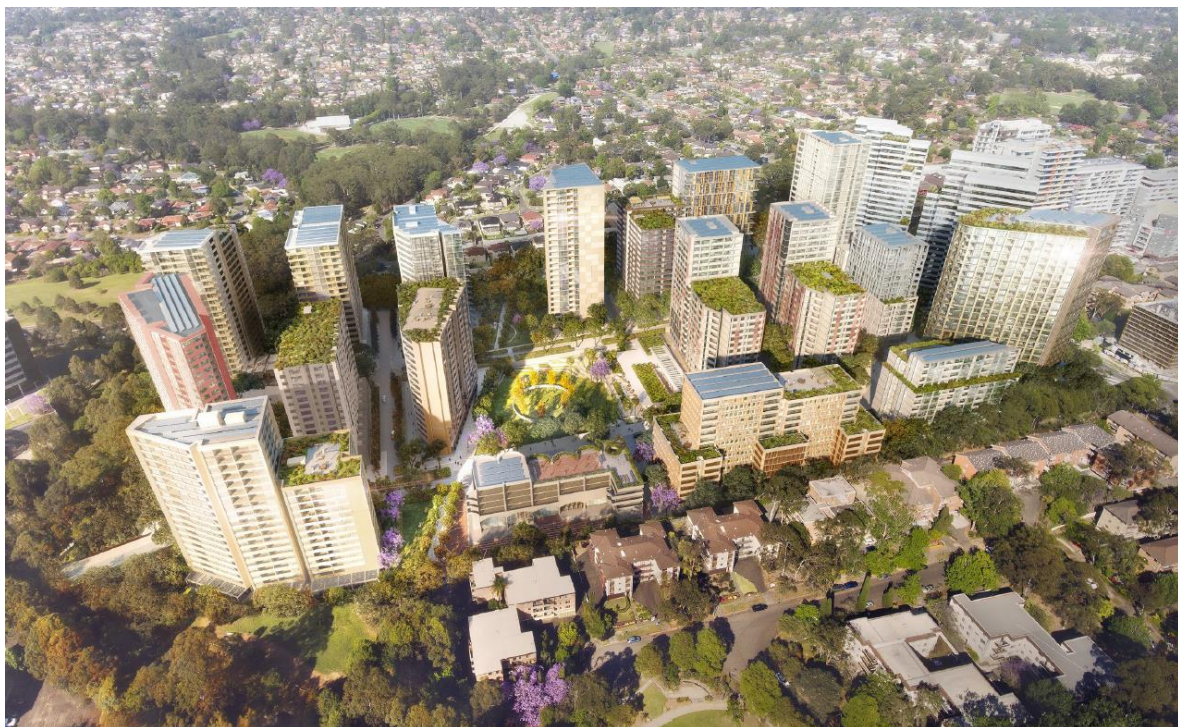




Ivanhoe Estate Redevelopment Stage 1 Modification 5

Amendments to Building C1
State Significant Development Modification Assessment
(SSD 8903 MOD 5)

December 2022



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Cover image: Visualisation of the approved Ivanhoe Estate redevelopment concept plan (SSD 8903 MOD 5)

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Glossary

Abbreviation	Definition
Applicant	Frasers Property Australia
Council	City of Ryde
Department	Department of Planning and Environment
EHG	Environment and Heritage Group
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RtS	Response to Submissions
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
The site	Ivanhoe Estate, Macquarie Park

1 Introduction

This report provides an assessment of an application seeking to modify the State significant development approval (SSD 8903) for Stage 1 of the Ivanhoe Estate redevelopment.

The application was lodged by Ethos Urban on behalf of Frasers Property Australia (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks approval for amendments to Building C1, including the configuration of apartments and basements 1 and 3, material on the terrace façade and exhaust and plant locations, and the fit-out of the community room.

1.1 Background

The Ivanhoe Estate (the site) is located within Macquarie Park, within the City of Ryde local government area (LGA). The site has a total area of 8.2 hectares and is located on the south-eastern corner of the intersection of Epping Road and Herring Road (**Figures 1 and 2**). The site also incorporates adjoining land, being a portion of Shrimptons Creek and 2-4 Lyonpark Road.

