal responds to the following matters:

- Distribution of ecological communities on the site
- The high conservation value evidence provided by OEH:
- The requests of OEH and Council's resolution to rezone part of the land to C2 Environmental Conservation; and
- Mixed-use development is prohibited in the Zone C2 Environmental Conservation. A C2 zoning of the land containing the ecological communities in accordance with the land area allocations outlined above would ensure that no built form, except the approved road/bridge alignment and environmental facilities, may be approved within it. The Planning Proposal will provide long term protection and management of the communities from incompatible land uses.
- the alignment with the SSD concept development consent.

Part 3 – Justification of strategic and site-specific merit

Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The City of Ryde's endorsed local strategic planning statement outlines Council's challenges for a sustainable future environment. The Environmentally Sensitive Land Structure Plan in the LSPS designates the areas that need to be carefully protected and managed to ensure they are not compromised by future growth. It includes part of the subject land as a biodiversity corridor.

Council's sustainability planning priorities highlight the need to protect and enhance bushland, biodiversity, environmentally sensitive waterways and cultural landscapes. Key actions to achieve these priorities include:

- Implementing the Ryde Biodiversity Plan 2016
- Reviewing the planning for environmentally sensitive land across the LGA including the environmental conservation zones, the Shrimptons Creek corridor and threatened species along Epping Road.

The Ryde Biodiversity Plan 2016 identifies the vegetation on the site as part Sydney Turpentine Ironbark Forest Threatened Ecological Community and Coastal Enriched Sandstone Moist Forest ecological community. The Plan has categorised the vegetation as being of high biodiversity conservation priority.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is best mechanism to protect the ecological communities on the land from harmful uses and manage the land in the long term for the beneficial environmental outcomes that the community seeks.

Section B - Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The strategic planning framework for the consideration of this Planning Proposal includes *Greater Sydney Region Plan – A Metropolis of Three Cities 2018* and *North District Plan*

The *Greater Sydney Region Plan* (2018) outlines how Greater Sydney will manage growth and change and guide infrastructure delivery over the next 40 years.

The Vision of the Plan is to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City.

City of Ryde is located within the Eastern Harbour City. The Plan states that the established Eastern Harbour city will be building on its recognised economic strength and addressing liveability, productivity and sustainability.

The Plan contains:

- 4 Key themes infrastructure and collaboration, liveability, productivity and sustainability;
- 10 Directions to guide the balanced delivery of the theme; and
- 40 Objectives.

The North District Plan (NDP) sets out the planning priorities and actions for Greater Sydney's North District, which includes the local government areas of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Northern Beaches, Mosman, North Sydney, the City of Ryde and Willoughby as developed by the Greater Sydney Commission.

The NDP provides the means by which the Greater Sydney Region Plan can be put into action at a local level, by setting out the opportunities, priorities and actions for the growth and development of the North District.

To align with the Greater Sydney Region Plan, the North District Plan contains:

- 4 Key themes infrastructure and collaboration, liveability, productivity and sustainability
- 10 Directions as outlined in Greater Sydney Region Plan; and
- 24 Planning Priorities to achieve results that provide a great quality of life for people in the District based on the Objectives set out in Greater Sydney Region Plan

The proposal is not inconsistent with any of the Objectives in the Greater Sydney Region Plan nor any Planning Priorities in the North District Plan. The Objectives and Planning Priorities particularly relevant to the proposal are addressed in the table below:

Table 1 – Consistency with Greater Sydney Region Plan and North District Plan

Table 1 – Consistency with Greater Sydney Regi		
Objectives/Planning Priorities	Consistency	
Greater Sydney Region Plan (Objective 25) – The coast and waterways are protected and healthier North District Plan (Planning Priority N15) – Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	The Planning Proposal proposes a Zone C2 for the riparian corridor of Shrimptons Creek on the site. Shrimptons Creek is a tributary of the Lane Cove River, which is identified as one of the major waterways in North District. The riparian corridor is also identified as environmentally sensitive land in City of Ryde's LSPS. The Planning Proposal is consistent with Objective 25 by protecting environmentally	
	sensitive areas of waterways. The Planning Proposal will improve the necessary health and quality of District waterways' by protecting and enhancing flora, fauna and urban bushland through the proposed Zone C2 for the riparian corridor. It is consistent with Planning Priority N15.	
Greater Sydney Region Plan (Objective 27) - Biodiversity is protected, urban bushland and remnant vegetation is enhanced.	The Planning Proposal proposes a Zone C2 to protect areas of remnant native vegetation on site. It includes the critically endangered Sydney Turpentine Ironbark Forest ecological community and the native Coastal Enriched Sandstone Moist Forest ecological community.	

North District Plan (Planning Priority N16) – Protecting and enhancing bushland and biodiversity

The Planning Proposal is consistent with Objective 27 by protecting urban bushland and foster its ongoing management so that it continues to provide clean air and water, cooler urban environments and local habitat.

The Planning Proposal is consistent with Planning Priority N16. The protection of ecological communities and connection with larger pockets of remnant vegetation will provide areas of wildlife habitat and corridors. Strengthening the protection of remnant native vegetation in urban areas will help to conserve the district's biodiversity, preserve its scenic landscape, improve the liveability of nearby residential areas and enhance its recreation values.

Greater Sydney Region Plan (Objective 28)

- Scenic and cultural landscapes are protected

North District Plan (Planning Priority N17) – Protecting and enhancing scenic and cultural landscapes The urban bushland and waterways on site form the scenic and cultural landscape. Protection of scenic and cultural landscapes is important for the sustainability, liveability and productivity of North District. The Planning Proposal is consistent with Objective 28 and Planning Priority N17 by proposing Zone C2 to protect remnant native vegetation from removal that will create a sense of place and identity that improves the amenity and liveability of nearby residential development.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

4.1 City of Ryde 2028 Community Strategic Plan

The Ryde 2028 Community Strategic Plan captures the needs and aspirations of the community and lays out the Vision and Outcomes that the community wants for the City of Ryde over the next 10 years. It also captures the City's priorities for achieving these outcomes.

The seven outcomes for the City of Ryde articulated in the plan are:

- Our Vibrant and Liveable City
- Our Active and Healthy City
- Our Natural and Sustainable City
- Our Smart and Innovative City
- Our Connected and Accessible City
- Our Diverse and Inclusive City
- Our Open and Progressive City

The Planning Proposal is not inconsistent with any of the outcomes in the Community Strategic Plan 2028. The outcome particularly relevant is addressed in the table below:

Table 2 – Consistency with Community Strategic Plan

	,	,	
Outcome			Consistency

Our Natural and Sustainable City – Sustainable Planning, Protecting Natural Areas and Resilient Infrastructure	The Sustainable Planning outcome includes protecting our natural and built environments using planning controls that encourage developments that are ecologically sustainable. The Planning Proposal is consistent with this outcome by proposing changes to planning controls to protect the native ecological communities on the site. The Protecting Natural Areas outcome involves reducing the impact on our natural systems and continuing investment in programs that protect and enhance City of Ryde's natural
	and continuing investment in programs that protect and enhance City of Ryde's natural areas including our bushlands, waterways and
	ecosystems. The Planning Proposal is consistent with this outcome by preventing
	further development into area of where ecological communities are located on the site.

4.2 Local Strategic Planning Statement (LSPS)

Council adopted the *Planning Ryde: Local Strategic Planning Statement 2020* (LSPS) on 31 March 2020. The LSPS forms Council's 20-year planning vision for the Ryde LGA and is used to guide local planning priorities, decisions, and actions. Another key function of the LSPS is to align the State's regional planning framework (i.e. Greater Sydney Region Plan and North District Plan) with the local planning to ensure Council is working towards delivering places that are liveable, sustainable and productive. The Planning Proposal gives effect to actions of the LSPS, some in part, as detailed in the table below:

Table 3 – Relevant Actions of the LSPS

Planning Priority		Actions	
k k e s	Protect and enhance bushland, biodiversity, environmentally sensitive waterways, scenic and cultural landscapes	E1.1 Manage and protect the conservation significance of native vegetation, urban waterways, biodiversity corridors and urban habitats by implementing Ryde Biodiversity Plan 2016 E1.2 Review environmentally sensitive land across the LGA including E1, E2 and E3 Environmental Conservation Zones, including to protect the Shrimptons Creek corridor and threatened species along Epping Road	

As demonstrated above, the Planning Proposal is consistent with the LSPS by implementing new controls to protect biodiversity corridors and threatened species areas in accordance with its Environmentally Sensitive Land Structure Plan.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other applicable State and regional studies or strategies are relevant.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. A summary assessment of the Planning Proposal in terms of those policies relevant to the City of Ryde is contained in Appendix 8.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions) or key government priority?

Appendix 9 provides a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1 of the EP&A Act 1979. These directions apply to Planning Proposals lodged with the Department of Planning, Housing and Infrastructure on or after the date each direction was issued.

On 27 September 2018, the Minister for Planning gave an additional direction under 9.1 of the EP&A Act 1979 with the objective of identifying the types of Planning Proposals that are to be advised on by Local Planning Panels on behalf of councils in the Greater Sydney Region and Wollongong and to establish the procedures in relation to those matters. This Direction is relevant to this Planning Proposal, and the proposal will be referred to the Ryde Local Planning Panel for advice on whether the Planning Proposal should be forwarded to the Minister or Greater Sydney Commission under Section 3.34 of the EP&A Act 1979.

On the 28 February 2019 the Minister for Planning gave an additional direction under 9.1 of the EP&A Act 1979. The Direction is the *Environmental Planning and Assessment (Planning Agreements) Direction 2019* and is required to be considered by Councils if negotiating the terms of a proposed planning agreement that includes provision for affordable housing in connection with a development application. This direction is not applicable to the Planning Proposal.

Section C - Environment, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. The proposal seeks to protect and conserve areas of Sydney Turpentine Ironbark Forest threatened ecological community and Coastal Enriched Sandstone Moist Forest ecological community.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

A key environmental consideration arising from the biodiversity conservation provisions of the Planning Proposal is the risk of bushfires in remnant native vegetation. The Hunter's Hill/Lane Cove/Parramatta/Ryde Bushfire Management Committee has prepared a Bush Fire Risk Management Plan for City of Ryde that will continue to be implemented over time to manage the risk at an acceptable level.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The Planning Proposal will not directly create capacity for additional jobs and dwellings and is not anticipated to have any negative social or economic impacts. The aim of the Planning Proposal is to conserve the City's biodiversity and avoid inappropriate development in areas of land instability. An indirect outcome of the Planning Proposal will be the retention of local amenity and maintenance of liveability for nearby residential areas.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

Yes. The Planning Proposal will not increase the demand for public infrastructure as it is protecting the existing remnant native vegetation that currently exists. The ongoing management of the Shrimptons Creek riparian corridor and Epping Road corridor land will continue to be supported by access from the existing road network and the proposed new road and bridge across Shrimptons Creek. During bushfire events the existing water supply infrastructure and existing emergency management services will be used to suppress bushfires.

Section E - State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of any State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 - Maps

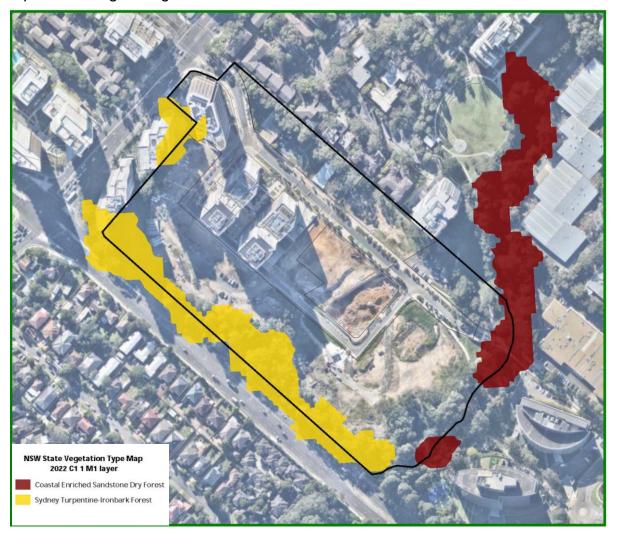
The maps accompanying this Planning Proposal include:

Map 1 - Land Application Map: 2 Mahogany Avenue, Macquarie Park NSW 2113 (Lot 132 DP 1297655)



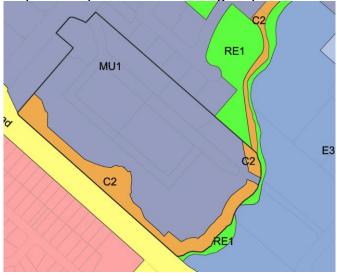


Map 3 - Existing ecological communities





Map 5 - Proposed Land Zoning Map: C2 Environmental Conservation



Part 5 - Community consultation

This section provides details of the community consultation that is to be undertaken on the Planning Proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28-day period:

- Written notice given:
 - On the NSW Department of Planning's Planning Portal,
 - On Council's webpage;
 - To the property owner;
 - To local state government representatives; and
 - To relevant State and Commonwealth authorities as identified in the Gateway Determination.
- The written notice will:
 - Provide a brief description of the objectives and intended outcomes;
 - State where the Planning Proposal can be inspected;
 - Indicate the last date for submissions; and
 - Confirm whether the Minister has chosen to delegate the making of the LEP.
- The following materials will be placed on exhibition in within each of Council's five libraries and Council's Customer Service Centres at Top Ryde and North Ryde:
 - The Planning Proposal;
 - The Gateway Determination; and
 - Council resolution and reports.

Interested parties will be able to contact the City Places Team of the City of Ryde directly via Council's customer service.

Part 6 - Project timeline

The project timeline is provided in the table below:

Table 4 – Project Timeline

Stage	Timeframe and/or date
Consideration by Council	October, 2024
Council decision	October, 2024
Gateway determination	November, 2024
Pre-exhibition preparation	December, 2024
Commencement and completion of public exhibition period	February, 2024
Consideration of submissions	March, 2024
Post-exhibition review and additional studies (if required)	April, 2024
Submission to the Department for finalisation (where applicable)	May, 2024
Notification of LEP amendment on Government website	June, 2024

Conclusion

The Planning Proposal seeks to amend the LEP zoning maps to protect and conserve a significant part of the City's biodiversity.

The Planning Proposal is generally consistent with relevant State and Local legislation, directions, polices and strategic directions and will have a beneficial environmental and social impact and minimal economic impact.

Appendix 1 – Mayoral Minute and Council Minutes 26 February 2019



MM2/19

IVANHOE ESTATE - EXTENSION OF E2 CONSERVATION ZONE ON SITE TO PROTECT SIGNIFICANT VEGETATION CORRIDOR - Mayor, Councillor Jerome Laxale

File Number: GRP/09/6/13 - BP19/30

n

Background

The Office of Environment and Heritage (OEH) has provided extensive comments to the exhibition of the concept redevelopment application for the Ivanhoe Estate and has supported the Council's view on the importance of retaining the existing threatened ecological Sydney Turpentine Ironbark Forest community on and adjoining the Estate, including along Epping Road.

In this regard, not enough has been done in the planning and siting of the proposed development to avoid directly impacting the threatened ecological communities, where more than half of the existing threatened community is earmarked for removal.

The OEH comments echo Council's policy documents.

In 2016, Council provided an urban design guideline to Land and Housing Corporation to supplement Ryde DCP 2014. This included an objective to "Protect the existing natural characteristics of the site by promoting the revitalisation of Shrimptons Creek and the protection of significant trees along Epping Road."

Council's Development Control Plan 2016 also seeks the provision of open space and the protection of the riparian corridor.

For this reason, the highest level of conservation management protection is considered essential to force a rethink on:

- the extent and design of the building footprint,
- the need for increased buffers and setbacks to the threatened communities or
- the relocation of development.

As a minimum, Council will expect a revision of the proposed Ivanhoe Estate Master Plan to include the conservation of the <u>Shrimptons</u> Creek Riparian Corridor and to protect significant trees along Epping Road. The revision should include enhanced tree retention, reduced building footprints and more open space.

In addition, Council Planners should also include a planning priority in the Ryde Local Strategic Planning Statement to protect and revitalize the <u>Shrimptons</u> Creek Corridor and the significant trees along Epping Road within Macquarie Park.



MM2/19 (continued)

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RECOMMENDATION:

- (a) That the City of Ryde re-affirm its opposition to the current Ivanhoe Estate masterplan, noting that current State Government plans will increase dwelling numbers on the site by 1250% (from 259 to approximately 3,500).
- (b) That the General Manager write to the NSW Minister for Planning, the NSW Land and Housing Corporation and Fraser's Property as a matter of urgency strongly advocating for the existing E2 zone immediately adjoining the proposed Ivanhoe Estate to be extended into the Ivanhoe Estate site within the riparian corridor along the eastern side of the Estate and along with Epping Road, to protect these areas in the long-term, as this zone will ensure stronger conservation management protection.
- (c) That the Director City Planning and Environment ensure all available steps are taken to protect the <u>Shrimptons</u> Creek Corridor and the significant trees along Epping Road to ensure their <u>long term</u> conservation.
- (d) That the General Manager write to the Minister for Planning seeking an urgent meeting to discuss the reduction of the size, scale and density of the State Government's proposed development in Macquarie Park.

Do not delete this line

ATTACHMENTS

- 1 Letter Office of Environment & Heritage Ivanhoe Estate Macquarie Park Exhibition of Concept Redevelopment SSD 8707 - 15 May 2018
- 2 Map Existing Land Zoning overview along Shrimptons Creek near the Ivanhoe Estate
- 3 Map Proposed E2 Land Zoning along Shrimptons Creek near the Ivanhoe Estate
- 4 Ivanhoe Estate Images by Sky Monkey 30 May 2018

Report Prepared By:

Councillor Jerome Laxale Mayor

Appendix 2- Office of Environment and Heritage Ivanhoe Estate SSD comments



DOC18/216601 SSD8707

> Mr Cameron Sargent Team Leader – Key Sites Assessments NSW Planning and Environment GPO Box 39 SYDNEY NSW 2001

Attention: Andy Nixey

Exhibition of Concept Redevelopment Application for Ivanhoe Estate, Macquarie Park - SSD 8707

Dear Mr Nixey,

I refer to your letter dated 9 April 2018, requesting input from the Office of Environment and Heritage (OEH) on the exhibition of the concept application for the redevelopment of Ivanhoe Estate - SSD 8707

Please find attached OEH comments regarding biodiversity, Aboriginal cultural heritage and flooding in Attachment 1.

Please note that a separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW. Should you have any queries regarding this matter, please contact Svetlana Kotevska, Senior Conservation Planning Officer on 8837 6040 or at Svetlana.kotevska@environment.nsw.gov.au.

