

ATTACHMENT 1

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:
 - 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 deco-granite. 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. [City of Ryde CCTV Systems Policy - PDF 131FD48C-DD7F-446B-B638-03703E9EE74C2020-11-29T19-46-41](#)

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.

- 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.

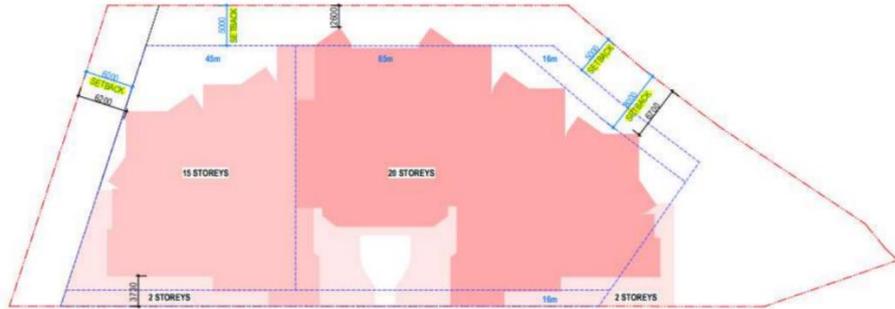


Figure 43 Proposed setbacks outlining the range and breaches of setbacks
Source: Rothelowman

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:
 - the relevant Department assessment team.
 - any relevant local councils.
 - 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 authorisation.

• Engagement Report

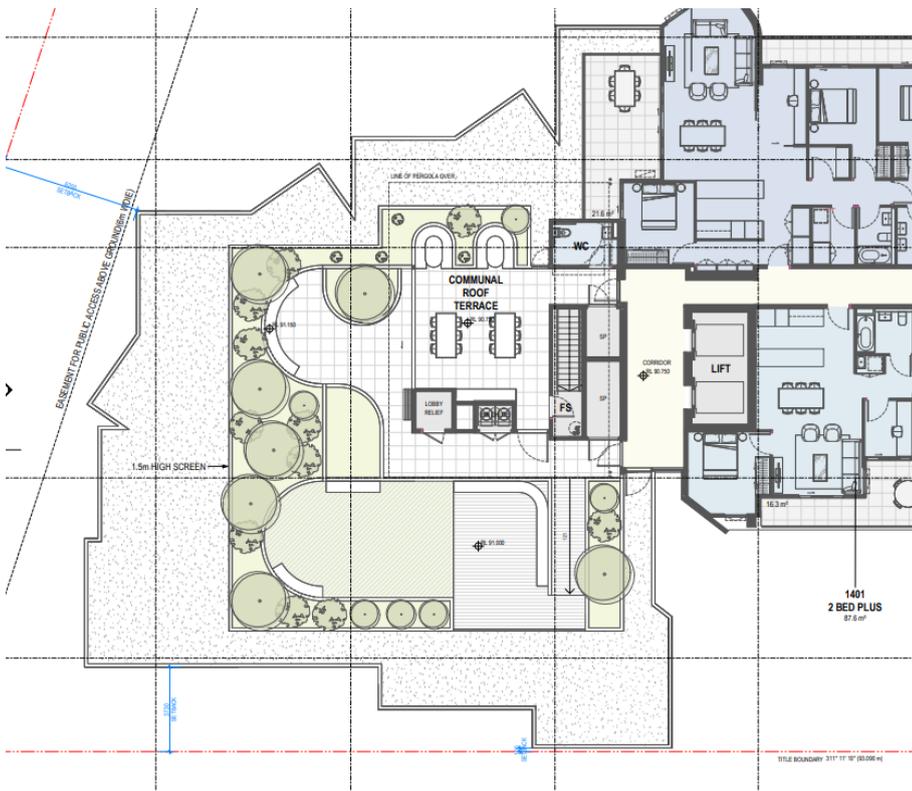
- Regarding community consultation, the applicant's submitted assessment has determined that they held the drop in consultation session on a rainy day that affected consultation outcomes.
 - *A drop-in session was held on Saturday 2 September, between 9:30am and 11:30am, on site at Midtown. One person 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.*

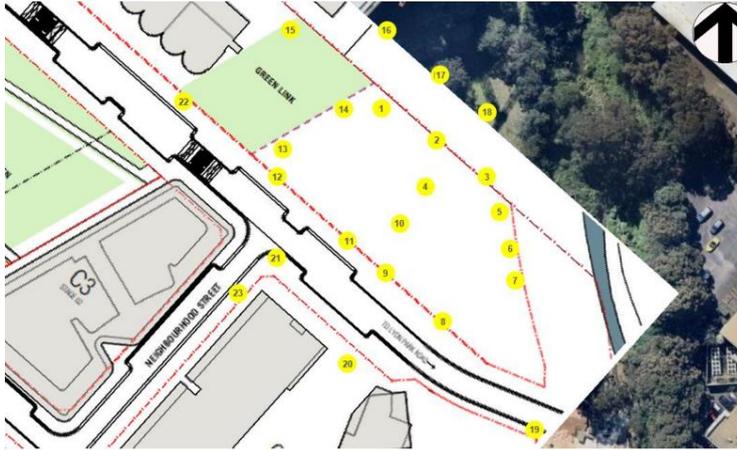


In addition, it is unclear if the Wind Impact assessment has considered the wind impact to the proposed recreation area at Shrimpton creek and skate park. In review of the assessment, it appears to not have contemplated wind impact at the skate park, and has suggested it is not considered due to setbacks.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

