

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Cameron Sargent
Acting Director
Key Sites Assessments

Sydney

5 August 2022

SCHEDULE 1

Development consent:	SSD 8903 granted by the Minister for Planning and Public Spaces on 30 April 2020
For the following:	Stage 1 development application for the redevelopment of the Ivanhoe Estate, including: <ul style="list-style-type: none">• site preparation works, including removal of trees, demolition, bulk earthworks and excavation• construction of new roads, bridge over Shrimptons Creek and new road connection to Lyonpark Road• construction of two residential apartment buildings (Building A1 and Building C1) with basement car parking:<ul style="list-style-type: none">- Building A1 with 269 apartments, 233 car parking spaces and a child centre- Building C1 with 471 apartments and 346 car parking spaces• landscaping and public domain works• amalgamation and subdivision.
Applicant:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
The Land:	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 <u>and 6-8 Lyonpark Road (Lot 62 DP 570271)</u>
Modification:	SSD 8903 MOD 4: Removal of 7 trees

SCHEDULE 2

1. Schedule 2 Part A – Administrative Conditions – Conditions A2, A6 are amended by the deletion of ~~strike through~~ text and inclusion of **bold and underlined** text and Condition A29 is inserted by the inclusion of **bold and underlined** text as follows:

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, Response to Submissions and additional information;
- (d) in accordance with the management and mitigation measures.
- (e) Section 4.55(1A) modification application (SSD 8903 MOD 1) prepared by Ethos Urban dated 22 June 2020, as amended by additional information prepared by Ethos Urban dated 1 September 2020 and 26 October 2020.
- (f) Section 4.55(1A) modification application (SSD 8903 MOD 2) prepared by Ethos Urban dated 11 March 2021.
- (g) Section 4.55(1A) modification application (SSD 8903 MOD 3) prepared by Ethos Urban dated 3 November 2021, as amended by additional information prepared by EcoLogical dated 1 December 2021 and Ethos Urban dated 8 December 2021.
- (h) **Section 4.55(1A) modification application (SSD 8903 MOD 4) prepared by Ethos Urban dated 3 May 2022, as amended by additional information prepared by Ethos Urban dated 4 July 2022.**

Landscape Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
L1_0002	I	Drawing Legends	05/11/18
L1_0003	J	Planting Schedule	08/02/19
L1_0101	J	Stage 1 Master Plan	02/09/19
L1_1101	J	General Arrangement (1 of 8)	02/09/19
L1_1102	K	General Arrangement (2 of 8)	16/12/20
L1_1103	J	General Arrangement (3 of 8)	15/12/20
L1_1104	J	General Arrangement (4 of 8)	02/09/19
L1_1105	J	General Arrangement (5 of 8)	02/09/19
L1_1107	J	General Arrangement (7 of 8)	02/09/19
L1_1108	I	General Arrangement (8 of 8)	02/09/19
L1_1801	I	A1 Roof Plan and Typical Internal Plan	05/11/19
L1_1802	J	C1 Roof Plan	15/12/20
L1_3001	J	Typical Streetscape Sections	02/09/19
L1_3010	I	A1 Open Space Sections	05/11/19
L1_3011	I	A1 Open Space Sections	05/11/19
L1_3020	I	C1 Open Space Sections	05/11/19
L1_3021	I	C1 Open Space Sections	05/11/19
300001-ESK-213	G <u>E</u>	Tree Retention Plan	19/10/21 <u>02/05/22</u>

LIMITS ON CONSENT

- A6. No works, ~~including tree removal~~ **excluding tree removal and structural works approved under MOD 4**, are approved to 6-8 Lyonpark Road, Macquarie Park (Lot 62 DP570271).

TREE REMOVAL

A29. The proponent is to write to local community restoration/rehabilitation groups including:

- Landcare
- North Sydney Bushcare Groups
- Ryde City Council
- Ku-ring-gai Council
- Hornsby Shire Council
- Greater Sydney Local Land Services
- National Parks and Wildlife Service
- PlantingSeeds

to determine if the removed trees can be reused in habitat enhancement and rehabilitation works elsewhere in the area. The groups are to be provided with a minimum of 14 days to respond. Following this period, a brief reporting outlining the outcomes of the consultation including any responses received and actions taken is to be prepared and provided to the Certifier.