Yours sincerely

SUSAN HARRISON Senior Team Leader Planning Greater Sydney

S. Harrison 15/05/

Regional Operations

Attachment 1 – Office of Environment and Heritage (OEH) comments - Ivanhoe Estate Concept Redevelopment SSD 8707

Biodiversity

Summary:

It is noted this application is concept only and does not seek approval for physical works, with approvals for physical work being sought as part of future, separate applications. This application however, is accompanied by a biodiversity assessment report (BAR) which requires an assessment of the direct and indirect impacts of the proposed development.

OEH recommends the following in relation to the biodiversity assessment:

- retention of the existing threatened ecological community and adjoining vegetation community along Epping Road, which would require modifying the proposed construction footprint and development layout and
- that the deficiencies in the BAR as described in Appendix 1 are addressed.

It is also noted that the BioBanking Credit Calculator was not submitted with this application, so OEH has not been able to review the data used to determine the offset requirements.

Detailed comments:

1. Biodiversity Assessment

- The site area is 8.2ha in total and comprises 1.64ha of Sydney Turpentine Ironbark Forest (STIF) on site which is an endangered ecological community (EEC) under the *Biodiversity Conservation Act 2016* (BC Act) and also a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Page 21 of the BAR mentions that a habitat assessment was carried out, but no detail is provided on this assessment.
- The BAR mentions in a number of sections that there are seven hollow-bearing trees on site but this information is limited and it is scattered throughout the document. The BAR states that five of the trees are to be impacted by the proposed development, and that they are >300 mm in diameter. Such hollows may be suitable habitat for the Powerful Owl (Ninox strenua), a species which has been recorded a number of times in the vicinity of the site. However, there is no mention in the BAR that this species was a candidate species and there is no discussion of potential impacts.
- Section 5.3.3. of the BAR states that no threatened plant species were observed on the
 development site. However, *Melaleuca deanei* is listed in Appendix A (Plot and transect data) as
 occurring in plot 5, and Figures 4 and 5 identify this plot as occurring within the construction
 footprint. This species is listed as vulnerable under the BC Act and the EPBC Act.
- Table 11 of the BAR states that for Acacia pubescens, there is no habitat within the development site and the species requires no further assessment because "there are no gravelly soils or ironstone within the development site". However, as the BAR points out, this species can occur on a range of substrates including the intergrade between shales and sandstones. The site contains shale and sandstone substrates, and there are several BioNet records for this species nearby. Therefore, more justification should be provided for discounting the likelihood of this species occurring on site.
- Table 11 of the BAR states that for Syzygium paniculatum (Magenta Lilly Pilly), there is no habitat within the development site and the species requires no further assessment because "there are no grey soils over sandstone, and there are no remnant stands of littoral rainforest". However, this species is known to occur in the Cumberland and Pittwater IBRA subregions, and is known to be associated with Turpentine Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion (plant community type (PCT) ME041), with all of these elements being represented at the site. The BioNet Atlas also contains a record for this species at an adjacent site along Herring Road. As such, the site likely contains habitat for this species.

- Appendix A has incorrectly labelled a number of species: Glochidion ferdinandi (Cheese Tree) is
 identified as exotic (but it is native), Corymbia citriodora (Lemon-scented Gum) and Grevillea
 robusta (Silky Oak) are indicated as being native (but they are naturalised), and as stated above,
 Melaleuca deanei is not identified as a threatened species.
- The BAR identifies the development site as being wholly within the Cumberland IBRA sub-region, however it is partly in Cumberland and partly in Pittwater IBRA sub-regions. Similarly, the BAR states the site is wholly within the Pennant Hills Ridges Mitchell Landscape, but the site is partly within Pennant Hills Ridges and partly within Port Jackson Basin. Acknowledgement of this should be included in the BAR, as well as justification for selection of the relevant IBRA sub-region and Mitchell landscape.
- No roads or drainage lines, including Shrimptons Creek, are identified on any of the figures.

2. Impact assessment

- The concept development proposal involves the removal of 311 trees, including hollow bearing trees along Epping Road and the removal of 0.46ha of moderate to good condition STIF is to be removed. A total of 229 trees are to be retained. The 2.93ha of unavoidable impacts of the project and Biobanking Credit Calculation for this proposal generates the need for 32 ecosystem credits. It is proposed that offsets are to be retired in a staged manner- approximately 10 stages.
- The extent of EEC to be removed needs to be clarified, as the consultant's report states the project will remove approximately 0.46ha of the EEC but the EIS says 0.34ha.
- Principle 1 of the NSW Biodiversity Offsets Policy for Major Projects states that "Before offsets are considered, impacts must first be avoided and unavoidable impacts minimised through mitigation measures. Only then should offsets be considered for the remaining impacts." It is considered that the proposed development fails to avoid direct impacts on threatened ecological communities. It is not considered that adequate planning/siting of the proposal has been carried out as per the Framework for Biodiversity Assessment (FBA). Specifically, the FBA requires proponents to identify and avoid direct impacts to threatened ecological communities (TECs). An alternative footprint design could avoid impacting on the EEC particularly the STIF EEC primarily located along the perimeter of the sites southern boundary. There is opportunity to reduce the building footprint than currently shown in Figure 1 below and this could be achieved with higher building forms, with increased buffers and setbacks to this EEC or relocation of development.

Further, the consultant's Eco Logical Australia *Biodiversity Assessment Report and Offset Strategy* dated February 2018, Section 6.1.3 Table 14 states as follows - the Major Project should be located in areas where the native vegetation or threatened species habitat is in the poorest condition (i.e. areas that have a lower site value score) or **which avoid an EEC or CEEC...**minimise the amount of clearing or habitat loss – the Major Project (and associated construction infrastructure) should be located in areas that do not have native vegetation, or in areas that require the least amount of vegetation to be cleared (i.e. the **development footprint is minimised**, and/or in areas where other impacts to biodiversity will be the lowest.

OEH suggests the development footprint could be reduced and higher building heights could be proposed to preserve more STIF. It is noted that a 65m height control (equivalent to 21 storeys based on 3m floor to ceiling heights) is proposed along the southern boundary to Epping Road, refer to Figure 2 below. The consultant's report does not assess what the impact is on the vegetation remaining from overshadowing and limited light especially vegetation along Epping Road where a 65m height is proposed and where good quality STIF is located. The proponent should calculate the reduction in the conservation value of the remaining patch of vegetation not just the areas that are removed.

• The BAR appears to understate the degree of proposed impact on site. Table 12 of the BAR states that "Impacts to EECs have been minimised by locating the proposed development on land that is currently developed." However, Table 4 shows more than half of the EEC, which corresponds to the ME041 PCT, will be removed under the current proposal. Table 12 also states "There are limited hollow-bearing trees" but as previously mentioned, seven large hollows have

been identified on-site, with five of these being earmarked for removal. The number of hollow-bearing trees that are present on site is significant, particularly given its small size and residential setting. Also, Table 12 states "The vegetation within the development site ... will not be used as breeding or refuge habitat for threatened species" but there is no recognition that the hollows may provide breeding or refuge habitat for threatened species. Section 4.4 of the BAR states that 'there are no remnant soil characteristics within the current development', which does not appear to be correct given the number of native species present. In addition, a threatened species. (*Melaleuca deanei*) has been recorded in the surveys, as mentioned above.

- OEH also considers more effort should be made to retain the connectivity of this vegetation along
 the Epping Road frontage, by removing the proposed access to the site off Epping Road which
 will sever this connectivity.
- The proposal introduces the concept of a hierarchy of public spaces such as Forest to neighbourhood and the public domain plan shows areas earmarked as Forest thresholds with stepped terraces (identified as item 14 on the public domain plan Figure 3 below). The proposal should aim to minimise landform alteration in the forest areas and preserve existing trees and it is unclear whether the stepped terraces are proposed or are a natural element of the Forest landscape area.
- The consultant's report page 11 states "At the time of survey, the exact location of the development site was not known. As a result, plots were carried out within a contiguous patch of vegetation approximate to the development site location. As such, the location of the plots is outside of the development site, but given the lack of environmental variation within the vegetation patch, the approach is considered suitable for the purposes of the assessment." The survey needs to be updated to ensure the site is adequately surveyed.
- OEH supports the goal that Ivanhoe Estate will target a 6 Star Green Star Communities rating
 and 5 Star Green Star v1.1 for all buildings and will incorporate a range of environmental and
 sustainability measures, including photovoltaic solar power and water recycling plants with the
 aim of being carbon neutral in operation.
- The proponent may need to refer this concept proposal to the Commonwealth Government as a
 matter of national environmental significance given the Sydney Turpentine Ironbark Forest (STIF)
 on site is a CEEC under the EPBC Act.
- A Biodiversity Management Plan (BMP), a weed management plan, a Construction Environment Management Plan (CEMP) and a Vegetation Management Plan to provide for management of retained areas of the EEC and this needs to be conditioned on any forthcoming development approval.
- A monitoring program is to be conditioned to measure the impacts of the project and must include baseline data capture to measure any effects of the project over time on the remaining STIF.
- Nest boxes are required to be conditioned to be installed to minimise impacts to arboreal
 mammals. It is recommended to replace all removed hollows with artificial nest boxes at a ratio of
 1:4 (removed:replaced). A total of five (5) hollow bearing trees will be impacted. Nest boxes are to
 be installed within retained vegetation in Shrimptons Creek.

Shrimpton's Creek Riparian Corridor

Section 1.2.2 of the BAR mentions that the Masterplan includes a proposal to regenerate RE1 zoned land along Shrimptons Creek, and that the Shrimptons Creek corridor will be enhanced to provide a recreational and environmental green spine. OEH supports this action and recommends that the construction footprint is amended to provide a buffer to Shrimptons Creek and so avoid impacts to the existing vegetation along the creek, to increase the likelihood that the environmental outcomes that the Masterplan seeks to achieve, can be realised.

- A shared path for cyclists and pedestrians within the 20m riparian corridor in the outer riparian
 zone. Details should be provided of how any impacts from runoff and other pollutants as well as
 active recreation will not adversely affect water quality, bank stability and conflict with the goal of
 rehabilitating Shrimptons Creek in the long term.
- It is recommended that the existing adjoining E2 zone be extended into the site within the riparian
 corridor as shown in Figure 4 below to protect both the adjoining corridor and the rehabilitated
 corridor in the long-term as this zone will ensure stronger protection.
- Condition the installation of sediment barriers, sediment ponds and stormwater management systems on any forthcoming development approval in accordance with Table 16 of the consultant's Eco Logical Australia's *Biodiversity Assessment Report and Offset Strategy* report dated February 2018.

3. Biodiversity Offset Strategy (BOS)

Section 11.1.1.1 and Appendix 7 of the FBA requires that a BOS be prepared as part of the BAR.
 It is noted that none of the minimum requirements for the BOS, as required in the FBA, have been included in the BAR. OEH recommends the BAR is amended to include a BOS, in accordance with the NSW Biodiversity Offsets Policy for Major Projects and the FBA.

4. Long term management

- OEH recommends that vegetation to be retained on site is managed in the long term through the preparation and implementation of a Vegetation Management Plan.
- OEH also recommends that any regeneration or management of vegetation along Shrimptons Creek uses local provenance plants and the species selected are appropriate for the TECs and PCTs present.

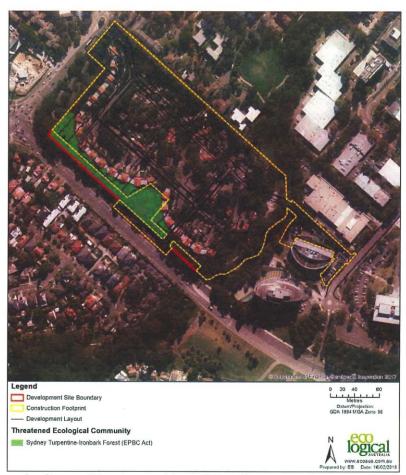


Figure 1 – Concept Development footprint and impact on STIF

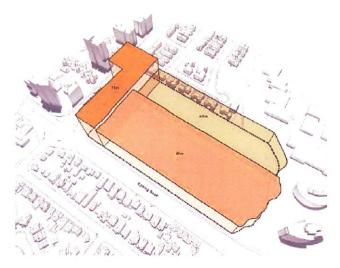


Figure 21 – Building Height Plan

Figure 2 – Proposed Concept Development Height



Figure 3 Public Domain Plan

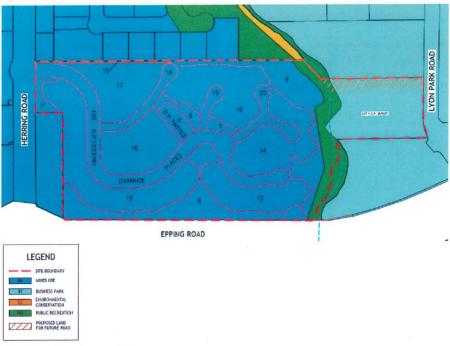


Figure 7- Lot boundaries and zoning Source: ADW Johnson

Figure 4 Existing Zones

Aboriginal Cultural Heritage

OEH notes that a due diligence Aboriginal heritage assessment was undertaken for the proposal. Due diligence is not a substitute for undertaking an Aboriginal cultural heritage assessment. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* and is inadequate to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage values of the subject land. Due diligence is not to be used for major projects, including state significant developments.

Further assessment of Aboriginal cultural heritage is recommended in the form of an Aboriginal Cultural Heritage Assessment Report (ACHAR), with formal Aboriginal community consultation and a staged program of archaeological test excavations, to inform the development and satisfy the project SEARs. From the information provided it is unclear why the ACHAR was not prepared prior to the exhibition of the proposal and OEH recommends that this be completed ahead of determination of the application, not in the post-approval phase.

Floodplain Management

The following comments are made in relation to the report attached to the EIS at Appendix I - Flood Impact Assessment for the Ivanhoe Estate Redevelopment. No climate change modelling has been undertaken, however OEH notes that the subsequent development stages involving the detailed design would include climate change modelling.

OEH considers that the report adequately addresses OEH requirements and addresses all impacts and emergency response issues. However, there are two minor issues that require clarification:

- In Table 5-1, the flood level results look to be out of order. It looks like an error has been made as the 20y levels are 1, 2, 3 etc and in the proposed development scenario 20y, 100y and PMF levels do not make sense. 20y levels are more than 2m higher than the 100y and PMF levels. It looks like the columns have been moved across by one. Please clarify this matter.
- In Table 5-1 and 5-2, assuming that the error in the columns is clarified for Table 5-1, the
 locations that have NFI (No flooding indicated) are not consistent between the tables. For
 example, in the current PMF scenario at location 5 a flood level is indicated in Table 5-1 but in
 Table 5-2 it has NFI. Please clarify this matter.

(END OF SUBMISSION)

Appendix 3 – Ivanhoe Estate Redevelopment State Significant Development Concept Plan (SSD-8707)

3.1 Development Consent

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- · require regular monitoring and reporting; and
- · provide for the ongoing environmental management of the development.

The Hon. Rob Stokes MP

Minister for Planning and Public Spaces

Sydney

30th april,

2020

SCHEDULE 1

Application Number:

Applicant:

Consent Authority:

Site:

Development:

SSD 8707

NSW Land and Housing Corporation

Minister for Planning and Public Spaces

Ivanhoe Estate comprising Ivanhoe Place, Wilcannia Way, Nyngan Way, Narromine Way and Cobar Way (Lot 100 DP1262209), part of 2-4 Lyonpark Road (Lot 1 DP859537) and portions of Shrimptons Creek adjacent to Lot 1 DP859537 to the centre line of the creek, Macquarie Park

Concept development application for the redevelopment of the Ivanhoe Estate, including:

- a mixed-use development with a maximum of gross floor area of 268,000 m² including:
 - o residential flat buildings comprising private, social and affordable housing (approximately 3,300 dwellings in total, including approximately 950 social and 128 affordable housing dwellings), and basement car parking;
 - seniors housing comprising residential care facilities and self-contained dwellings;
 - o a primary school;
 - o childcare centres;
 - o community and retail uses; and
 - public domain concept, including new parks, landscaping, roads and enhancement of land adjacent to Shrimptons Creek.
- maximum building heights (ranging from 45 m to 75 m) and gross floor areas for each development block.
- built form design guidelines for future development.

- vehicular and pedestrian access arrangements including:
 o new road and pedestrian connection to Lyonpark
 Road through 2-4 Lyonpark Road, including new
 bridge over Shrimptons Creek; and
 o intersection upgrades to Herring Road.

DEFINITIONS

NSW Land and Housing Corporation, or any person carrying out any development **Applicant**

to which this consent applies

Conditions contained in Schedule 2 of this document Conditions of this consent

The demolition and removal of buildings or works, the carrying out of works for the

purpose of the development, including bulk earthworks, and erection of buildings

and other infrastructure permitted by this consent.

City of Ryde Council Council

NSW Department of Planning, Industry and Environment Department

Ivanhoe Estate Design Guidelines Design Guidelines

The development described in the EIS, Response to Submissions and Revised

Response to Submissions and additional information, as modified by the conditions

of this consent.

Environment, Energy and Science Group of the Department of Planning, Industry **EESG**

and Environment (former NSW Office of Environment and Heritage)

The Environmental Impact Statement, prepared by Ethos Urban, dated 3 April 2018, EIS

submitted with the application for consent for the development, including any

additional information provided by the Applicant in support of the application

Includes all aspects of the surroundings of humans, whether affecting any human Environment

as an individual or in his or her social groupings

EPA NSW Environment Protection Authority

Environmental Planning and Assessment Act 1979 **EP&A Act**

Environmental Planning and Assessment Regulation 2000 **EP&A Regulation**

Means what is possible and practical in the circumstances Feasible

Future Development

Application(s)

Construction

Development

Subsequent development application(s) for detailed proposal(s) pursuant to this

consent in accordance with the EP&A Act

Gross Floor Area **GFA**

NSW Land and Housing Corporation LAHC

Has the same meaning as the definition of the term in section 1.4 of the EP&A Act Land

NSW Minister for Planning and Public Spaces (or delegate) Minister

An occurrence, set of circumstances or development that is a breach of this consent Non-compliance

Planning Secretary under the EP&A Act, or nominee **Planning Secretary**

Means applying judgement in arriving at a decision, taking into account: mitigation Reasonable

benefits, costs of mitigation versus benefits provided, community views, and the

nature and extent of potential improvements

Response to submissions

(RTS)

The Applicant's response to issues raised in submissions received in relation to the

application for consent for the development under the EP&A Act

Revised Response to Submissions (RRTS)

The Applicant's revised response to issues raised in submissions received in relation to the application (RTS) for consent for the development under the EP&A

State Significant Development SSD

Land referred to in Schedule 1 Subject Site

Transport for NSW **TfNSW**

Transport for NSW (RMS) TfNSW (RMS)

A plant having a permanently woody main stem or trunk, ordinarily growing to a Tree

considerable height and having a minimum pot size of 100 litres at the time of

planting

SCHEDULE 2 PART A TERMS OF APPROVAL

DEVELOPMENT DESCRIPTION

A1. Consent is granted to the 'Development' as described in Schedule 1 and the EIS, as amended by the RTS and RRTS and the conditions contained in this development consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
 - (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, RTS, RRTS and additional information;
 - (d) in accordance with the approved plans in the table below.