A. Ground Level Sensor Locations (Baseline)



B. Ground Level Sensor Locations (Proposed)

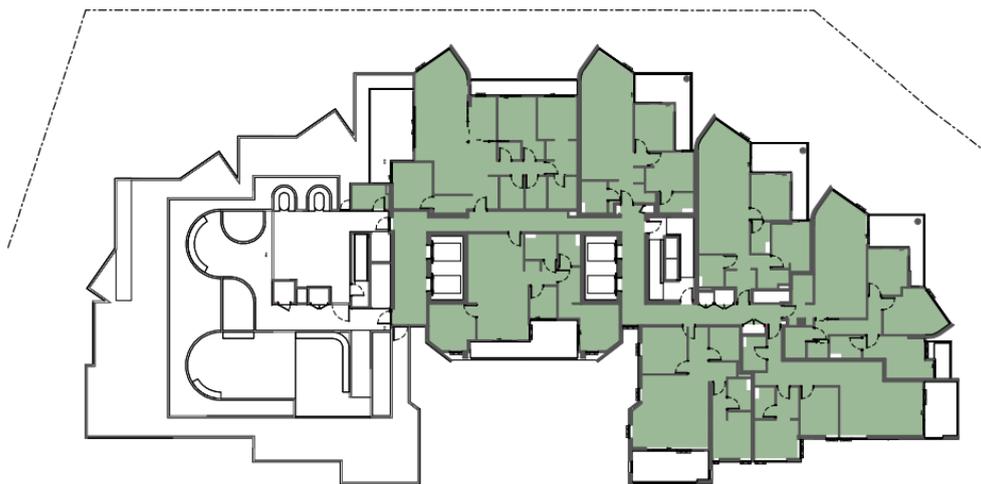
Wind Sensors and an assessment of impacts should have been considered from the proposed public domain. This is particularly important, as the public domain will not achieve its intended purpose if it is too windy for comfortable usage from Community members, therefore being counterproductive from its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

LEVEL 14



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



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

Floor Space Ratio

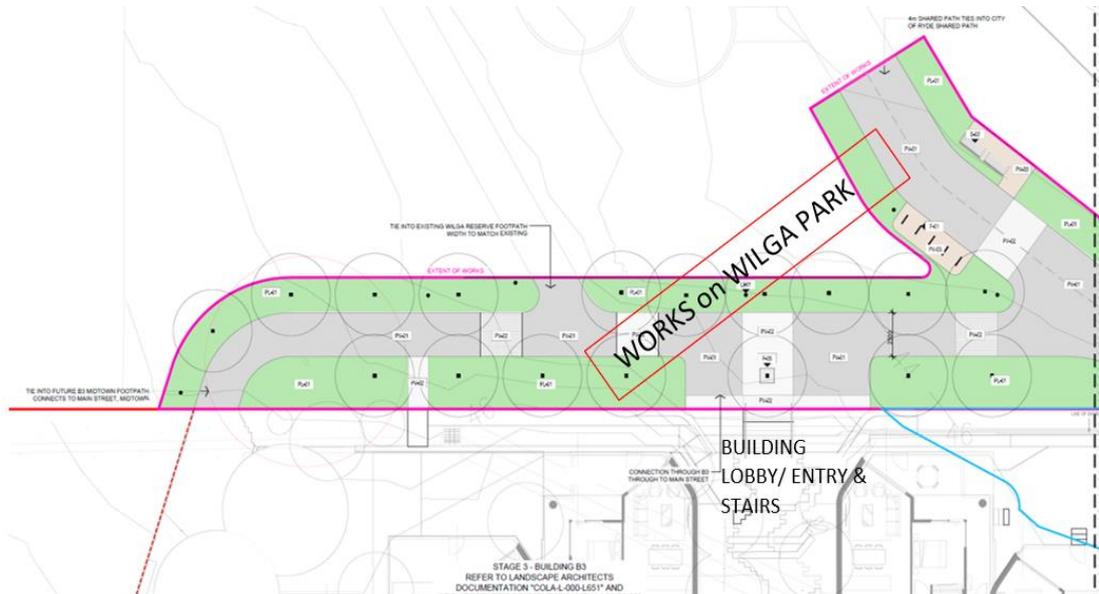
Whilst it is unclear the amount of missed GFA the Applicant has omitted from their package due to not including areas Council identified as GFA, it becomes apparent that if all wind measures are implemented in the design, this additional area may increase the maximum amount of FSR permitted on the site 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: <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,mahogany%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

- 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:



- 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 pubescens 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