2. Schedule 2 Part B – Prior to Commencement of Works/Issue of a Crown Building Works Certificate/Issue of Subdivision Works Certificate – Conditions B29 and B47 are amended by the deletion of ~~strike through~~ text and inclusion of **bold and underlined** text and Conditions B30(a) and B105 are inserted by the inclusion of **bold and underlined** text as follows:

TREE PLANTING

B29. A minimum of ~~476~~ **483** new trees are to be planted comprising:

- (a) 47 trees within the Building A1 site
- (b) 48 trees within the Building C1 site
- (c) 381 trees adjacent to new streets
- (d) **7 trees within Shrimptons Creek corridor or immediate adjoining landscaped areas**

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

B30(a). Suitable tree replacements must be provided at a ratio greater than 1:1 for trees approved for removal of MOD 4. Replacement trees must be:

- (a) **a species from the native vegetation community**
- (b) **a minimum planting pot size of 100L**
- (c) **capable of growing to an equivalent height to the removed trees**
- (d) **provided with sufficient area to enable growth to full maturity**
- (e) **regularly watered and maintained for 12 months following planting and replaced with the same native plant species should any loss of trees occur during the maintenance period.**

BIODIVERSITY MANAGEMENT PLAN

B47. Prior to the commencement of the relevant works, the Applicant must prepare a Biodiversity Management Plan (BMP) for the site. The BMP must be consistent with the recommendations contained in the Biodiversity Assessment Report prepared by Eco Logical, dated October 2019, and be prepared by an appropriately qualified person, in consultation with Council, the EESG and the Natural Resources Access Regulator (NRAR). The BMP must include:

- (a) pre-clearance surveys and clearance supervision of hollow bearing trees
- (b) the replacement of all removed hollows with artificial nest boxes or the removed hollows at a ratio of 1:4 (removed/replaced), **plus an additional seven nest boxes or replacement habitat (such as Hollowlog or similar) to account for additional trees to be removed, with installation occurring within the retained vegetation adjacent to Shrimptons Creek or the Epping Road ecological corridor as part of the Vegetation Management works, in accordance with advice from a suitably qualified and experienced ecological consultant**

- (c) a Vegetation Management Plan for the long-term management of all vegetation on the site, including Shrimptons Creek and the Epping Road ecological corridor
- (d) the use of local provenance species appropriate for the threatened ecological communities and plant community types present on the site
- (e) appropriate monitoring and maintenance periods of the vegetation to ensure its long-term viability following the completion of the rehabilitation works for ten (10) years.
- (f) a Weed Management Plan.

A copy of the final BMP demonstrating compliance with the above must be submitted to and approved by the Planning Secretary and an approved copy provided to the Certifier.

RETAINING WALL FOR ROAD CONNECTION TO LYONPARK ROAD

B105. The following are to be submitted to the Certifier:

- (a) **Survey report by a registered surveyor.**
- (b) **Geotechnical Engineers Report.**
- (c) **Structure Engineers details for the retaining wall.**

3. Schedule 2 Part C – During Construction – Conditions C55 to C58 are inserted by the inclusion of **bold and underlined** text as follows:

RETAINING WALL FOR ROAD CONNECTION TO LYONPARK ROAD

- C55. **Any necessary plan/documents for easement for support as part of this new retaining wall must be is to be registered with NSW Land Registry Services.**
- C56. **Submit a certificate from a Structural Engineer certifying the retaining wall has been constructed in accordance with the Structural Engineers details.**
- C57. **Submit a survey by a Registered Surveyor certifying that the retaining wall is wholly within the private land or any necessary easement.**
- C58. **An approved balustrade may be required to be erected along the top of the wall in the interests of public safety.**

4. Schedule 2 Part D – Prior to Occupation or Commencement of Use – Condition D8 is amended by the deletion of ~~strike through~~ text and inclusion of **bold and underlined** text as follows:

TREE PLANTING

- D8. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating compliance with the required tree planting (Conditions B30, **B30(a)** and B31).

**End of modification
(SSD 8903 MOD 4)**