Architectural Drawings prepared by Bates Smart				
Drawing No.	Revision	Name of Plan	Date	
DA01.MP.100	9	Envelope Control Plan	17/01/20	
DA01.MP.200	6	Deep Soil Plan	11/09/19	

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
 - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **Condition** A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c) or Condition A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) and Condition A2(d) the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages of the development are to be subject of future development applications.
- A6. In accordance with section 4.24 of the EP&A Act, the determination of future development applications cannot be inconsistent with the terms of this development consent (SSD 8707) as described in **Schedule 1**, and subject to the conditions in **Schedule 2**.

LIMITS ON CONSENT

- A7. This consent shall lapse five years after the determination date unless an application is submitted to carry out a stage of development for which concept approval has been given.
- A8. This consent does not allow any components of the concept development application to be carried out without further approval or prior consent being granted.

LEGAL NOTICES

A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

MAXIMUM BUILDING HEIGHTS

A10. The maximum approved building heights for the site are shown on the Envelope Control Plan listed in **Condition** A2(d).

MAXIMUM PERMITTED GROSS FLOOR AREA AND APPROVED USES

A11. This consent permits the maximum gross floor area and the uses specified in the table below.

Development	Maximum GFA (m²)	Approved use
Block		
A1	24,000	Residential, childcare
A2	10,000	Residential
A3	12,000	Residential
Precinct A Total	46,000	
B1.1	8,000	Residential
B1.2	17,000	Residential aged care
B2	5,000	School, childcare
B3	21,000	Residential
Precinct B Total	51,000	
C1	37,000	Residential, retail/community
C2	3,000	Community
C3	15,000	Residential, retail, community facilities
C4	43,000	Residential
Precinct C Total	98,000	
D1	33,000	Residential
D2	18,000	Residential
D3	18,000	Residential, Mission Australia Offices
D4	39,000	Residential
Precinct D Total	108,000	
Maximum GFA	268,000	

MINIMUM NON-RESIDENTIAL GROSS FLOOR AREA

A12. The development must include a minimum non-residential GFA of 7,711 m², including 2,011 m² for community centres, 2,797 m² for a primary school, 1,347 m² for childcare centres, 596 m² for Mission Australia Offices and 960 m² for retail.

PROVISION OF SOCIAL AND AFFORDABLE HOUSING

A13. The development must include a minimum of 950 social housing apartments and a minimum of 128 affordable housing apartments.

PROVISION OF COMMUNITY FACILITIES

- A14. The development must include provision of the following community facilities on the site:
 - (a) a community centre (minimum GFA 700 m²)
 - (b) a multi-purpose hall and playground within the primary school for public use outside school hours
 - (c) a skate park.

OPEN SPACE/PUBLIC DOMAIN

- A15. The development must include a minimum of 27,627 m² of public open space on the site, including:
 - (a) a minimum 3,300 m² forming the Village Green
 - (b) a minimum 1,009 m² forming the Forest Playground
 - (c) a minimum 365 m² forming the School Garden
 - (d) a minimum 6,507 m² forming Forest Threshold Parks
 - (e) a minimum 5,111 m² forming the Shrimptons Creek riparian corridor
 - (f) a minimum 566 m² Town Square

- (g) a minimum 8,376 m² forming the Epping Road ecological corridor
- (h) a minimum 2,393 m² Village Green formal and informal gathering spaces.

REMOVAL OF TREES

A16. All future proposed tree removal must be consistent with Table 3 and drawings in Appendix C, contained in the Arboricultural Impact Assessment, prepared by Eco Logical Australia, dated February 2020.

TREE PLANTING

A17. A minimum of 950 trees must be planted throughout the estate.

CAR PARKING

- A18. Car parking must comply with the rates set out below:
 - (a) 1-bedroom dwellings: 0.6 spaces per dwelling
 - (b) 2-bedroom dwellings: 0.9 spaces per dwelling
 - (c) 3-bedroom dwellings: 1.4 spaces per dwelling
 - (d) residential visitor: 1 space per 20 apartments
 - (e) school: Minimum of 25 pick-up/drop-off spaces and maximum of 30 staff spaces
 - (f) public community facilities: 1 space per 100 m² GFA
 - (g) retail: 1 space per 100 m² GFA
 - (h) commercial: 1 space per 100 m² GFA
 - (i) childcare: 1 space per 8 children and 1 space per 2 employees
 - (j) car share: 1 space per 100 parking spaces and minimum of 50 spaces
 - (k) car parking for apartments subject to the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 shall be provided at a rate of 0.5 spaces per apartment
 - car parking for apartments subject to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) shall be provided in accordance with the parking rates specified in the Seniors SEPP.
- A19. All residential visitor car parking must be provided on-site for each building.
- A20. All childcare centre car parking and pick-up/drop-off spaces are to be provided off-street.
- A21. Car share parking spaces must be:
 - (a) publicly accessible 24 hours-a-day, 7 days-per-week
 - (b) located in convenient locations
 - (c) located near, and with access from, a public road and integrated with the streetscape through appropriate landscaping
 - (d) designated by signage as for use only by car share vehicles
 - (e) retained as common property by the Owners Corporation where located on private land.

BICYCLE PARKING

- A22. All residential buildings must provide a minimum of one bicycle parking space per apartment, designed in accordance with AS2890.3.
- A23. A minimum of 200 visitor bicycle spaces are to be provided across the site, including a minimum of 100 spaces located within the public domain.

TRAFFIC MITIGATION

- A24. A free pre-loaded travel pass (minimum value of \$20) must be provided for each dwelling occupied within each development stage.
- A25. A free community bus service for residents and employees within the site, must be provided, operated and funded by the Applicant to connect the site with Macquarie Park employment zones, Macquarie Shopping Centre and Macquarie Park Station during the weekday morning and evening peak hours. The bus service must commence operation prior to any occupation/commencement of use of Building C1. Details of the bus service must be prepared in consultation with Council and approved by TfNSW, prior to any occupation/commencement of use of Building C1.

SHRIMPTONS CREEK BRIDGE AND COMPLETION OF ROAD LINK

Stage 1 of the estate redevelopment must include the construction of the new bridge over Shrimptons Creek and completion of the new road link between Herring Road and Lyonpark Road. Stage 2 of the development cannot be occupied until the new road link is completed and operational.

TEMPORARY U-TURN FACILITIES

A27. If the Herring Road and Main Street (formally Ivanhoe Place) intersection is signalised prior to completion of the estate road network, publicly accessible turning heads sufficient to accommodate a U-turn manoeuvre, must be provided. The turning heads must be provided in accordance with Figure 3 of the Technical Note dated 9 October 2019, prepared by Ason Group, and remain accessible to all road users until the new estate road network is completed and operational.

INTERSECTION UPGRADES

- The full costs associated with the intersection upgrade at the intersection of Herring Road and Main Street (formally Ivanhoe Place) (including both works and land acquisition) are to be paid by the Applicant to TfNSW capped at an amount of \$2,000,000. The Applicant is to enter into a Transport Infrastructure Contribution Deed with TfNSW outlining the extent of work for the intersection upgrade, including lane configuration, timing of work and costs, and is to be signed and executed prior to the occupation or commencement of use of any building.
 - Note to Condition A28: LAHC shall enter into inter-agency negotiations with TfNSW on the reasonable costs of the intersection over and above \$2,000,000. The agencies must negotiate in good faith and conclude the arrangements within 3 months of the date of this consent.
- The Applicant is to make a partial contribution capped at \$1,500,000 for the upgrade works at the intersection of Herring Road and Epping Road. The contribution will be triggered once TfNSW has provided the Applicant an approved final set of drawings outlining the extent of work for the intersection upgrade, including lane configuration, timing of work and costs. Once triggered the Applicant is to enter into an Agreement with TfNSW outlining the timing of payment and is to be signed, executed and paid prior to the occupation or commencement of use of buildings in the next stage of the development, being the stage immediately after the stage to be occupied next. If the contribution is not triggered prior to consent of the final stage of the development then the Applicant is not required to pay the contribution.

SECTION 7.11 CONTRIBUTIONS

A monetary contribution in the amount specified in Column B is to be paid to the consent authority prior to the issue of an Occupation Certificate for a building (or in the case of Crown development, prior to the occupation or use of a building) where that building would result in the cumulative total number of dwellings in buildings for which an Occupation Certificate has been issued (or in the case of Crown development, where the occupation or use of any building has commenced) in relation to development the subject of this consent, being equal to or exceeding the number specified opposite that amount in Column A:

Column A	Column B	
Prior to Issue of an Occupation Certificate (or in the case of Crown development, the Occupation or Commencement of Use) Dwelling Number	Section 7.11 Contribution Payable	
750	\$6,355,067	
1425	\$10,580,997	
2000	\$9,109,675	
2550	\$8,257,126	
3307	\$11,231,757	
*Total	\$45,534,622	
* Dwelling numbers are exclusive of Residentia	al Aged Care Facility beds.	

The monetary contributions set out in the above table are imposed under the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and generally in accordance with the City of Ryde Development Contributions Plan 2007 (Interim Update (2014) (Plan). The monetary contributions have been determined having regard to the contribution rates applicable under the Plan as at the date of this consent.

If a monetary contribution set out in the above table is not paid in the same quarter of the year in which this consent is granted (being the second quarter of 2020), the amount of the monetary contribution is to be adjusted as follows at the time of payment:

(SSD 8707)

$C_P = C_{DC} + [C_{DC} \times (C_Q - C_C)]$

Where:

\$CP is the monetary contribution that must be paid

\$CDC is the monetary contribution as set out in the table above

\$CQ is the contribution rate applicable at the time of payment (as determined in accordance with clause 2.11 of

the Plan at the date of this consent)

\$C_c is the contribution rate applicable under the Plan at the date of this consent

Note to Condition A30:

Under section 7.11(5) of the Environmental Planning and Assessment Act 1979, a consent authority may accept:

- The dedication of land in full or part satisfaction of a condition imposed in accordance with section 7.11(3);
- The provision of a material public benefit in full or part satisfaction of a condition imposed in accordance with section 7.11(1) or (3).

The Applicant has proposed to provide the following land dedication and material public benefits in the locations indicated on the plan in **Annexure A** in lieu of section 7.11 contributions.

The Applicant proposes to provide the land and material public benefits prior to the prior to the issue of an Occupation Certificate for a building (or in the case of Crown development, prior to the occupation or use of any building) where that building would result in the cumulative total number of dwellings in buildings for which an Occupation Certificate has been issued (or in the case of Crown development, for which occupation or use of any building has commenced) in relation to development the subject of this consent, being equal to or exceeding the number specified opposite the relevant land dedication and material public benefit in the below table.

Item	Prior to Issue of an Occupation Certificate (or in the case of Crown development, the Occupation or Commencement of Use) Dwelling Number	Land and other material public benefit to be delivered	Minimum value (\$M)
1	750	50% of Road 1 to connect Herring Road to Shrimptons Creek bridge. This item includes the design, construction and dedication of the land as a public road. The proposed road reserve is 21m wide consisting of: 2 x 3.5m wide travel lanes; 2.5m wide parking bays on each side of the road; 4.5m of verge on each side of the road.	\$2,300,000
2	1425	Remaining 50% of Road 1 to connect Herring Road to Shrimptons Creek bridge. This item includes the design, construction and dedication of the land as a public road. The proposed road reserve is 21m wide consisting of: 2 x 3.5m wide travel lanes; 2.5m wide parking bays on each side of the road; 4.5m of verge on each side of the road.	\$2,300,000
3	1425	Road 1 within LGS site to connect Shrimptons Creek Bridge to Lyon Park. This item includes the design, construction and dedication of the land as a public road. The proposed road reserve is 10.5m wide consisting of: 2 x 3.5m wide travel lanes; South side verge 2.5m wide; North side verge 1.0m wide.	\$7,730,000
4	1425	Bridge over Shrimpton's Creek. This item includes the design, construction and dedication of the land as a public road. The proposed bridge is 14.0m wide consisting of: 2 x 3.5m wide travel lanes; South side verge 2.5m wide; North side verge 4.5m wide.	\$3,850,000
5	1425	Village Green. This item includes the design, construction and dedication of the land as a public reserve. Minimum	\$7,030,000

		3,300m² of usable area. The proposed Village Green will consist of: A flat circular lawn for small events, gatherings and kicking a ball; Seasonal tree planting surrounding the village green; Active landscape terraces including seating and games (table tennis, chess); Bleachers steps into village green; Outdoor dining are on edge of village green; Children's Playground.	
6	2000	Community centre. This item includes the design and construction of a building to be used as a community centre. Minimum GFA of 700 m². The proposed community centre will be owned by the relevant strata committee, but access will be provided to the broader community and public agencies via pre-agreed licences, free of charge. The community centre will consist of: Community rooms; Fitness areas; Meeting rooms; Amenities (male, female and accessible bathrooms).	\$6,500,000
7	2550	Forest playground. This item includes the design, construction and dedication of the land as a public reserve. Minimum usable area of 1,009 m². The proposed forest playground will consist of: Children's playground; Elements of natural play, spilling into the surrounding landscape, creating opportunities for exploration and discovery suitable to children aged 12+; Elevated sky-net play sensitively integrated with the existing EEC.	\$4,300,000
8	2550	Shrimptons creek. This item includes the design, construction and dedication of the land as a public reserve. Rehabilitation of the Shrimptons Creek riparian corridor, consisting of: Vegetation management to remove noxious weeds and to improve the ecology and watercourse; Concrete linear pathway to create a shared path for cyclists and pedestrians; Wetlands to collect site water and clean it before discharge into Shrimptons creek; Sinuous decking boardwalk along the riparian corridor and under the bridge with lookout and picnic areas; Access staircases and accessible ramps to enter the development; New skate park utilising the space under the bridge; All ages and abilities exercise stations.	\$7,010,000
9	3307	Epping road underpass. This item includes the design and construction of an upgraded pedestrian underpass beneath Epping Road in the location of the existing underpass. Proposed upgrade to the existing underpass under Epping road consisting of: Upgrade of balustrades; Upgrade of lighting and security; Upgrade of existing walkway finishes; Repainting of surfaces.	\$680,000
	TOTAL		\$41,700,000

The consent authority may, in its sole discretion, consider accepting these land dedications, and material public benefits in lieu of a monetary contribution being made under **Condition A30** of this consent on the following terms:

The final design of the material public benefits in items 1 to 9 inclusive of the table above must be the subject
of a detailed development application under section 4.22(4)(a) and each item must be provided in accordance
with a consent of the relevant detailed development application. Prior to the issue of an Occupation Certificate

(or in the case of Crown development, prior to the occupation or use of any building) for the dwellings nominated in the table above, a certificate from an independent quantity surveyor or land valuer certifying that the value of works completed for each contribution item or land dedicated as the case requires meets or exceeds the relevant minimum value assigned to that contribution item must be provided to the Certifier.

- The standard of the works are to the consent authority's satisfaction.
- The consent authority may require the applicant to enter into a written agreement for the provision of the land and works.
- The consent authority may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, the applicant will pay for all costs and expenses borne by the consent authority in determining the value of the works or land.

PART B

CONDITIONS TO BE SATISIFED PRIOR TO LODGEMENT OF FUTURE DEVELOPMENT APPLICATIONS

TIMING AND DELIVERY OF WORKS

- B1. Prior to the lodgement of the first future development application, a schedule confirming the timing and delivery of:
 - a) the social and affordable housing required under Condition A13
 - a minimum of 950 replacement trees across the site required under Condition A17
 shall be submitted to and approved by the Planning Secretary.

REVISED DESIGN GUIDELINES

B2. Prior to the lodgement of the first future development application, the Design Guideline 02(2) shall be updated to require a Forest Playground comprising a minimum 1,009 m² useable area between Development Blocks D2 and D3, to the satisfaction of the Planning Secretary.

SHRIMPTONS CREEK

B3. Prior to the lodgement of any future application for Buildings B3, C4 or D4 and/or the embellishment of Shrimptons Creek (whichever occurs first), further details and plans of the rehabilitation and enhancement of the Shrimptons Creek riparian corridor must be prepared in consultation with Council, DPIE-Water, the Natural Resources Access Regulator and the EESG, and submitted to and approved by the Planning Secretary.

PART C FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Conditions to be met in Future Development Applications

COMPLIANCE WITH APPROVED CONCEPT DEVELOPMENT APPLICATION

- C1. Future State Significant Development applications must demonstrate consistency with:
 - (a) the approved drawings contained in Condition A2(d)
 - (b) the approved maximum building heights (Condition A10)
 - (c) the approved maximum GFA for the site and development block (Condition A11)
 - (d) the approved minimum non-residential GFA for the site (Condition A12)
 - (e) the Design Excellence Strategy
 - (f) the Design Guidelines
 - (g) tree removal plans contained in Appendix C of the Arboricultural Impact Assessment, prepared by Eco Logical Australia, dated February 2020 (Condition A16)
 - (h) the approved car parking rates (Condition A18)
 - (i) the approved bicycle parking rate (Conditions A22 and 23).

PLANNING SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- C2. Future development applications must include the following:
 - (a) a detailed design analysis of the proposed built form, including architectural design and materials and assessment of visual impacts
 - (b) demonstration how the proposal demonstrates design excellence in accordance with the Design Excellence Strategy and Design Guidelines
 - (c) an Open Space, Public Domain and Landscape Report, including the design and treatment of all areas of open space, public domain and landscaping and the relationship of these spaces with proposed, approved and constructed buildings, spaces, structures and connections
 - (d) demonstration of how the proposal complies with the schedule/s approved in accordance with Condition B1
 - (e) consideration of residential privacy whilst ensuring an acceptable visual outcome for ground floor apartments i.e. use of higher floor levels, landscaping and low scale screening
 - (f) an Aboriginal Cultural Heritage Assessment Report (ACHAR) to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of each development site. An ACHAR is not required for the Stage 1 future development application (Development Blocks A1 and C1).
 - (g) a State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development assessment (for residential buildings only)
 - (h) a Traffic and Transport Report that assesses each stage within the context of the approved concept plan and cumulative impacts of prior developments
 - (i) a detailed Green Travel Plan
 - a Construction Pedestrian and Traffic Management Plan prepared in consultation with the Sydney Coordination Office within TfNSW
 - (k) a Wind Impact Assessment
 - (I) a Geotechnical Report
 - (m) a Public Art Strategy, including a schedule confirming the timing and delivery of public art within the development. The Strategy shall be prepared in consultation with Council
 - (n) an Acoustic Report
 - (o) a Flood Impact Assessment and a Flood Emergency Response Plan for buildings fronting Shrimptons
 - (p) a Stormwater Impact Assessment and a Stormwater Management Plan
 - (q) an ESD Report confirming the development will achieve the following commitments:
 - o deliver 5 Star Green Star Design & As Built v1.1 minimum for all buildings
 - deliver 6 Star Green Star Communities v1
 - o deliver an integrated infrastructure solution via 'Real Utilities'.

