

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-8707 and SSD-8903 Ivanhoe Estate Redevelopment – Concept and Stage 1
Applicant	New South Wales Land and Housing Corporation
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development applications subject to the recommended conditions.

A copy of the development consents and conditions is available [here](#) (concept) and [here](#) (Stage 1).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

30 April 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development applications and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development applications are as follows:

- the projects would provide a range of benefits for the region and the State as a whole, including a capital investment value of \$1.76 billion for the concept proposal (\$303 million for the Stage 1 application), 1,200 construction jobs, the provision of 950 social and 128 affordable housing dwellings, and \$45.5 m of material public benefits/works-in-kind and monetary contributions;
- the projects are permissible with development consent, and are consistent with NSW Government policies, including the Communities Plus Program and the future strategic direction of the Herring Road Priority Precinct;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed; and
- weighing all relevant considerations, the projects are in the public interest.

Attachment 1 – Consideration of Community Views

Concept

The Department exhibited the Environmental Impact Statement (EIS) for the concept proposal from 12 April 2018 until 9 May 2018 (28 days) and received 33 public submissions, including 32 objections, and two submissions from special interest groups.

In response to issues raised regarding the EIS, the Applicant lodged a Response to Submissions (RTS) in April 2019. The Department exhibited the RTS from 23 May 2019 until 19 June 2019 (28 days) and received 51 public submissions, including 49 objections, and seven submissions from special interest groups.

Following revisions to the concept proposal, the Applicant lodged a revised RTS in November 2019. The Department exhibited the revised RTS from 21 November until 11 December 2019 (21 days) and received 17 public submissions, including 14 objections, and two submissions from special interest groups.

The Department also undertook the following consultation activities:

- media release and a separate landing page on the Department's website
- conducted four site visits, including one with Council representatives
- conducted a meeting with City of Ryde Council
- responded to numerous enquiries from interested community members.

Stage 1

The Department exhibited the Environmental Impact Statement (EIS) for the Stage 1 proposal from 23 May 2019 until 19 June 2019 (28 days) and received 23 public submissions, all objections, and one submission from a special interest group (objection). One further public submission was received following lodgement of the RTS.

Consideration

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker for both applications include trees/biodiversity, the size and scale of the development, and increased traffic. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<ul style="list-style-type: none">• Extent of tree removal/biodiversity impacts	<ul style="list-style-type: none">• The proposal has been significantly modified to increase setbacks to Epping Road and Shrimptons Creek, allowing the retention of 222 additional trees. The revised proposal includes retaining 94% of the Sydney Turpentine Ironbark Forest (STIF) on the site, a critically endangered ecological community (CEEC).• The development will however unavoidably involve the removal of 343 trees, including 0.02 hectares of STIF. This is in addition to 510 trees and 0.03 hectares of STIF which was separately approved to be removed under Part 5 of the EP&A Act.• The proposal includes planting 950 replacement trees across the site (an increase of 97 trees on the existing site). Although there would be short to medium term impacts from tree removal, this would be spread over a construction period of 10 to 15 years and the longer-term outcome would be satisfactory with more, higher quality trees appropriately located throughout the estate.• The proposal also includes the purchase and retirement of 16 ecosystem credits to offset the unavoidable impacts of the project in accordance with the applicable environmental offsets policy.• The Environment, Energy and Science Group have raised no concerns with the revised proposal.• The Department considers the revised concept proposal attains an acceptable balance between achieving the high-density rezoning

	<p>outcomes of the site and minimising tree loss and biodiversity impacts. The Department is also satisfied the 950 replacement trees and the retirement of 16 ecosystem credits would appropriately offset the biodiversity impacts of the development.</p>
<ul style="list-style-type: none"> • The overall size and scale of the development • Non-compliance with the controls 	<p><u>Height</u></p> <ul style="list-style-type: none"> • Although five buildings would exceed the RLEP 2014 height controls, the Department considers these buildings are located in areas of the site that would not increase any impacts or overshadowing of neighbouring residential properties beyond a fully complying form. • Furthermore, the Department considers the visual impacts and extent of overshadowing from the redevelopment would be consistent with the impacts anticipated by the planning controls for the high-density estate and desired future character of the area. <p><u>Floor Space</u></p> <ul style="list-style-type: none"> • The Applicant is also seeking an additional 9,930 m² (3.4%) of GFA (total of 268,000 m²) which results in an overall FSR of 3.4:1 compared to the RLEP2014 FSR control of 3.28:1. • The Department has carefully considered the appropriateness of the proposed FSR/GFA with regard to built form, setbacks, open space/deep soil planting, biodiversity/tree removal, visual impact, overshadowing/solar access and traffic generation. Overall, the Department's detailed assessment has concluded the concept proposal is acceptable in relation to these issues. <p><u>Setbacks and building separation</u></p> <ul style="list-style-type: none"> • The proposed concept plan has been significantly revised to provide increased setbacks to Epping Road, Shrimptons Creek and neighbouring development. • The Department considers the proposed setbacks of residential buildings to the estate boundaries are consistent with the evolving character of the area and would satisfy ADG recommendations. • The setbacks are also considered acceptable regarding privacy, visual impact, views and overshadowing and are sufficient to enable retention of trees where required and planting of new landscaping. • In addition, the setbacks of the proposed RACF and school would be sufficient to minimise potential amenity impacts. • Further, the proposed building separation distances within the proposed estate are also generally consistent with ADG recommendations and would result in acceptable outcomes regarding overshadowing, privacy and wind. <p><u>Conclusion</u></p> <ul style="list-style-type: none"> • The Department's assessment concludes the revised masterplan is of an appropriate density and scale that is consistent with the evolving character of the area. In addition, the future design and

	<p>built form would be compatible with the broader Herring Road Priority Precinct which is transitioning to high density development, consistent with the strategic objectives for the area.</p>
<ul style="list-style-type: none"> • Increased traffic 	<ul style="list-style-type: none"> • The concept proposal includes a number of road and intersection upgrades to ensure the site is accessible and to minimise traffic impacts through ensuring the local road network has sufficient capacity to accommodate the additional traffic movements generated by the development. • These upgrades include paying contributions for the replacement of the existing roundabout at the intersection of Herring Road and Ivanhoe Place with a new signalised intersection and constructing a new bridge over Shrimptons Creek to enable a new vehicle and pedestrian connection to Lyonpark Road from Main Street/Herring Road. • The Department has sought independent expert traffic advice and is satisfied the redevelopment would not result in any unacceptable traffic impacts as due to the proposed intersection upgrades and the new road link between Herring Road and Lyonpark Road. In addition, car parking rates have generally been adopted in accordance with the relevant controls and guidelines and would encourage use of public/alternative transport and reduce dependency on cars. • The Department further considers the proposed estate road network would ensure that the accessibility of existing and future residents to developments on the western and eastern sides of Herring Road would not be adversely affected by the replacement of the existing roundabout at the intersection of Herring Road and Ivanhoe Place. • The concept proposal also includes various traffic mitigation measures, including sustainable travel strategies, infrastructure improvements to pedestrian and cyclist access and the implementation of a new developer funded community bus.