OPEN SPACE AND PUBLIC DOMAIN

- C3. Future development applications shall confirm methods/arrangements to ensure public open space is publicly accessible 24 hours-a-day, 7 days-a-week (Condition A15).
- C4. Future development applications shall incorporate designs that seek to maximise solar access to areas of public open space.
- C5. Future development applications must:
 - (a) allow for equitable access connections between Main Street and Shrimptons Creek pathways heading north and south from each side of Main Street
 - (b) ensure all playgrounds are designed in accordance with Council's Children's Play Plan updated 2019
 - (c) ensure play elements are not provided within the road reserve due to ongoing compliance and maintenance issues
 - (d) combine the proposed two north/south pathways adjacent to Shrimptons Creek into one sinuous 4 m wide path, matching Council's project to the north of the site to Waterloo Road, scheduled for construction in 2022/23.

EMERGENCY VEHICLE ACCESS

C6. Future development applications must provide emergency vehicle access and access around buildings or structures in accordance with Fire and Rescue NSW Policy No.4: Guidelines for Emergency Vehicle Access.

INTERSECTION PERFORMANCE

C7. Any future development application seeking approval for more than 2,500 dwellings on the site must include a review of operation of the Main Street and Lyonpark Road intersection. The review must include SIDRA modelling and include consultation with TfNSW and Council. Should the SIDRA modelling conclude the proposal would result in the Main Street and Lyonpark Road intersection performing at an unacceptable level (level of service F), the Applicant will be required to contribute to appropriate upgrades to that intersection. This contribution should consider the volume of traffic generated by the Ivanhoe Estate in the context of background traffic flows on the external road network compared to the SIDRA modelling undertaken as part of this application.

Note: This condition does not preclude the ability to achieve the approved GFA under this approval and is only to ensure the Applicant contributes to the costs to any further upgrades required to the intersection (if required) generated by the development.

STORMWATER MANAGEMENT

C8. Future development applications must demonstrate compliance with Council's DCP part 8.2 (Stormwater and Floodplain Management).

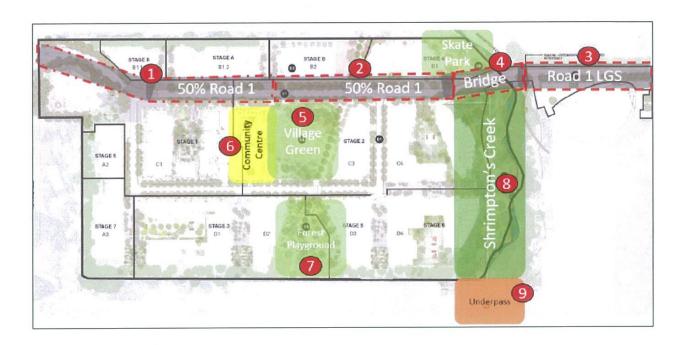
WASTE MANAGEMENT

- C9. Future development applications for buildings must make provision for on-site servicing and waste collection in accordance with Council's requirements. If this cannot be provided for Buildings B1.1 and B3, justification must be provided together with alternate waste management arrangements that avoid on-street waste collection.
- C10. Future residential development applications must demonstrate waste collection areas can be serviced by an 11 m long rear loading truck. A Positive Covenant will be required for onsite waste collection.

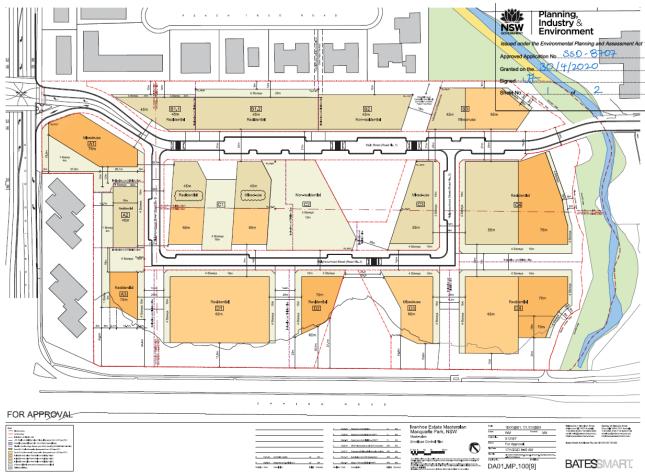
WATER QUALITY

C11. Future development applications for the works within the Shrimptons Creek riparian zone must include a Water Quality Management Plan. The Water Quality Management Plan must include details including but not limited to, appropriate water quality targets, treatment measures for capturing onsite pollutants, details of any rainwater gardens, maximising water capture and vehicle access to gross pollutant traps.

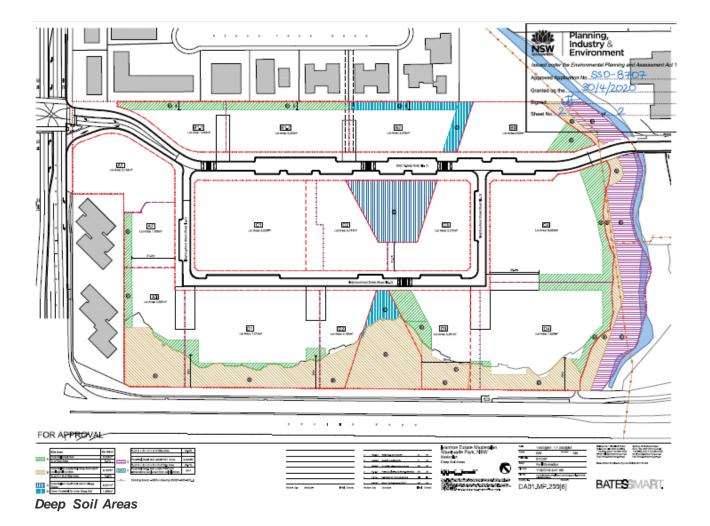
ANNEXURE A



3.2 Stamped Plans



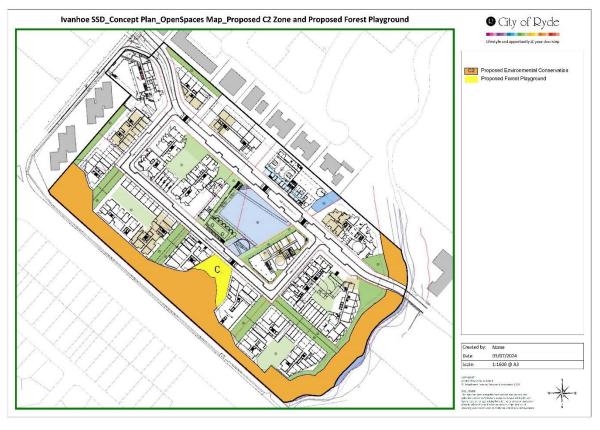
Envelope Control Plan



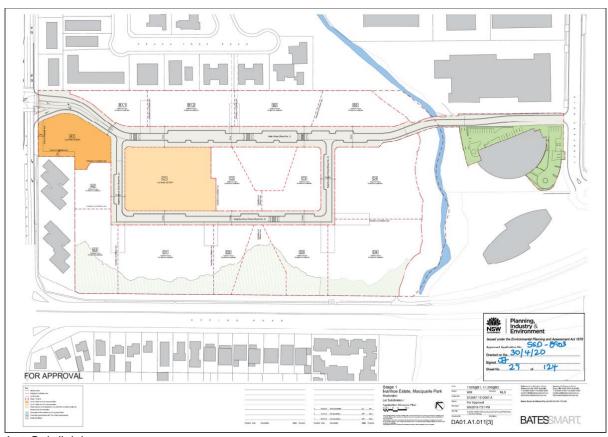
Appendix 4 – Proposed Zone C2 Environmental Conservation with approved buildings and roads footprints



Appendix 5 – Proposed Zone C2 Environmental Conservation with the Active and Passive Open Space Plan, submitted in the Concept Plan Modification Application (SSD-8707 MOD 3)



Appendix 6 – Ivanhoe Estate Redevelopment State Significant Development Stage 1 (SSD-8903) Stamped Plan



Lot Subdivision

Appendix 7 – Ivanhoe Estate Redevelopment State Significant Development Stage 3 (SSD-30530150)

7.1 Plan – Landscape Report



7.2 Environmental Impact Statement – 4.6 Shrimptons Creek

Standards and Occupational Health and Safety requirements and is expected to be developed in line with conditions of consent

The Preliminary CTWMP sets out expected delivery timeframes and the proposed hours of work, which are sought to be as follows:

- Monday Friday: 7am 7pm
- · Saturdays: 8am 4pm
- · Sunday and Public Holidays: no works to be carried out.

Any works undertaken outside the above hours are to be subject to agreement and approval by DPE and the relevant consent authorities.

4.6 Shrimptons Creek

4.6.1 Creek Remediation

This SSD also proposes the restoration and remediation of Shrimptons Creek neighbouring the Midtown site. The vision for Shrimptons Creek is for a restored healthy riparian corridor at the edge of the neighbourhood. The revitalised creek will be a thriving and diverse ecosystem that is habitat to flora, fauna and a place for neighbouring residents to connect with nature, and each other. Four main design principles have been adapted to ensure the revitalisation. These principles include:

- Create a thriving and diverse ecosystem: removal of weed and exotic trees, retention of suitable species, and remediation of the riparian corridor.
- Improve and mange water quality: utilisation of WSUD principles, detention of water strategies, concentration of waterflow.
- Bank protection and stabilisation: covering of cleared areas, headwall improvements, repair embankments of the
 creek.
- Create a diverse habitat: create locations for future habitat including stumps and logs, provide variation of running water speeds for aquatic habitat.



Figure 26 Proposed Landscaping works at Shrimptons Creek

4.6.2 Integration with Vegetation Management Plan works

As discussed at **Section 2.2.3** above, a Vegetation Management Plan (VMP) has been prepared in consultation with Council, DPIE-Water and the Environment and Heritage Group within DPE in accordance with the requirements of

condition B3 of the Concept Masterplan approval. Written notice has been given to DPE that the condition has been satisfied and the VMP works as outlined within this Plan have commenced on site.

The VMP provides a 10 year schedule of works relating to the rehabilitation and enhancement of the Shrimptons Creek riparian corridor and Epping Road EEC area. These works include management actions in five zones, as identified at **Figure 12** above. The works proposed as part of the subject SSDA seek to upgrade existing and integrate new public domain elements into the riparian corridor and integrate with the works undertaken and to be continued to be undertaken at the site in accordance with the existing VMP. For clarity, the VMP is provided at **Appendix R**.

4.6.3 Landscaping

The proposed landscaping provides a vast amount of native vegetation to ensure the attraction of native biodiversity, bird habitat and suitability. The proposed landscape varies based on the grade of the land and location within the corridor and range from large tree plantings to grasses used along the entirety of Shrimptons Creek. The specific landscaping is outlined within the Landscaping Plans provided at **Appendix J.**

4.6.4 Pedestrian Access and Connectivity

To ensure adequate pedestrian access and connectivity, a 4m shared pathway is proposed to be installed for the majority of the Shrimptons Creek corridor, connecting into the existing shared path to the north of the site. The path is proposed to narrow to 3m at the proposed fork in the footpath at the southern extent of the site to tie into both the existing shared path which travels along the Epping Road underpass, and to connect to the footpath on Epping Road. Several connections will from Midtown will be provided to Shrimptons Creek including, a connection to Main Street from Building B3, a connection to Main Street from the north-east frontage of Block C4 and a connection from the Residential Mews at the south-west frontage of Block C4. **Figure 27** provides detail on the connectivity of Shrimptons Creek to the Ivanhoe Estate and to the surrounding public open space areas to the north and south of the site.

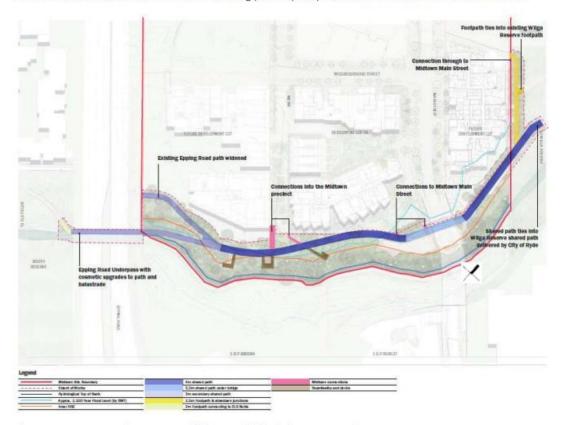


Figure 27 Map of accesses and linkages within Shrimptons Creek.
Source: Hassell

4.6.5 Destinations

Six separate destinations within the Shrimptons Creek corridor are proposed, as identified at **Figure 28** and described below.



Figure 28 Destinations within Shrimptons Creek

Source: Hassell

4.6.5.1 Epping Road Underpass

The proposal includes the revitalisation of the existing Epping Road Underpass area including cosmetic upgrades to the surface finish of the footpath and handrail, new lighting and public art opportunities. **Figures 29** and **Figure 30** below demonstrate the proposed works, artwork opportunities and the proposed view from both Booth Reserve of the proposed works and from within the underpass.

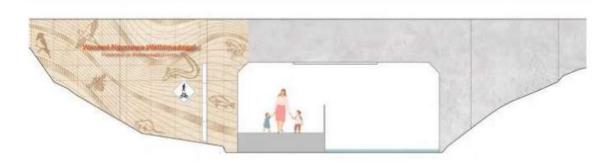


Figure 29 Epping Road Underpass works



Figure 30 Views of the Epping Road Underpass entry from Booth Reserve and from within the Ivanhoe Estate
Source: Hassell

4.6.5.2 Deck on the Bank

To the north east of the Epping Road Underpass, an area known as the 'deck on the bank' is proposed. This is proposed to include a suspended deck on the creek edge with integrated seating and signage which tells the story of the Green Stream Frog and how its presence is in indicator of a healthy ecosystem. **Figure 31** below demonstrates how this area is proposed to connect from the shared pathway to the creek edge, and integrate with existing trees.



Figure 31 Deck on the bank area design

4.6.5.3 A Perch in the Trees

An area to be known as 'a perch in the trees' is proposed to the north east of the deck on the bank area, and has been designed to provide a looped walkway and seating area with a viewing platform, off the shared path and perched over the riparian area. **Figure 32** demonstrates the proposed design of this space.



Figure 32 A perch in the trees design

4.6.5.4 Floating Hangout

The 'floating hangout' area is proposed in approximately the centre of the Shrimptons Creek corridor within the site. The area is proposed as a deck area extending from the shared pathway towards the water, with a viewing platform with seating and a cantilevered hammock area over the planting below. **Figure 33** demonstrates the location of the platform and hangout area in the context of the shared path and existing trees, and **Figure 34** provides a more detailed plan of the design of the space.



Figure 33 Floating hangout design

Source: Hassell

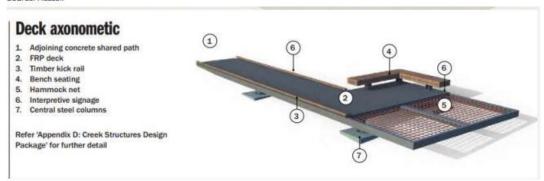


Figure 34 Deck axonometric

4.6.5.5 Skate Park

The proposed Skate Park has been designed by Convic and will be located at the northern end of Shrimptons Creek, partially below the Main Street connection to Lyonpark Road. Though consultation with the Dharug Knowledge Holders the skate park has been designed to represent the story of Burra (Eel). The skate park has been designed and sculpted to the form of flowing water, which can withstand flooding and provide a location for community to meet on Country. A photomontage of the Skate Park is provided at **Figure 35**.



Figure 35 Photomontage of Skate Park

4.6.5.8 Public Domain Furniture

In addition to the specific areas discussed above, bicycle parking areas, water fountains and a variety of seating types are proposed throughout the Shrimptons Creek Corridor area as identified at **Figure 67** below.

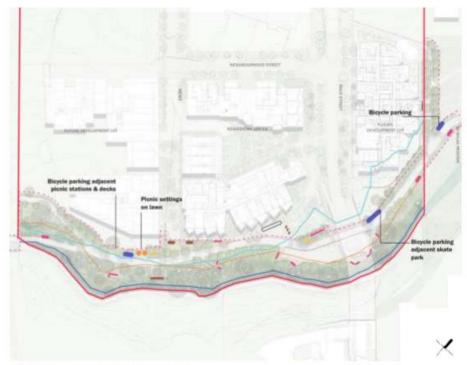


Figure 36 Public domain furniture

Source: Hassell

4.6.6 Public Art

The proposal also includes several public art and interpretation pieces along Shrimptons Creek. The public art and interpretation pieces have been selected and designed to be heavily intertwined with stories on Country following consultation with the Dharug Knowledge Holders (refer to **Section 6.2**). The proposed public art and interpretation pieces have been designed with the thematic framework outlined within the City of Ryde's Public Art Planning Guide for Developers. The proposed location of public art and interpretation is provided in **Figure 37**, and **Appendix K**.



Figure 37 Public Art locations

Source: Hassell

4.6.7 Lighting

The lighting strategy for the public domain is defined by the 'Shrimptons Creek Shared User Path Lighting Strategy' designed by City of Ryde. The strategy is a commitment to the Council's long term goals of safety and promoting and active lifestyle. The light poles proposed to be installed along the shared path are 24 watt, 3000K LED lights mounted at 5.5m.

Within the underpass area, a 20W/m linear light is proposed, with the design and luminaire complying with PEI - Lighting requirements for subways.

Beneath the Main Street bridge, wall lighting is proposed, with the final design and wattage selection to be determined in consultation with an Electrical Engineers study.

The different lighting types and locations are demonstrated at Figure 38 below.

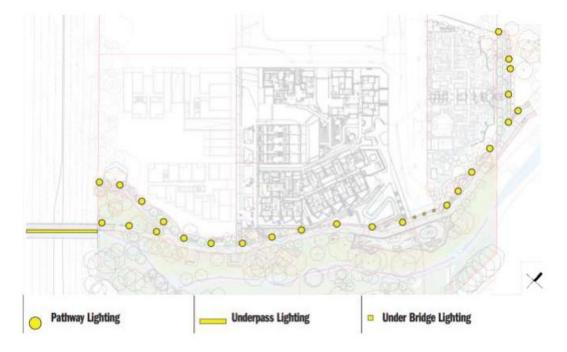


Figure 38 Lighting design

Source: Hassell

Frasers have engaged Electrical Engineers Shelmerdines, to carry out a lighting design that places the light poles at intervals that complies with Australian Standards for pedestrian and cycleway lighting levels for public spaces (Category PP2 of AS/NZ 1158.3.1:2020). The under-bridge lighting is intended to provide a consistent luminance to the shared path lighting design to the immediate north and south. As a part of the Epping Road Underpass upgrade there is an opportunity to improve the existing lighting amenity which is visually and physically disruptive to users. Through engagement of Lighting Designers Electolight, the current proposal is a concealed strip light solution that improves head height clearance as well as safety and visual amenity.

4.7 Utilities and Infrastructure

Consent is sought to connect the proposed development to the relevant approved utilities infrastructure, including sewer drainage, potable water, gas services, and electrical infrastructure to enable its operation. This ties the detailed design of the proposed buildings to the provision and augmentation of infrastructure across Ivanhoe Estate approved as part of the Stage 1 works (SSD 8903).

In addition to the utility infrastructure installed as part of the Stage 1 works, a new pad mount substation is required to be installed to service proposed Building B3. The sub station is proposed to be located to the south east of the building, adjoining the deep soil zone and adjacent to Main Street. The sub station has been located to result in the least visual impact from the public domain, as demonstrated at **Figure 39** below.

This is further discussed in the Utilities and Services Statement at Appendix SS and Section 7.18 below.

Appendix 8 - Consistency with relevant State Environmental Planning Policies

01-11-E111111111111	Consistent				
State Environmental Planning Policies (SEPPs)			Comment		
	YES/NO	N/A			
State Environmental Planning Policy No 65 -		,	Applies to the whole of the State.		
Design Quality of Residential Apartment Development		✓	Not relevant to this proposed amendment.		
State Environmental Planning Policy (Building			Applies to the whole of the State.		
Sustainability Index: BASIX) 2004		√	Not relevant to this proposed		
Odstallide lity ilidex. Brown 2004			amendment.		
State Environmental Planning Policy (Exempt			Applies to the whole of the State with		
and Complying Development Codes) 2008		1	some limited exceptions. Not		
		v	relevant to this proposed		
			amendment.		
State Environmental Planning Policy	Yes		None of the matters within the PP		
(Biodiversity and Conservation) 2021	103		raise issues with the SEPP		
State Environmental Planning Policy (Housing)			Applies to the whole of the State.		
2021		✓	Not relevant to this proposed		
0			amendment.		
State Environmental Planning Policy (Industry and Employment) 2021		√	Applies to the whole of the State.		
		v	Not relevant to this proposed amendment.		
State Environmental Planning Policy (Planning			Applies to the whole of the State.		
Systems) 2021		✓	Not relevant to this proposed		
5,5101115, 2021			amendment.		
State Environmental Planning Policy (Precincts			Applies to the whole of the State.		
- Eastern Harbour City) 2021		✓	Not relevant to this proposed		
			amendment.		
State Environmental Planning Policy (Primary			Applies to the whole of the State.		
Production) 2021		√	Not relevant to this proposed		
State Environmental Planning Policy (Resilience			amendment. None of the matters within the PP		
and Hazards) 2021	Yes		raise issues with the SEPP.		
State Environmental Planning Policy (Resources			Applies to the whole of the State.		
and Energy) 2021		✓	Not relevant to this proposed		
			amendment.		
State Environmental Planning Policy (Transport			Applies to the whole of the State.		
and Infrastructure) 2021		✓	Not relevant to this proposed		
			amendment.		
Deemed SEPPs					
N/A					

Appendix 9 - Consistency with Ministerial Directions

Ministerial Directions under Section 9.1 of	Consistent		Consistent		N/A
the Environmental Planning and Assessment Act 1979	YES	NO			
Focus area 1: Planning Systems					
1.1 Implementation of Regional Plans					
Objective: To give legal effect to the vision, land use strategy, goals, directions			Х		
and actions contained in Regional Plans.					
1.2 Development of Aboriginal Land Council Land					
Objective: To provide consideration of development delivery plans prepared			Х		
under State Environmental Planning Policy (Aboriginal Land) 2019 when Planning Proposals are prepared by a planning proposal authority.					
1.3 Approval and Referral Requirements					
Objective: To ensure that LEP provisions encourage the efficient and appropriate			V		
assessment of development.			Х		
1.4 Site Specific Provisions					
Objective: To discourage unnecessary restrictive site specific planning controls.	Х				
Focus area 1: Planning Systems – Place-based					
1.5 Parramatta Road Corridor Urban Transformation Strategy	1	l			
Objectives are:					
 To facilitate development within the Corridor that is consistent with the 					
Strategy and the Parramatta Road Corridor Implementation Tool Kit and the					
Parramatta Road Corridor Urban Transformation Implementation Update			Х		
2021,					
 Provide a diversity of jobs and housing, and 					
 Guide the incremental transformation of the Corridor in line with delivery of 					
necessary infrastructure.					
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure					
Implementation Plan			х		
Objective: To ensure development within the North West Priority Growth Area is					
consistent with the Strategy. 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use					
and Infrastructure Implementation Plan					
Objective: To ensure development within the Area is consistent with the			Х		
Implementation Plan.					
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and					
Infrastructure Implementation Plan			v		
Objective: To ensure development within the Priority Growth Area is consistent			Х		
with the Implementation Plan and Background Analysis.					
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor					
Objective: To ensure development within the precincts between Glenfield and			Х		
Macarthur is consistent with the plans for these precincts.					
1.10 Implementation of Western Sydney Aerotropolis Plan Objective: To ensure development within the Western Sydney Aerotropolis is			v		
consistent with the Plan dated September 2020.			Х		
1.11 Implementation of Bayside West Precincts 2036 Plan					
Objective: To ensure development within the Bayside West Precincts (Arncliffe,					
Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036			Х		
Plan (the Plan).					
1.12 Implementation of Planning Principles for the Cooks Cove Precinct					
Objective: To ensure development within the Cooks Cove Precinct is consistent			х		
with the Cooks Cove Planning Principles.					
1.13 Implementation of St Leonards and Crows Nest 2036 Plan					
Objective: To ensure development with the St Leonards and Crows Nest Precinct			Х		
is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan).					
1.14 Implementation of Greater Macarthur 2040					
Objective: To ensure that development within the Greater Macarthur Growth Area			Х		
is consistent with Greater Macarthur 2040 dated November 2018.					
1.15 Implementation of the Pyrmont Peninsula Place Strategy			х		

	inisterial Directions under Section 9.1 of	Consistent		N/A	
the Environmental Planning and Assessment Act 1979		YES	NO		
Ot o	Facilitate development within the Pyrmont Peninsula consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy;				
0	Align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan; and				
0	Guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy.				
	6 North West Rail Link Corridor Strategy				
	promote transit eriented development and manage growth around the eight				
0	Promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL); and Ensure development within the NWRL corridor is consistent with the			х	
	proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.				
	7 Implementation of the Bays West Place Strategy				
	ectives are to: Facilitate development within the Bays West precinct that is consistent with				
0	the Bays West Place Strategy (Place Strategy) and the Urban Design				
	Framework (which includes the Sustainability Framework and Connecting with				
	Country Framework);				
	Actively support the consistent delivery of objectives in the Eastern City			Х	
0					
	District Plan and Greater Sydney Region Plan; and				
0	Guide growth and change balanced with character, Indigenous and European				
	heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy.				
Ob is St	18 Implementation of the Macquarie Park Innovation Precinct ojective: To ensure development within the Macquarie Park Innovation Precinct consistent with the Macquarie Park Innovation Precinct Place Strategy (Place rategy) and Macquarie Park Innovation Precinct Strategic Master Plan (Master Pan).			x	
1.1	9 Implementation of the Westmead Place Strategy objectives are to: Facilitate development within the Westmead and Parramatta North precincts				
	that is consistent with the Westmead Place Strategy; and			Х	
0	Actively support the consistent delivery of objectives in the Central City District				
	Plan and Greater Sydney Region Plan.				
	20 Implementation of the Camellia-Rosehill Place Strategy rjectives are to:				
0	Facilitate development within the Camellia-Rosehill precinct that is consistent				
	with the CamelliaRosehill Place Strategy;				
0	Guide growth and change in the Camellia-Rosehill precinct in a coordinated			Х	
	manner, that delivers appropriate infrastructure and retains the precinct's role				
	as an employment hub; and				
0	Actively support the consistent delivery of objectives in the Central City District				
	Plan and Greater Sydney Region Plan.				
Ok	21 Implementation of South West Growth Area Structure Plan expective: To ensure that development within the South West Growth Area (also expected to as the South West Growth Control is consistent with Structure Plan			x	
	erred to as the South West Growth Centre) is consistent with Structure Plan d Guide dated December 2022.				
	22 Implementation of the Cherrybrook Station Place Strategy				
	jectives are to:			Х	

inisterial Directions under Section 9.1 of		Consistent	
the Environmental Planning and Assessment Act 1979	YES	NO	
o Facilitate development within the Cherrybrook Station Precinct that is			
consistent with the Cherrybrook Station Precinct Place Strategy; and			
o Actively support the consistent delivery of objectives in the North District Plan			
and Greater Sydney Region Plan.			
Focus area 2: Design and Place			
No directions applicable.			
Focus area 3: Biodiversity and Conservation	I	T	
3.1 Conservation Zones Objective: To protect and conserve environmentally consitive errors	х		
Objective: To protect and conserve environmentally sensitive areas. 3.2 Heritage Conservation			
Objective: To conserve items, areas, objects and places of environmental			Х
heritage significance and indigenous heritage significance.			^
3.3 Sydney Drinking Water Catchments			
Objective: To protect water quality in the Sydney drinking water catchment.			Х
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North			
Coast LEPs Objective To ensure that a belenced and consistent approach is taken when			Х
Objective: To ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.			
3.5 Recreation Vehicle Areas			
Objective: To protect sensitive land or land with significant conservation values			х
from adverse impacts from recreation vehicles.			
3.6 Strategic Conservation Planning			Х
Objective: To protect, conserve or enhance areas with high biodiversity value.			^
3.7 Public Bushland Objective To protect hughland in urban areas, including rehabilitated areas, and	Х		
Objective: To protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by			
(a) preserving:			
i. biodiversity and habitat corridors;			
ii. links between public bushland and other nearby bushland;			
iii. bushland as a natural stabiliser of the soil surface;			
iv. existing hydrological landforms, processes and functions, including			
natural drainage lines, watercourses, wetlands and foreshores; v. the recreational, educational, scientific, aesthetic, environmental,			
 v. the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land; and 			
(b) mitigating disturbance caused by development;			
(c) giving priority to retaining public bushland.			
3.8 Wilandra Lakes Region			
Objectives are to:			
Protect, conserve and manage the Willandra Lakes Region World Heritage			
Property (World Heritage Property) in accordance with a strategic plan of			Х
management prepared for World Heritage Property; and			
 Establish a consultation process for making decisions on conservation and 			
development within the World Heritage Property.			
3.9 Sydney Harbour Foreshores and Waterways Area			
Objectives are to: o Protect and enhance the natural assets and unique environmental, scenic and			
·			
visual qualities of Sydney Harbour and its islands and foreshores; o Minimise risk to development from rising sea levels or changing flood patterns			
· · · · · · · · · · · · · · · · · · ·			
as a result of climate change;			Х
Ensure the protection, maintenance and rehabilitation of watercourses, wetlands ringrish lands remnest vagetation and scalegies apprectivity:			
wetlands, riparian lands, remnant vegetation and ecological connectivity;			
o Protect or enhance terrestrial and aquatic species, populations and ecological			
communities, including by avoiding physical damage to, or shading of, aquatic			
vegetation;			

 Promote the equitable use of the Foreshores and Waterways Area; Protect the cultural heritage significance of Sydney Harbour, its islands and 	0
Protect the cultural heritage significance of Sydney Harbour, its islands and	
foreshores;	
Ensure a prosperous working harbour and effective transport corridor; and	
 Encourage a culturally rich and vibrant place for people. 3.10 Water Catchment Protection 	
3.10 Water Catchment Protection x Objectives are to:	
Maintain and improve the water quality (including ground water) and flows of	
natural waterbodies, and reduce urban run-off and stormwater pollution;	
Protect and improve the hydrological, ecological and geomorphological	
processes of natural waterbodies and their connectivity;	
Protect and enhance the environmental quality of water catchments by	
managing them in an ecologically sustainable manner, for the benefit of all	
users;	
Protect, maintain and rehabilitate watercourses, wetlands, riparian lands and	
their vegetation and ecological connectivity.	
Focus area 4: Resilience and Hazards	1
4.1 Flooding Objectives are to:	
 Ensure that development of flood prone land is consistent with the NSW 	
Government's Flood Prone Land Policy and the principles of the Floodplain	
Development Manual 2005; and	
Ensure that the provisions of an LEP that apply to flood prone land are	
commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4.2 Coastal Management	
Objective: To protect and manage coastal areas of NSW.	Х
4.3 Planning for Bushfire Protection	
Objectives are to:	
Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone	х
areas; and	
 Encourage sound management of bush fire prone areas. 	
4.4 Remediation of Contaminated Land	
Objective: To reduce the risk of harm to human health and the environment by	х
ensuring that contamination and remediation are considered by planning proposal authorities.	
4.5 Acid Sulfate Soils	
Objective: to avoid significant adverse environmental impacts from the use of land	х
that has a probability of containing acid sulfate soils.	
4.6 Mine Subsidence and Unstable Land Chiestives to prevent demage to life, preparty and the environment on land	
Objective: to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	X
Focus area 5: Transport and Infrastructure	
5.1 Integrated Land Use and Transport	
Objectives are:	
o Improving access to housing, jobs and services by walking, cycling and public	
transport; Increasing the choice of available transport and reducing dependence on	
cars;	Х
Reducing travel demand including the number of trips generated by	
development and the distances travelled, especially by car; and	
 Supporting the efficient and viable operation of public transport services, and Providing for the efficient movement of freight. 	
5.2 Reserving Land for Public Purpose	
Objectives are to:	Х

	nisterial Directions under Section 9.1 of	Consistent		N/A	
LITE	e Environmental Planning and Assessment Act 1979	YES	NO		
0	Facilitate the provision of public services and facilities by reserving land for				
	public purposes; and				
0	Facilitate the removal of reservations of land for public purposes where the				
F 2	land is no longer required for acquisition. Development Near Regulated Airports and Defence Airfields				
	jectives are to:				
00	Ensure the effective and safe operation of regulated airports and defence				
	airfields;				
0	Ensure that their operation is not compromised by development that			v	
	constitutes an obstruction, hazard or potential hazard to aircraft flying in the			Х	
	vicinity; and				
0	Ensure development, if situated on noise sensitive land, incorporates				
	appropriate mitigation measures so that the development is not adversely				
- A	affected by aircraft noise.				
	Shooting Ranges jectives are to:				
Ob	Maintain appropriate levels of public safety and amenity when rezoning land				
0	adjacent to an existing shooting range;				
0	Reduce land use conflict arising between existing shooting ranges and			Х	
	rezoning of adjacent land; and				
0	identify issues that must be addressed when giving consideration to rezoning				
	land adjacent to an existing shooting range.				
Fo	cus area 6: Housing				
6.1	Residential Zones				
Ob	jectives are to:				
0	Encourage a variety and choice of housing types to provide for existing and				
	future housing needs;			х	
0	Make efficient use of existing infrastructure and services and ensure that new				
	housing has appropriate access to infrastructure and services; and				
0	Minimise the impact of residential development on the environment and resource lands.				
6.2	Caravan Parks and Manufactured Home Estates				
	jectives are to:				
0	Provide for a variety of housing types; and			Х	
0	Provide opportunities for caravan parks and manufactured home estates.				
Fo	cus area 7: Industry and Employment				
7.1	Employment Zones				
Ob	jectives are to:				
0	Encourage employment growth in suitable locations;			Х	
0	Protect employment land in business and industrial zones; and				
0	Support the viability of identified centres.				
	Reduction in non-hosted short-term rental accommodation period jectives are to:				
OD	Mitigate significant impacts of short-term rental accommodation where non-				
O	hosted short-term rental accommodation period are to be reduced; and			Х	
0	Ensure the impacts of short-term rental accommodation and views of the				
•	community are considered.				
7.3	Commercial and Retail Development along the Pacific Highway, North Coast				
	jectives are to:				
0	Protect the Pacific Highway's function, that is to operate as the North Coast's				
	primary inter- and intra-regional road traffic route;				
0	prevent inappropriate development fronting the highway;				
0	protect public expenditure invested in the Pacific Highway;			Х	
0	protect and improve highway safety and highway efficiency;				
0	provide for the food, vehicle service and rest needs of travellers on the				
	highway; and reinforce the role of retail and commercial development in town centres,				
0	where they can best serve the populations of the towns.				
L	miles they can beet derive the populations of the towns.	l	l		

Ministerial Directions under Section 9.1 of		Consistent		N/A
the	Environmental Planning and Assessment Act 1979	YES	NO	
Fo	cus area 8: Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries			
Ob	jective: To ensure that the future extraction of State or regionally significant			Х
res	erves of coal, other minerals, petroleum and extractive materials are not			^
	mpromised by inappropriate development.			
	cus area 9: Primary Production			
-	Rural Zones			Х
	jective: To protect the agricultural production value of rural land.			
	Rural Lands			
Ob	jectives are to:			
0	Protect the agricultural production value of rural land;			
0	Facilitate the orderly and economic use and development of rural lands for			
	rural and related purposes;			
0	Assist in the proper management, development and protection of rural lands			х
	to promote the social, economic and environmental welfare of the State;			
0	Minimise the potential for land fragmentation and land use conflict in rural			
	areas, particularly between residential and other rural land uses;			
0	Encourage sustainable land use practices and ensure the ongoing viability of			
	agriculture on rural land; and			
0	Support the delivery of the actions outlined in the NSW Right to Farm Policy.			
	Oyster Aquaculture jectives are to:			
	Ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture			
0	outside such an area are adequately considered when preparing a planning			
	proposal; and			Х
0	Protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside			
O	such an area from land uses that may result in adverse impacts on water			
	quality and consequently, on the health of oysters and oyster consumers.			
9 4	Farmland of State and Regional Significance on the NSW Far North Coast			
	jectives are to:			
0	Ensure that the best agricultural land will be available for current and future			
	generations to grow food and fibre;			
0	Provide more certainty on the status of the best agricultural land, thereby			Х
	assisting councils with their local strategic settlement planning; and			
0	Reduce land use conflict arising between agricultural use and non-agricultural			
	use of farmland as caused by urban encroachment into farming areas.			

MM2/19 IVANHOE ESTATE – EXTENSION OF E2 CONSERVATION ZONE ON SITE TO PROTECT SIGNIFICANT VEGETATION CORRIDOR – Mayor Jerome Laxale

Note: Pamela Reeves (representing Ryde Gladesville Climate Change Action Group), Cathy Merchant and Frank Breen (representing Ryde Hunters Hill Flora and Fauna Preservation Society) addressed the Committee in relation to this Item.

MOTION: (Moved by the Mayor, Councillor Laxale and Councillor Pedersen)

- (a) That the City of Ryde re-affirm its opposition to the current Ivanhoe Estate masterplan, noting that current State Government plans will increase dwelling numbers on the site by 1250% (from 259 to approximately 3,500).
- (b) That the General Manager write to the NSW Minister for Planning, the NSW Land and Housing Corporation and Fraser's Property as a matter of urgency strongly advocating for the existing E2 zone immediately adjoining the proposed Ivanhoe Estate to be extended into the Ivanhoe Estate site within the riparian corridor along the eastern side of the Estate and along with Epping Road, to protect these areas in the long-term, as this zone will ensure stronger conservation management protection.
- (c) That the Director City Planning and Environment ensure all available steps are taken to protect the Shrimptons Creek Corridor and the significant trees along Epping Road to ensure their long term conservation.
- (d) That the General Manager write to the Minister for Planning seeking an urgent meeting to discuss the reduction of the size, scale and density of the State Government's proposed development in Macquarie Park.
- (e) That the Council recommend that a complete Aboriginal Cultural Assessment, as recommended by the Office of the Environment and Heritage, be undertaken prior to the determination of the concept plan by the Minister for Planning.

AMENDMENT: (Moved by Councillors Lane and Maggio)

That this Item be deferred until such time as submissions have been responded to.

On being put to the Meeting, the voting on the Amendment was five (5) for and seven (7) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of the Voting

<u>For the Amendment</u>: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

<u>Against the Amendment</u>: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Pedersen)

- (a) That the City of Ryde re-affirm its opposition to the current Ivanhoe Estate masterplan, noting that current State Government plans will increase dwelling numbers on the site by 1250% (from 259 to approximately 3,500).
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- (c) That the Director City Planning and Environment ensure all available steps are taken to protect the Shrimptons Creek Corridor and the significant trees along Epping Road to ensure their long term conservation.
- (d) That the General Manager write to the Minister for Planning seeking an urgent meeting to discuss the reduction of the size, scale and density of the State Government's proposed development in Macquarie Park.
- (e) That the Council recommend that a complete Aboriginal Cultural Assessment, as recommended by the Office of the Environment and Heritage, be undertaken prior to the determination of the concept plan by the Minister for Planning.

Record of the Voting:

<u>For the Motion</u>: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Maggio, Pedersen, Purcell and Zhou

<u>Against the Motion</u>: Councillors Brown, Lane, Moujalli and Yedelian OAM



DOC18/216601 SSD8707

> Mr Cameron Sargent Team Leader - Key Sites Assessments **NSW Planning and Environment** GPO Box 39 SYDNEY NSW 2001

Attention: Andy Nixey

Exhibition of Concept Redevelopment Application for Ivanhoe Estate, Macquarie Park - SSD

Dear Mr Nixey,

I refer to your letter dated 9 April 2018, requesting input from the Office of Environment and Heritage (OEH) on the exhibition of the concept application for the redevelopment of Ivanhoe Estate - SSD 8707.

Please find attached OEH comments regarding biodiversity, Aboriginal cultural heritage and flooding in Attachment 1.

Please note that a separate response may be provided on heritage matters by the Heritage Division of OEH as delegate of the Heritage Council of NSW. Should you have any queries regarding this matter, please contact Svetlana Kotevska, Senior Conservation Planning Officer on 8837 6040 or at Svetlana.kotevska@environment.nsw.gov.au.

Yours sincerely

SUSAN HARRISON Senior Team Leader Planning

S. Hannon

Greater Sydney

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Attachment 1 – Office of Environment and Heritage (OEH) comments - Ivanhoe Estate Concept Redevelopment SSD 8707

Biodiversity

Summary:

It is noted this application is concept only and does not seek approval for physical works, with approvals for physical work being sought as part of future, separate applications. This application however, is accompanied by a biodiversity assessment report (BAR) which requires an assessment of the direct and indirect impacts of the proposed development.

OEH recommends the following in relation to the biodiversity assessment:

- retention of the existing threatened ecological community and adjoining vegetation community along Epping Road, which would require modifying the proposed construction footprint and development layout and
- that the deficiencies in the BAR as described in Appendix 1 are addressed.

It is also noted that the BioBanking Credit Calculator was not submitted with this application, so OEH has not been able to review the data used to determine the offset requirements.

Detailed comments:

1. Biodiversity Assessment

- The site area is 8.2ha in total and comprises 1.64ha of Sydney Turpentine Ironbark Forest (STIF) on site which is an endangered ecological community (EEC) under the *Biodiversity Conservation Act 2016* (BC Act) and also a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Page 21 of the BAR mentions that a habitat assessment was carried out, but no detail is provided on this assessment.
- The BAR mentions in a number of sections that there are seven hollow-bearing trees on site but this information is limited and it is scattered throughout the document. The BAR states that five of the trees are to be impacted by the proposed development, and that they are >300 mm in diameter. Such hollows may be suitable habitat for the Powerful Owl (*Ninox strenua*), a species which has been recorded a number of times in the vicinity of the site. However, there is no mention in the BAR that this species was a candidate species and there is no discussion of potential impacts
- Section 5.3.3. of the BAR states that no threatened plant species were observed on the
 development site. However, *Melaleuca deanei* is listed in Appendix A (Plot and transect data) as
 occurring in plot 5, and Figures 4 and 5 identify this plot as occurring within the construction
 footprint. This species is listed as vulnerable under the BC Act and the EPBC Act.
- Table 11 of the BAR states that for Acacia pubescens, there is no habitat within the development site and the species requires no further assessment because "there are no gravelly soils or ironstone within the development site". However, as the BAR points out, this species can occur on a range of substrates including the intergrade between shales and sandstones. The site contains shale and sandstone substrates, and there are several BioNet records for this species nearby. Therefore, more justification should be provided for discounting the likelihood of this species occurring on site.
- Table 11 of the BAR states that for Syzygium paniculatum (Magenta Lilly Pilly), there is no habitat within the development site and the species requires no further assessment because "there are no grey soils over sandstone, and there are no remnant stands of littoral rainforest". However, this species is known to occur in the Cumberland and Pittwater IBRA subregions, and is known to be associated with Turpentine Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion (plant community type (PCT) ME041), with all of these elements being represented at the site. The BioNet Atlas also contains a record for this species at an adjacent site along Herring Road. As such, the site likely contains habitat for this species.

- Appendix A has incorrectly labelled a number of species: Glochidion ferdinandi (Cheese Tree) is
 identified as exotic (but it is native), Corymbia citriodora (Lemon-scented Gum) and Grevillea
 robusta (Silky Oak) are indicated as being native (but they are naturalised), and as stated above,
 Melaleuca deanei is not identified as a threatened species.
- The BAR identifies the development site as being wholly within the Cumberland IBRA sub-region, however it is partly in Cumberland and partly in Pittwater IBRA sub-regions. Similarly, the BAR states the site is wholly within the Pennant Hills Ridges Mitchell Landscape, but the site is partly within Pennant Hills Ridges and partly within Port Jackson Basin. Acknowledgement of this should be included in the BAR, as well as justification for selection of the relevant IBRA sub-region and Mitchell landscape.
- No roads or drainage lines, including Shrimptons Creek, are identified on any of the figures.

2. Impact assessment

- The concept development proposal involves the removal of 311 trees, including hollow bearing trees along Epping Road and the removal of 0.46ha of moderate to good condition STIF is to be removed. A total of 229 trees are to be retained. The 2.93ha of unavoidable impacts of the project and Biobanking Credit Calculation for this proposal generates the need for 32 ecosystem credits. It is proposed that offsets are to be retired in a staged manner- approximately 10 stages.
- The extent of EEC to be removed needs to be clarified, as the consultant's report states the
 project will remove approximately 0.46ha of the EEC but the EIS says 0.34ha.
- Principle 1 of the NSW Biodiversity Offsets Policy for Major Projects states that "Before offsets are considered, impacts must first be avoided and unavoidable impacts minimised through mitigation measures. Only then should offsets be considered for the remaining impacts." It is considered that the proposed development fails to avoid direct impacts on threatened ecological communities. It is not considered that adequate planning/siting of the proposal has been carried out as per the Framework for Biodiversity Assessment (FBA). Specifically, the FBA requires proponents to identify and avoid direct impacts to threatened ecological communities (TECs). An alternative footprint design could avoid impacting on the EEC particularly the STIF EEC primarily located along the perimeter of the sites southern boundary. There is opportunity to reduce the building footprint than currently shown in Figure 1 below and this could be achieved with higher building forms, with increased buffers and setbacks to this EEC or relocation of development.

Further, the consultant's Eco Logical Australia *Biodiversity Assessment Report and Offset Strategy* dated February 2018, Section 6.1.3 Table 14 states as follows - the Major Project should be located in areas where the native vegetation or threatened species habitat is in the poorest condition (i.e. areas that have a lower site value score) or **which avoid an EEC or CEEC...**minimise the amount of clearing or habitat loss – the Major Project (and associated construction infrastructure) should be located in areas that do not have native vegetation, or in areas that require the least amount of vegetation to be cleared (i.e. the **development footprint is minimised**, and/or in areas where other impacts to biodiversity will be the lowest.

OEH suggests the development footprint could be reduced and higher building heights could be proposed to preserve more STIF. It is noted that a 65m height control (equivalent to 21 storeys based on 3m floor to ceiling heights) is proposed along the southern boundary to Epping Road, refer to Figure 2 below. The consultant's report does not assess what the impact is on the vegetation remaining from overshadowing and limited light especially vegetation along Epping Road where a 65m height is proposed and where good quality STIF is located. The proponent should calculate the reduction in the conservation value of the remaining patch of vegetation not just the areas that are removed.

The BAR appears to understate the degree of proposed impact on site. Table 12 of the BAR states that "Impacts to EECs have been minimised by locating the proposed development on land that is currently developed." However, Table 4 shows more than half of the EEC, which corresponds to the ME041 PCT, will be removed under the current proposal. Table 12 also states "There are limited hollow-bearing trees" but as previously mentioned, seven large hollows have

been identified on-site, with five of these being earmarked for removal. The number of hollow-bearing trees that are present on site is significant, particularly given its small size and residential setting. Also, Table 12 states "The vegetation within the development site ... will not be used as breeding or refuge habitat for threatened species" but there is no recognition that the hollows may provide breeding or refuge habitat for threatened species. Section 4.4 of the BAR states that 'there are no remnant soil characteristics within the current development', which does not appear to be correct given the number of native species present. In addition, a threatened species. (*Melaleuca deanei*) has been recorded in the surveys, as mentioned above.

- OEH also considers more effort should be made to retain the connectivity of this vegetation along the Epping Road frontage, by removing the proposed access to the site off Epping Road which will sever this connectivity.
- The proposal introduces the concept of a hierarchy of public spaces such as Forest to
 neighbourhood and the public domain plan shows areas earmarked as Forest thresholds with
 stepped terraces (identified as item 14 on the public domain plan Figure 3 below). The proposal
 should aim to minimise landform alteration in the forest areas and preserve existing trees and it is
 unclear whether the stepped terraces are proposed or are a natural element of the Forest
 landscape area.
- The consultant's report page 11 states "At the time of survey, the exact location of the development site was not known. As a result, plots were carried out within a contiguous patch of vegetation approximate to the development site location. As such, the location of the plots is outside of the development site, but given the lack of environmental variation within the vegetation patch, the approach is considered suitable for the purposes of the assessment." The survey needs to be updated to ensure the site is adequately surveyed.
- OEH supports the goal that Ivanhoe Estate will target a 6 Star Green Star Communities rating
 and 5 Star Green Star v1.1 for all buildings and will incorporate a range of environmental and
 sustainability measures, including photovoltaic solar power and water recycling plants with the
 aim of being carbon neutral in operation.
- The proponent may need to refer this concept proposal to the Commonwealth Government as a
 matter of national environmental significance given the Sydney Turpentine Ironbark Forest (STIF)
 on site is a CEEC under the EPBC Act.
- A Biodiversity Management Plan (BMP), a weed management plan, a Construction Environment Management Plan (CEMP) and a Vegetation Management Plan to provide for management of retained areas of the EEC and this needs to be conditioned on any forthcoming development approval.
- A monitoring program is to be conditioned to measure the impacts of the project and must include baseline data capture to measure any effects of the project over time on the remaining STIF.
- Nest boxes are required to be conditioned to be installed to minimise impacts to arboreal
 mammals. It is recommended to replace all removed hollows with artificial nest boxes at a ratio of
 1:4 (removed:replaced). A total of five (5) hollow bearing trees will be impacted. Nest boxes are to
 be installed within retained vegetation in Shrimptons Creek.

Shrimpton's Creek Riparian Corridor

Section 1.2.2 of the BAR mentions that the Masterplan includes a proposal to regenerate RE1
zoned land along Shrimptons Creek, and that the Shrimptons Creek corridor will be enhanced to
provide a recreational and environmental green spine. OEH supports this action and
recommends that the construction footprint is amended to provide a buffer to Shrimptons Creek
and so avoid impacts to the existing vegetation along the creek, to increase the likelihood that the
environmental outcomes that the Masterplan seeks to achieve, can be realised.

- A shared path for cyclists and pedestrians within the 20m riparian corridor in the outer riparian
 zone. Details should be provided of how any impacts from runoff and other pollutants as well as
 active recreation will not adversely affect water quality, bank stability and conflict with the goal of
 rehabilitating Shrimptons Creek in the long term.
- It is recommended that the existing adjoining E2 zone be extended into the site within the riparian corridor as shown in Figure 4 below to protect both the adjoining corridor and the rehabilitated corridor in the long-term as this zone will ensure stronger protection.
- Condition the installation of sediment barriers, sediment ponds and stormwater management systems on any forthcoming development approval in accordance with Table 16 of the consultant's Eco Logical Australia's *Biodiversity Assessment Report and Offset Strategy* report dated February 2018.

3. Biodiversity Offset Strategy (BOS)

Section 11.1.1.1 and Appendix 7 of the FBA requires that a BOS be prepared as part of the BAR.
 It is noted that none of the minimum requirements for the BOS, as required in the FBA, have been included in the BAR. OEH recommends the BAR is amended to include a BOS, in accordance with the NSW Biodiversity Offsets Policy for Major Projects and the FBA.

4. Long term management

- OEH recommends that vegetation to be retained on site is managed in the long term through the
 preparation and implementation of a Vegetation Management Plan.
- OEH also recommends that any regeneration or management of vegetation along Shrimptons
 Creek uses local provenance plants and the species selected are appropriate for the TECs and
 PCTs present.



Figure 1 – Concept Development footprint and impact on STIF

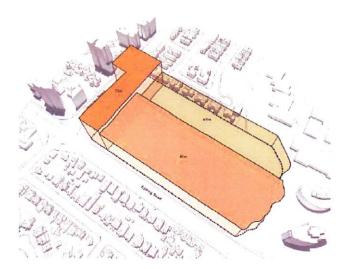


Figure 21 – Building Height Plan Source: Bates Smart

Figure 2 – Proposed Concept Development Height



Figure 3 Public Domain Plan

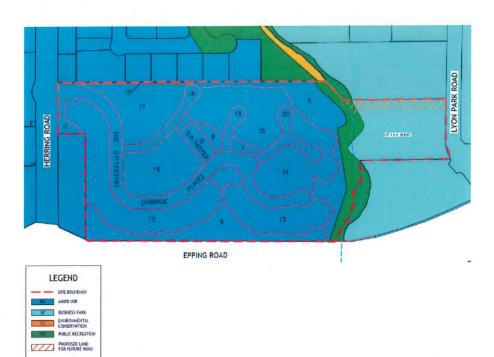


Figure 7- Lot boundaries and zoning Source: ADW Johnson

Figure 4 Existing Zones

Aboriginal Cultural Heritage

OEH notes that a due diligence Aboriginal heritage assessment was undertaken for the proposal. Due diligence is not a substitute for undertaking an Aboriginal cultural heritage assessment. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* and is inadequate to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage values of the subject land. Due diligence is not to be used for major projects, including state significant developments.

Further assessment of Aboriginal cultural heritage is recommended in the form of an Aboriginal Cultural Heritage Assessment Report (ACHAR), with formal Aboriginal community consultation and a staged program of archaeological test excavations, to inform the development and satisfy the project SEARs. From the information provided it is unclear why the ACHAR was not prepared prior to the exhibition of the proposal and OEH recommends that this be completed ahead of determination of the application, not in the post-approval phase.

Floodplain Management

The following comments are made in relation to the report attached to the EIS at Appendix I - Flood Impact Assessment for the Ivanhoe Estate Redevelopment. No climate change modelling has been undertaken, however OEH notes that the subsequent development stages involving the detailed design would include climate change modelling.

OEH considers that the report adequately addresses OEH requirements and addresses all impacts and emergency response issues. However, there are two minor issues that require clarification:

- In Table 5-1, the flood level results look to be out of order. It looks like an error has been made as the 20y levels are 1, 2, 3 etc and in the proposed development scenario 20y, 100y and PMF levels do not make sense. 20y levels are more than 2m higher than the 100y and PMF levels. It looks like the columns have been moved across by one. Please clarify this matter.
- In Table 5-1 and 5-2, assuming that the error in the columns is clarified for Table 5-1, the
 locations that have NFI (No flooding indicated) are not consistent between the tables. For
 example, in the current PMF scenario at location 5 a flood level is indicated in Table 5-1 but in
 Table 5-2 it has NFI. Please clarify this matter.

(END OF SUBMISSION)

City of Ryde Submission

IVANHOE ESTATE REDEVELOPMENT - STAGE 3
SSD-30530150

Council reference: COR2022/87 Submission Date: 26 July 2023

EXECUTIVE SUMMARY

Thank you for inviting Council to comment on Ivanhoe Estate Redevelopment - Stage 3 SSD proposal.

This submission is being made in response to SSD-30530150 lodged with the Department of Planning and Environment (DPE) currently on exhibition from 20/6/2023 to 17/7/2023.

Summary of Stage 3 Proposal:

Proposed construction of Building B3 (Residential Apartments Building) and embellishment of Shrimptons Creek Corridor.

Specifically, the SSDA seeks approval for:

- Site preparation works, inclusive of basement excavation, preparatory earthworks and tree clearing (23 trees).
- Construction and use of Building B3, comprising:
 - 20 storey building with 232 residential apartments with 3 levels of basement parking (209 car parking spaces) and one (1) commercial office.
- Rehabilitation, redevelopment and dedication of part of Shrimptons Creek corridor as an area of public open space, including:
 - o Rehabilitation of the riparian corridor adjoining the creek
 - Construction and operation of a skate park
 - Provision of footpaths, seating areas, lighting, play equipment and public art opportunities throughout the corridor
 - Connections through to Wilga Park to the north and restorations to the Epping Road Underpass to the south.

Council officers have undertaken a review of the proposal. A number of concerns are being raised which relate to matters including the following:

- a) Proposal is inconsistent with Concept Approval
- b) Proposal is inconsistent with SEARS requirements
- c) Inadequate Survey details
- d) Lack of maintenance vehicle access to the creek
- e) Drainage and Flood impact issues
- f) Waste Management Issues
- g) Traffic issues
- h) Matters relating to works proposed along Shrimptons Creek
- i) Building setback and planning issues
- j) Environmental Concerns water quality impacts and creek
- k) Dedication of Creek Corridor not supported by Council

Details of the above issues are included in the submission. It is recommended that the application be amended to address these issues before any approval is granted.

Details of the issues are included below.

1. Application is Inconsistent with the Concept Approval (SSD-8707)

Section 4.24 of the Environmental Planning and Assessment Act requires subsequent applications to be consistent with the approved Concept Plan. Council is of the view that Stage 3 proposal is not consistent with the Concept approval in regard to the following matters:

- **a. Condition A2.** It is noted that the scheme does not comply with the required building setbacks along the rear and front boundaries specified under Plan DA01.MP.100 Revision 9 referred to in Condition A2 of the Concept Plan approved under SSD-8707. There is a significant breach of the required setbacks as discussed under Section 8 of this submission.
- b. Condition A11. The concept plan approved Block B3 to be for residential purposes only. The Stage 3 Application shows building B3 comprising of residential and commercial development. The application relies on a future modification of the Concept Plan. As no such modification has been approved, the Stage 3 proposal is deemed inconsistent with the Concept Plan and therefore cannot be approved by the DPE.
- c. Condition A17. The EIA does not demonstrate as to how the application complies with Condition A17 with respect to tree replanting required on the site. This development represents Stage 3 of the development. The applicant should provide details to verify that the entire development is on target to achieve the minimum requirement of 950 trees.
- d. Condition A18(j) and A21. Requirements under Condition A18 with respect to provision of car share spaces has not been complied with. The application does not propose any car share parking within B3 site. The car share requirement was imposed to ensure an adequate amount of car share parking throughout the development. The condition does not specify that the applicant can pick and choose which building car share parking space will be provided in. Each building must provide the required amount of car share parking.
- e. Condition B3. This condition requires plans and details be prepared for the rehabilitation and enhancement of Shrimptons Creek be prepared in consultation with Council, DPIE-Water, NRAR and EESG and be approved by Planning Secretary prior to the lodgment of any application with respect to Stage 3. Council contends that this has not been done. The submission raises numerous issues in respect of the rehabilitation and enhancement of Shrimptons Creek and until these matters are addressed, Council is of the view that this condition is not satisfied.

2. Application is Inconsistent with SEARs

SEARs required that detail engagement be undertaken with the community and other stakeholders. The Applicant must demonstrate in greater detail as to how the community engagement with respect to Stage 3 proposal was consistent with the *Undertaking Engagement Guidelines for State Significant Projects*.

Council is concerned that the requirements under Section 3 of this Guideline have not been complied with. In this regard the applicant's EIS has stated that they held the drop-in consultation session on a rainy day that affected consultation outcomes. Further, no details were provided as to how the community were invited, which areas were included in the consultation to attend the community consultation.

The proposal involves major work on land which otherwise was accessible to public as parkland/ access corridor. It is expected a wider and more genuine consultation take place. Council considers the applicant's attempt at consultation as inadequate and further consultation is required outside of the exhibition process of the current SSD application.

3. Inadequate survey details

The applicant is requested to address the following issues to facilitate further review of the application:

a. Survey Plan. The submitted Survey by ADW Johnson Pty Ltd, Revision C, dated 1/03/2018 reflects the previous site conditions and is deemed relatively old. The site features, levels, easements, and boundaries have changed significantly since 2018. Council seeks that the applicant provide an updated Boundary/Cadastral Survey, clearly showing the existing boundaries (especially along the Shrimpton's Creek) and the proposed new boundaries. The survey must also show the exact location of existing stormwater easements, pits and pipe traversing the site. A service investigation report would also be warranted to confirm certain details.

4. Drainage and Stormwater Issues

Additional information is required as detailed below for Council staff to review the proposal in detail:

- **a.** The Flood Impact Assessment & Framework prepared by BMT commercial Pty Ltd dated 24 April 2023 shall be amended to reflect the following:
 - i. The submitted flood impact assessment & framework has provided flood level impact maps for 5% and 1% AEP events, 1% AEP with 10% increase in rainfall, and the Probable Maximum Flood (PMF) event for block and unblock conditions of stormwater network. The flood impact assessment report must be prepared for pre and post development scenarios for above flood events. Please include flood results for pre and post development scenarios for above flood events for block and unblocked conditions of stormwater network in the report.
 - ii. The applicant shall demonstrate that the proposed development including any new structures in Shrimptons Creek corridor are not adversely affecting the flood conditions to the neighbouring properties or downstream catchment. This includes Velocity Depth product (VxD) and Flood Level values.
 - iii. Full electronic copy of executable TUFLOW modelling file compatible with QGIS software (including batch file for run and flood difference file) clearly identifying each scenario shall be submitted to Council for further assessment. Electronic copy of modelling results for pre and post development scenario for velocity, depth, flood level, VxD and VxD afflux, flood level afflux for above flood events in .asc format shall be submitted.

- iv. The basement ramp crest must be protected up to PMF level. All basement carpark areas shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.
- v. All structures subject to flooding must be structurally designed to withstand the forces of floodwater having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.
- b. Relocate Viewing Platform: The viewing platforms, seats and fittings will most likely trap debris, and/or footings could be eroded during flood events. There is a risk that major flood events will damage the feature, with the potential of washing it down the river, becoming a risk to life and property. For these reasons, this item is not supported from a flooding point of view. Viewing platform is recommended to be located outside 1 in 100-year flood water. Details should be provided to address this matter.
- **c. GPTs.** Provide the required number (based on calculations for the gross water pollution traps expected) and proposed positions for Gross Pollutant Traps (GPT's).
- d. Drainage easement. Council is aware of the MOD 7 that sought realignment of the drainage easement along the property boundary. However, it appears the proposed building footprint and stairs encroach upon the existing stormwater easements along the northeastern boundary. The existing stormwater easements and location of drainage line shall be superimposed on the architectural plan and the stormwater management plan. In the case that the proposal encroaches upon the existing easements, service investigation shall be carried out to determine whether stormwater lines are still active and in the case that they are active, the buildings and structures over the easement shall be deleted. Building will not be supported over Council easement.
- **e. Civil Plan** prepared by ADW Johnson (Version A) dated 03 March 2023 shall be amended to reflect the following:
 - i. Exact position of the Council drainage assets which are being connected to (including pit/pipe/headwall, etc.) shall be obtained by non-destructive methods and details such as pipe diameter, etc. shall be shown on the plans.
 - **ii.** Details of the connection to Council pipe/pit/headwall shall be included in the Civil Plan.
 - **iii.** All the sections of the SUP along the Shrimpton's Creek will need to show the levels of the Probable Major Flood event.
 - iv. Provide detailed section through OSD system showing details including but not limited to the locations and sizes of orifice and emergency overflow, centreline of the orifice, top of tanks levels, top water level, and the surface levels at which the tanks are situated.

5. Waste Management Issues

- **a.** The Operational Waste Management Plan (OWM) and the architectural plans do not show an adequate number of bins, which needs to be adjusted to meet the requirements as stated below.
- **b.** A total of 9 x 1100L waste bins and 17 x 660L recycle bins are required for servicing and presentation.

Core 1

4 x 1100L waste bins serviced 3 times per week

1 x 1100L waste bin will be provided to go under the chute

8 x 660L recycle bins serviced 2 times per week

1 x 660L recycle bin will be provided to go under the chute

Core 2

5 x 1100L waste bins serviced 3 times per week

1 x 1100L waste bin will be provided to go under the chute

9 x 660L recycle bins serviced 2 times per week.

1 x 660L recycle bin will be provided to go under the chute

- c. In addition, 6 x 240L food organics (FO) bins (per core) will need to be available to residents to dispose of their food scraps for processing into compost. These bins will need to be accessible to residents and will be taken to the loading dock for collection on a weekly basis. Please provide details of where the FO bins will be located for easy access to residents and allow additional space in the loading dock for the FO bins to be stored for collection in the OWM plan and architectural plans.
- **d.** The residential bin holding area on the side of the loading dock turntable is not large enough to house the above 26 plus 6 FO bins The loading dock and waste storage area needs to be amended and the plans are to show the above bin configuration to ensure that they can be stored without impeding on the turntable area.
- **e.** The loading dock is located on the Ground Floor with access from Main Street onto a turntable.
- i. Bins are shown in a bin storage area as well as 4 x 660L recycle bins scattered around the turntable. This is unacceptable as it will result in maneuverability issues for collection vehicle as well as safety. All bins are required to be contained with the one space. In addition, the total bin numbers required to be shown on the ground floor are as above. Currently the plans are only showing 6 x 1100L waste and 15 x 660L recycle bins. The plans need to be adjusted to cater for all bins stored in the one location.
 - f. A bulky waste room has been shown on the plans alongside the loading dock however the room is not of adequate size for the number of residential apartments in the building. It is recommended that a space of 18m2 is required. The bulky waste room needs to be adjusted accordingly. The bulky waste room needs to be easily accessible for residents and adjacent to the loading dock for collection. Access for residents is not readily available and needs to be revisited.

g. Commercial Waste Room - A separate commercial waste room is required to ensure that commercial tenants have adequate waste services available and are not utilising bins that are allocated to residential properties.

6. Traffic Issues

The following comments are provided for the applicant's attention:

a. Queuing Area at the Vehicular Entry:

The Ground Plan (prepared by Rothe Lowman Property Pty. Ltd. dated 12 May 2023) illustrates that approximately 7.0m distance is provided between the proposed roller shutter door and the site boundary for vehicles waiting to enter the basement carpark.

Noting that 7.0m distance is sufficient for only one vehicle to wait, the Transport Assessment report did not provide queuing analysis to demonstrate that queuing area for only one vehicle at the entry point is sufficient for the proposed development.

It is recommended that the Transport Assessment report be amended to include queuing analysis in accordance with Clause 3.4 of the Australian Standard AS 2890.1-2004 to demonstrate that adequate queuing length between the vehicular control point and the property boundary is provided to allow free influx of traffic which will not adversely affect traffic or pedestrian flows in the frontage road.

b. Driveway. The position of the two driveways for Building 3 next to each other is not optimal and will create possible risks to the road users, the applicant shall revise the architectural plans and combine the access to Building 3.

c. Shared User Path (SUP) 1 & 2

The Stage 3 Development Application includes the redevelopment of the Shrimptons Creek corridor. Share user path No. 1 & 2 Detailed Plan of the Civil Drawings (Drawing No. 300001-DA-3102 – version A) illustrate that the existing shared path along Shrimptons Creek will be widened to 4.0m wide with no changes to the alignment and levels of the exiting shared path.

Council's Traffic Services Department does not have any concern with the widening of the existing shared path subject to keeping the alignment and levels of the exiting shared path unchanged. In this regard Council expects that shared user paths (SUP) are designed to provide for appropriate access for maintenance vehicles (Council truck) to allow for landscape maintenance, servicing of bin stands and access to Council's Gross Pollutant Traps (GPTs) and removal of debris along Shrimpton's Creek to the North/South. Refer to Section 7d(vi-ix) of this document for further issues and requirements regarding this matter.

Please note that if the alignment and levels of the exiting shared path is proposed to be changed, the applicant is to submit detailed design drawings of the proposed shared path alignment to Council for review and comment.

7. Works Along Shrimptons Creek

a. General Requirements

- i. Skatepark design is to be consistent in scale with a Local Skateboarding Facility as detailed within The City of Ryde's Youth Infrastructure Strategy https://www.ryde.nsw.gov.au/files/assets/public/publications/parks-open-space/youth-infrastructure-strategy.pdf
- **ii.** Exercise equipment and 2 of the 3 viewing platforms along Shrimpton's Creek to be deleted from the landscape design to ensure embellishment of area occurs consistent with other comparable open spaces within the LGA.
- **iii.** Provide details: sections and materials intended for use along the SUP, especially for the "deck on the bank", the "perch in the trees", the "floating hangout" and the skate bowl.
- iv. All civil works within the park area to have a design life of a minimum of 50 years and all other works to have a design life of a minimum 25 years.

Details must be submitted on the architectural plans to demonstrate these requirements can be met.

b. Easements and Managing Use of the Space:

- i. Council reiterates its previous position to the Department of Planning that it is not willing to accept dedication of the Shrimptons Creek corridor lands with respect to Condition A30.
- **ii.** Prior to issue of any Construction Certificate (or equivalent), suitable easements and a Plan of Management are to be created that allows for the following:
 - Unrestricted public access to the creek parklands 24 hours a day.
 - Unrestricted Council access to the land including access via suitable vehicles 24 hours a day to enable maintenance of infrastructure as required including creek bed, GPTs etc.
 - Plan for continual upgrade and appropriate management of the area so that it can achieve the landscape vision identified in the SSD application.
 - The ongoing realisation of the Landscape vision will require an Asset Management Plan (AMP) for the Open Space area along Shrimptons Creek with costs identified.
 - Council can provide appropriate Conditions of consent requiring the Preparation of a Management Plan that outlines how the infrastructure is to be maintained and performance specifications for repairs and maintenance activities with costs specified.
 - Accordingly, Council can also provide Conditions of consent to deal with the following:
 - i. Requirement that Asset Management Plan and any terms of the easement be provided to Council for review prior to finalising.
 - ii. That the Asset Management Plan be provided to the entity

- responsible for managing the space.
- **iii.** Requirement to specify that infrastructure is not tampered with or altered to ensure safety and continued use for the purpose it is designed for.
- iv. This is particularly relevant to the skate park noting that proposed hours of use in the Noise Impact Assessment (NIA) are:

Mon-Sat 07:00 – 22:00.

Sundays 08:00 – 22:00.

Public Holidays 08:00 – 22:00.

c. Works adjoining Epping Rd underpass

It seems upgrade works are also proposed under the Epping Road and on the southern side of Epping Rd along the Creek. Council is not aware if adequate consultation has been carried out with relevant stakeholders and whether owners consent has been obtained by the applicant for these works.

d. Other general matters relating to works adjoining Shrimptons Creek

- i. As per CTPED report, prior to Occupation Certificate, a plan of management is to be prepared for Council's approval for the Shrimptons Creek corridor lands that outlines performance specifications for the following elements including but not limited to:
 - Waste removal,
 - Vegetation management including maintenance and replenishment,
 - Graffiti removal and maintenance as per manufacturers specification,
 - Management/ordinances for the area including shared user path and skate park,
 - Vandalism management including rectification,
 - Infrastructure (eg footpaths, signage, seats, bins etc) management, defect rectification and renewal.
 - Lighting hours of operation; footpath(s) and skate park,
 - Funding mechanism,
 - The plan's review and enhancement over time.
 - No works to occur on Council land to occur in conjunction with provision of access to private land as proposed in association with Lot15 DP240110.
- **ii.** Condition of consent must be imposed requiring all recommendations within the CPTED report to be implemented.
- iii. An Access Report is required, prepared by a suitably qualified access consultant, to review the Shrimptons Creek corridor design against the requirements of AS1428, BCA, DDA. The recommendations of the report are to be incorporated into a detailed design which must demonstrate Universal Design Principles.
- iv. Wayfinding strategy to be developed that is consistent for the whole development with signage to be implemented throughout including along the Shrimpton's Creek corridor. Signage to clearly identify that the area is the responsibility of the relevant owner including their contact information.

- v. Materiality within the proposed public areas are to be suitably robust. For instance, the utilization of turf and gravel between footpaths and seats is not considered to be suitably robust. Consideration should be given to changing to a harder wearing material such as concrete or cement stabilised decogranite. Similarly, the proposed hardwood/composite (note documentation refers to different finishes) timber deck featured within the skate park design should be reconsidered and an alternate material proposed.
- vi. Additional vehicle access into the area along Shrimptons Creek is to be provided from Main St with lockable, removable bollards. It is noted that previously there was a chain gate access into the Shrimptons Creek area from the Ivanhoe Estate and this access is to be reinstated. This will allow for improved emergency access, maintenance of the riparian area (including removal of debris associated with wet weather events and flooding, maintenance of gross pollutant traps and stormwater outlets), general maintenance and any future construction or upgrade works.
- **vii.** A turning bay or turning circle is to be provided for trucks between Epping Rd and Main St. This could be designed to have an alternate recreational use or combined with wider shared user path.
- viii. Maintenance truck access through under the bridge is also required. This will require head clearance on the underside of the bridge of at least 3552mm. Details of truck access and head clearance is to be provided via revised plans.
 - ix. The Shrimptons Creek Landscape Plans do not demonstrate truck access to the creek and to the GPTs for maintenance purposes.

Council requires that suitable maintenance vehicle access is to be provided for landscape maintenance, servicing of bin stands and access to Council's Gross Pollutant Traps (GPTs) along Shrimpton's Creek to the North/ south.

The Application has not demonstrated how Council maintenance vehicles (being 14 Tonne and 3.552m high) will be accommodated along the shared user path. Further information is required to ensure there are access points from the roads and SUP designed to provide for appropriate access for maintenance vehicles consistent with Council's requirements.

- **x.** The Landscape drawings are to be prepared with consideration of Council's Development Control Plan, Public Domain Manual, standard details including requirements for footway pavement, drainage, vehicle crossovers, pedestrian ramps and other relevant elements.
- **xi.** It is suggested that specific conditions be imposed to address the following concerns:
 - Condition requiring all pathways within the Shrimptons Creek corridor are to be lit to P2 AS1158, utilising the same materiality as within Council's Wilga Park to create consistency.

- Impact to sensitive ecological areas is to be minimised as much as possible.
- Condition requiring all surfaces that could be subject to graffiti are to be coated with anti graffiti coating that is maintained and reapplied as per manufacturers specification.
- Condition requiring the Skate Park lights to have an IP66 rated button to activate the lighting so that during inclement weather the lights are not automatically turned on. Lighting should include a warm up/down phase to mitigate light shock.
- Condition requiring that the entire width of the shared user path is to be rebuilt, rather than extending the existing by adding an abutting section as identified in Appendix QQ – Stage 3 Civil Drawings.
- CCTV to only be installed following consideration of Council's CCTV Policy.
 <u>City of Ryde CCTV Systems Policy PDF_131FD48C-DD7F-446B-B638-03703E9EE74C2020-11-29T19-46-41</u>

8. Planning Issues

a. Building Setbacks

It is noted that the scheme does not comply with the required setbacks under Plan DA01.MP.100 Revision 9 referred to in Condition A2 of the Concept Plan approved under SSD-8707. Particularly the rear setbacks interfacing with Wilga Park and the front setback along the Main Street.

i. Front Setback. The proposed 100mm setback along the main street deters from the general streetscape requirements along Type 1 road in Macquarie Park. The proposal is also inconsistent with the general setback provided by Stage 2 Buildings located opposite the site. The setback is also inconsistent with the setback provision under the Concept Plan.

As the building is significantly tall, and the upper floors are almost proposed on the front boundary, it results in a high degree of visual sensitivity due to the overwhelming mass presented closer to the main road and building/park opposite the site.

Council requests that a clear setback of at least 2.5m be provided along the main street on all levels instead of the proposed 100mm. The loading dock (turntable) and the apartments on levels above must be setback further to achieve the required setback.



Figure 43 Proposed setbacks outlining the range and breaches of setbacks

ii. Rear setback facing Wilga Park

The proposed apartment building significantly encroaches into the rear setback requirements mandated under the concept approval. Given the height of the proposed building (19-20 storeys), it is critical that the setback be complied with to address the building separation from the public park. Further this will also minimise the visual impact and enhance privacy of the building visible from Wilga Park.

As the building is significantly tall and long facing the Wilga Park, it results in a high degree of visual sensitivity due to the overwhelming mass presented to the park. The setback of 5m required under the Concept approval must be adhered to.

b. Visual impact assessment

- It is noted the visual impact assessment is a draft and is incomplete, with place holders and highlighted sections in it (eg refer to pages 36). The Applicant should complete their visual impact assessment. Notwithstanding their draft VIA, the following items are raised as a concern:
 - It is noted that there is a high degree of visual sensitivity due to the overwhelming mass interfacing the Shrimpton's Creek Reserve and Public access as noted in the submitted VIA. Refer view point 3 in the VIA.
 - This high degree of visual sensitivity is exacerbated by the non-compliant setbacks proposed. Therefore, it is recommended that compliant setbacks are proposed, to reduce the visual sensitivity of the obtuse building mass.
 - This massing will be more visually obstructive with the implementation of the recommended screening devices as required in the wind impact assessment, therefore enhancing the need for compliant setbacks.
 - It is recommended that screen planting, be provided on the balconies to minimise the offensive massing from the ground plane.
 - Further visual mitigation measures should be provided for View Point 3.

c. Crime Risk and Safety

As the proposal involves the construction of a skate park, the associated crime risk and safety measures need to adequately be considered by Ryde Police. The Applicant needs to undertake engagement with Ryde Police on the delivery

and operation requirements of providing a skate park and the challenges it provides. It is recommended their CPTED assessment is endorsed by Ryde Police. Details of consultation should be addressed in the Applicants RTS package.

d. Consultation

The Applicants consultation assessment (Appendix L - Consultation Outcomes Report) lacks evidence of considered consultation with relevant stakeholders prior to submission of the EIS.

No details were provided as to how the community were invited and which areas were included in the consultation to attend the community consultation.

• The submitted assessment demonstrates that there has been a significant lack of consultation with stakeholders prior to EIS submission. The SEARS's requirements are clear on engagement.

27. Engagement

- Detail engagement undertaken and demonstrate how it was consistent with the Undertaking Engagement Guidelines for State Significant Projects. Detail how issues raised and feedback provided have been considered and responded to in the project. In particular, applicants must consult with:
 - o the relevant Department assessment team.
 - o any relevant local councils.
 - o any relevant agencies.
 - the community.
 - if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or

Engagement Report

- Regarding community consultation, the applicant's submitted assessment has determined that they held the drop in consultation session on a rainy day that affected consultation outcomes.
 - A drop-in session was held on Saturday 2 September, between 9:30am and 11:30am, on site at Midtown. One person attended this drop-in session. The session was held at a time the area was experiencing substantial rainfall and this may have impacted the level of attendance. The AO sized information boards that were on display during the drop-in session can be found in the Appendices
- The suggested engagement with local schools was also inadequate as the applicant reached out to the school in the last week of school term.
- The applicant has not demonstrated they adequately engaged with Council prior to the submission of the application, nor did they attempt to as confirmed in their consultation appendix.
- The applicant has not engaged with Ryde Police, who would be a relevant stakeholder to the application, particularly due to the skate park being delivered, and the site being within a prevalent (moderate, per the submitted CPTED) crime risk area.

Council considers the applicant's attempt at consultation as inadequate and

further consultation is required outside of the exhibition process of the current SSD application. Should the Applicant wish to engage with Council on their application, Council would be happy to facilitate such meetings.

e. Wind Impact

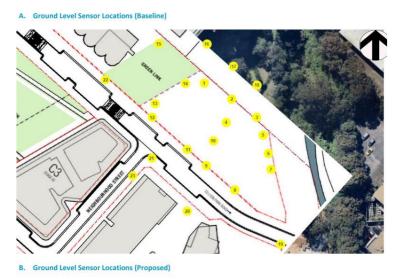
- As per the submitted Wind Impact assessment (Appendix U Wind Impact Assessment) revision to the plans is required to provide a 1.8m high fencing around the communal open space. Currently the plans submitted show a 1.5m screen. Refer below figure
 - It is recommended to ensure a 1.8m vertical windbreak (e.g. impermeable screen or dense planting or combination) surrounds the accessible rooftop.



In addition, it is unclear if the Wind Impact assessment has considered the wind impact to the proposed recreation area at Shrimpton creek and skate park. In review of the assessment, it appears to not have contemplated wind impact at the skate park, and has suggested it is not considered due to setbacks. See below quote from Wind Impact Assessment:

4.4 Test Method – Sensor Locations

The proposed landscaping works and construction of the skate park and viewing decks will not have impact on the B3 building and it is expected due to the set back the building will not impact the Shrimpton's corridor and therefore no test locations were included for this area.

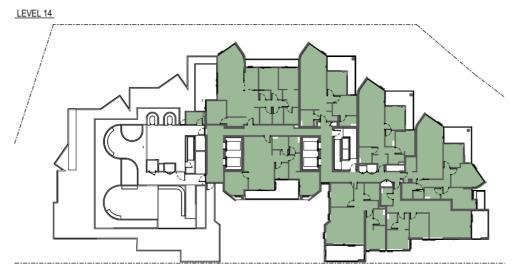


Wind Sensors and an assessment of impacts should have been considered from the proposed public domain. This is particularly important, as the public domain will not achieve its intended purpose if it is too windy for comfortable usage from Community members, therefore being counterproductive from its intended purpose.

Council requests that the wind impact assessment be revised to consider such impacts.

f. Wind barriers and FSR.

 As per the above, even at 1.5m high the wind shielding is to be counted as FSR. The Applicant's FSR schedule has not counted the 1.5m shielding as FSR. The applicant needs to recalculate their FSR schedule. See below extract.



Enhanced version of GFA Schedule showing level 14 – communal open space not included in FSR.

- Furthermore, its noted that from levels 3-13 (and measures above level 14 –
 to level 20) additional wind impact measures are proposed in the wind impact
 assessment, however these recommendations have not been drawn/carried
 over onto the architectural plans. Please refer to the below figure:
- The recommendation included depending on façade aspect that:
 - 1.8m Impermeable screening
 - 1.5m Impermeable screening
 - Full height Impermeable screening
- The above recommendations need to be shown on the plans. This in turn may add additional GFA to the design which has not been calculated in their FSR plan. Please refer to the below figure:

1.8m or full-height impermeable screen or wall to one aspect.

CFD modelling is recommended to confirm the exact mitigation requirements during the detailed design stage.

1.5m impermeable balustrade to one aspect or full-height movable screen CFD modelling is recommended to confirm the mitigation requirements during the detailed design stage.

1.5m impermeable balustrade to one aspect or full-height movable screen CFD modelling is recommended to confirm the mitigation requirements during the detailed design stage.

Figure 20 Balcony Wind Shielding Recommendations from Level 3 and up (L3-13 representative plan shown)

Note: recommendations shown in **Figure 20** are also recommended for balconies at corresponding or similar locations at Levels 14 and above.

 Council's position is that it is unreasonable to not include these design recommendations and they should be imposed to ensure that residential amenity is preserved for future occupants.



FSR extract from applicants plans – showing balcony areas not as FSR

Floor Space Ratio

Whilst it is unclear the amount of missed GFA the Applicant has omitted from their package due to not including areas Council identified as GFA, it becomes apparent that if all wind measures are implemented in the design, this additional area may increase the maximum amount of FSR permitted on the site via the concept approval. Given the above, the Applicant is to recalculate their GFA associated with the scheme.

- It is noted that:
 - Building B3 proposes a total GFA of 20,476m2, which is lower than the maximum permissible GFA under the Concept Masterplan for Block B3, being 21,000m2
 - There is only a remaining of 524m2 of GFA permitted for Building B3.

g. Public areas

The works proposed appear to encroach on Council owned land to the north east, including tree removal and construction of a foot path. In addition, the building B3 has been designed to provide a significant lobby, stairs, ramp, entry/ exit to and from the Wilga Park.

Plan below showing extent of works on Council's Wilga Park (Plan: HSL_S3_1001)



A significant lobby/ access/ entry gateway into the building (with 232 apartments) from a public park will not be supported as such arrangement would impose burden on Council to ensure access is unimpeded in the future. Such arrangement would become a liability to council from a private development. This will lead to long term deterioration of council's asset. In addition, if Council were to place a security fence or do certain redevelopment work in its park, it may result in issues for the residents and Council.

9. Trees

- a. Existing Trees. There are three existing trees on the B3 site, in the Arboricultural Impact Assessment (AIA) by Eco Logical dated 19/04/2023 the trees are numbered 250, 251 & 252 Angophora costata (Sydney Red Gum). Trees 250 & 251 will have a major encroachment of greater than 20% into the Tree Protection Zone (TPZ) by the demolition of the footpath in Shrimptons Creek. Tree sensitive demolition is required as outlined in the AIA. In addition tree protective fencing is required on the B3 site around the TPZ of Trees 250, 251 and 252 and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
- **b. Landscape Plan,** prepared by COLA Studio dated 14/04/2023 needs to be amended to address the following concerns:
 - As the site adjoins Shrimptons Creek predominately local native plant species from the Sydney Turpentine Ironbark Forest plant community are to be used on site. A list of species can be found on City of Ryde website: <a href="https://www.ryde.nsw.gov.au/Environment-and-Waste/Bushland-and-Wildlife/Native-Vegetation/Shale-Geology/Sydney-Turpentine-Ironbark-Forest#:~:text=Sydney%20Turpentine%2DIronbark%20Forest%20is,mahogan y%20and%20various%20Ironbark%20species.

- The Landscape drawings need to show calculations of soil depth and soil volume of planting beds on structure and that they conform with the ADG requirements.
- The Landscape Section on page 16 shows a slope of 1 in 1.6 which is very steep and will require reinforcing with mesh to stabilize such a steep slope.
- The Communal Open Space (COS) area located on the roof needs to be capable of providing an acceptable level of amenity and opportunity for recreation for future residents. Planting and Seating is provided, however additional facilities are required such as an Outdoor Kitchen, a Shade Canopy and raised vegetable beds.

10. Environmental Concerns

- a. Appendix H B3 land
 - i. Car park exhaust fumes trap. Plans must clearly show the location of exhaust fume stacks and demonstrate that it will not discharge into the public parks, adjoining school site or onto the shared user path (SUP). The current plan shows discharge point to ground level into the public space creek corridor (see extract below) which is likely to cause issues for park users. Refer to one of the stacks shown on landscape plan:



b. Car share spaces. No car share spaces have been provided as part of Stage 3. At the applicable rate, at least two (2) car share spaces will be required. These

must be provided internally within the block suitably accessible and not accepted as on street.

- c. Lack of forest regeneration. An objective of the Shrimptons creek landscape report is: "regeneration and upgrade of the reserve focusing on the health of the riparian system...vision is for a restored forest at the edge of the community, Shrimptons creek riparian system will be restored and revitalised". The submission drawings do not support these objectives. There is little demonstration of works to deliver on these.
- **d. Planting scheme limited benefit.** Additional planting nominated in Appendix J appears to line the direct development boundary within the parkland space. This lineal planting appears to only serve as a privacy screen to the adjoining residents and provide limited benefit with respect to design objectives for habitat creation, biodiversity and riparian outcomes.
- e. Tree removal. Proposal shows removal of a tree from the Wilga Park (Council land). It is not clear why this will require removal and is not supported as there does not appear to be conflicting infrastructure outside of a boundary wall which could be shaped to accommodate the tree given the high number of trees already removed as part of the Concept and Stage 1. Removal of this tree will result in loss of amenity for the residents who use the park. The tree cannot be removed as Council's consent has not been provided.
- **f. Viewing Platforms.** The number of 'viewing platforms' will increase maintenance burdens long term. These can be reduced and should sit above maximum probable flood zones as previously discussed in a meeting with Frasers on 16 August 2022 and further comments provided on 15 July 2022.
- g. SUP location. A shared user path directly along the creek-line is not supported as it will detrimentally fragment and permanently reduce any opportunity for riparian restoration, habitat and water quality outcomes. This has been consistently communicated to Frasers. Also, it is in contradiction to Frasers own design principles for the creek. The SUP to be appropriately relocated.

h. Water Quality.

- i. The only water quality devices are stormwater outlets and planting is for private boundary screening for the adjoining developments from the Frasers site. Removal of weeds without restoration will be a temporary and aesthetic solution which unless maintained will return and will contribute to a reduction in biodiversity opportunity if replacement planting is not undertaken. It will also lead to increased opportunity for erosion and bank destabilisation in the riparian corridor in the long term.
- ii. The outlets and rip rap only extend so far leaving the remaining flow to traverse across the parkland which will destabilise the existing terrain and lead to possible safety issues for park users. This is only for the private site flow benefit and not for holistic water quality outcomes and natural environment benefit. The above rip rap / outlet device for 'freshwater inflows'

will deliver these same impacts exacerbating erosion. The installation of jute mat after vegetation removal is not supported without restorative planting to stabilise the site and should not be undertaken.

- iii. Modification of bank slopes without modelling and adequate support is not supported as there is limited information on the design, placement and extent of works proposed. This can have detrimental impacts if not adequately supported for quality of riparian areas and the geomorphologic flow of the creek and/ or flooding impacts. The current creekflows are managed within the existing creek. Should the development wish to improve the in-creek condition works should seek to remove excess sediment build up within the existing creekline as a priority and if modification is proposed, provide detail on where exactly, length and design are to be provided.
- iv. Scraping back of bank areas will also expose underlying weed seed bank such as madeira vine which will pose additional maintenance issues for land managers. Erosion issues from soil destabilisation is of high concern in flood events which jute matting will not stop.
- v. Maintenance and Access does not include considerations of the GPTs existing on site and infrastructure (truck provisioning).

i. Vegetation Management Plan:

- i. If the new skatepark, boardwalk along the creek, fitness equipment, retaining walls/ stairs and shared user path is not compliant with the NRAR guidelines then clarification should be provided.
- ii. A boardwalk along the edge of the creek line has never been supported by Council and would likely pose risk to the riparian zone both from flooding, maintenance, and safety. It is suggested that this be removed. There is a SUP on the upper riparian zone and this duplication reduces the riparian quality and ability for natural conservation and water quality improvements long term.
- **iii.** Weed removal needs to be staged to ensure the loss of key small bird habitat known in this section is not permanently lost through removal of weeds such as lantana. Details are to be submitted to demonstrate how this is to be done.
- iv. The majority of the key riparian area ZONE 5 has NO revegetation plan at all. It is highly unlikely that this area will regenerate naturally (as evidenced to date) and is a primary passive area for the community and having potential habitat value for the area. This is in direct conflict with the landscape report. This area nominates 'future' works not nominated by the proponent's contractor and infers it will occur. It identifies that this is key STIF community and in poor condition. This should include works to improve and build the community long term.
- v. The Shrimptons Creek Landscape Plans part 1 (Hassell) show planting to occur in 3 zones across the length of the site. The Vegetation Management Plan is inconsistent with the Landscape Plan and requires revision to include

- 4,158m2 of site revegetation works to occur which is not the case in the Vegetation Management Plan.
- vi. The Shrimptons Creek Landscape Plans should include Eucalyptus Saligna (Blue Gum) and Eucalyptus Pilularis (black butt) as this is part of the existing community and occurs both upstream and downstream of the site and will ensure community continuity to strengthen this.
- vii. The Vegetation Management Plan must be updated to reflect the recommendations in the 2023 Arboricultural Report with respect to tree removal/ retention based on latest designs and works proposed as it does not align with details shown on the Landscape Plan. The following should also be incorporated:
 - Acacia pubescuns should be included for removal as it does not belong in the vegetation community within the Corridor.
 - Woody weeds are nominated to be cut and left on site along the creekline which is not supported as this causes flood debris and waste issues. The plan should confirm that these would be removed if cut.
 - The Primary and secondary weed control method should also address risk of bank erosion.
 - The Gantt chart does not provide for sufficient and necessary follow up weed control, necessary to maintain and protect works undertaken to regenerate and revegetate.

j. Arboricultural Impact assessment:

- Section 4.6.1 mulching at 50mm is inadequate. Minimum standard should be 100mm.
- Plants Acer negundo must be removed as it is a weed species.
- Tree no. 42 Eucalyptus Resinifera is nominated for removal however the Vegetation Management Plan nominates this for retention.
- Majority of trees nominated for removal are identified as remnant leaving only a smaller remaining portion existing.
- New identified works i.e. the shared user pathway (4mtrs) has not been considered yet however will most certainly impact the section of the riparian and adjoining area.
- Tree no.367 is nominated to be retained within the survey/ map however in the tree removal/ retention TABLE it is nominated to be removed.
- Query on orange cluster of unidentified, nominated trees which are nominated for Frasers Civil engineer to confirm removal – needs specifying

11. Shrimptons Creek Corridor / Parkland dedication – not acceptable to Council

The Environmental Impact Statement seems to indicate that the Shrimptons Creek Corridor is intended to be dedicated to City of Ryde.

Council has an extensive history in regard to highlighting concerns with the Ivanhoe development and the matter of asset dedication against Section 7.11 offsets, to both DPE and past Ministers. Those concerns have not been addressed. The previous

correspondence in relation to this matter is also attached as APPENDIX 2.

Council seeks to reiterate its previous position in the matter as below.

- i. Council does not accept the dedication of the Shrimptons Creek Corridor.
- ii. Council has raised issues in respect to the note in Condition A30 of the Concept Development and the previous attempt by applicant to further modify the condition. Please refer to letter dated 16 September 2021 addressed to The Hon Rob Stokes MP, Minister for Planning and Public Spaces, GPO Box 5341, SYDNEY NSW 2001, for detailed explanation.
- **iii.** Council expects Stage 3 Consent will be appropriately conditioned to enable payment of the s7.11 contributions in accordance with Condition A30 of the SSD 8707 Ivanhoe Concept Instrument.

End of report