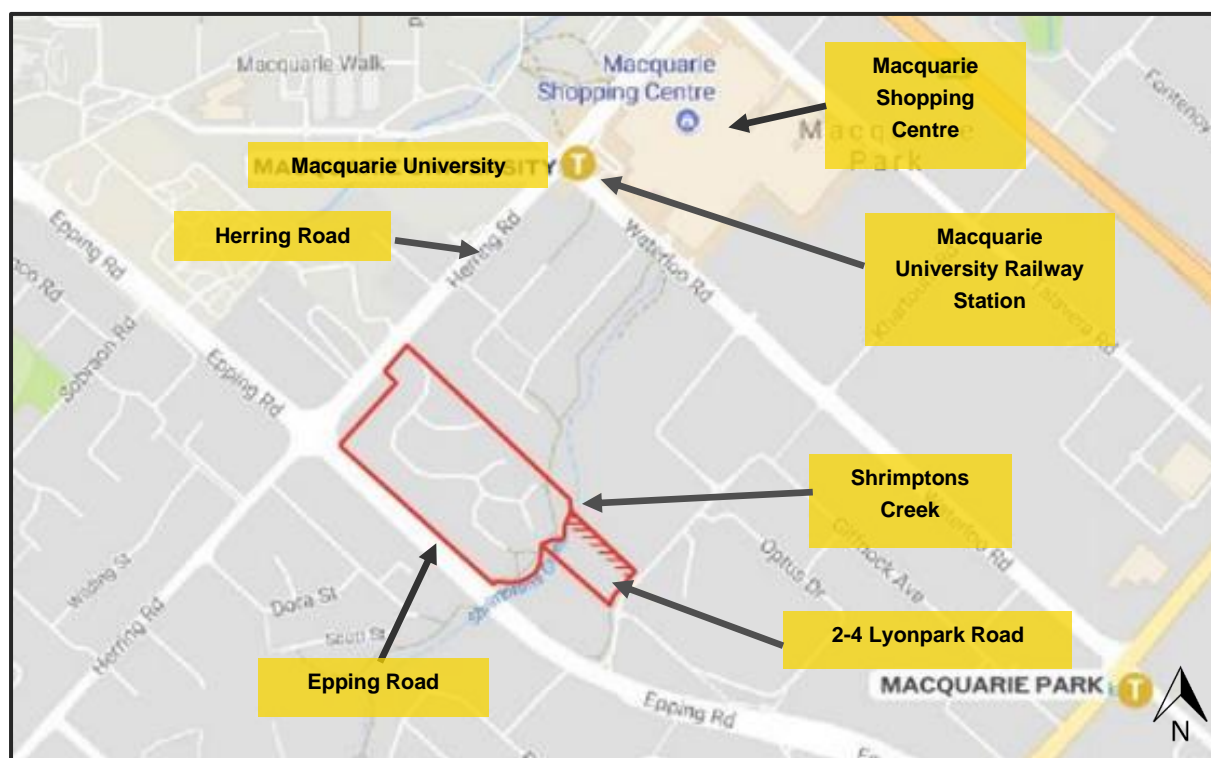


Figure 1 | Site location (highlighted in red) (Source: Department's SSD 8707/8903 Assessment Report)



Figure 2 | Aerial view of the site. Location of approved Stage 1 buildings shown circled red (Base source: Department's SSD 8707/8903 Assessment Report)

1.2 Approval history

On 30 April 2020, the Minister for Planning and Public Spaces approved SSD 8707 and SSD 8903 for the Ivanhoe Estate redevelopment concept plan and Stage 1 respectively.

The concept approval for redevelopment of the site included:

- approximately 3,300 residential dwellings, including approximately 950 social and 128 affordable housing dwellings, and 273 seniors housing units (private and social independent living)
- a 120 bed residential aged care facility (RACF)
- a primary school (approximately 430 places)
- community centres
- 960 m² of retail tenancies intended for convenience retail and cafés
- office premises to accommodate Mission Australia
- two childcare centres (approximately 75 places each)
- roads, public and communal open space.

The Stage 1 approval included:

- construction of buildings A1 (25-storeys and 269 apartments) and C1 (14 to 20 storeys and 471 apartments, including 259 social housing apartments)
- a 75-place childcare centre within Building A1
- removal of 343 trees, demolition of the existing road network, bulk earthworks, remediation works and provision of utilities and service infrastructure across the site
- construction of the new estate road network, including new road bridge across Shrimptons Creek
- amalgamation, subdivision and stratum subdivision.

Figure 3 illustrates the approved concept plan, including the location of Buildings A1 and C1 and the approved road network and bridge.

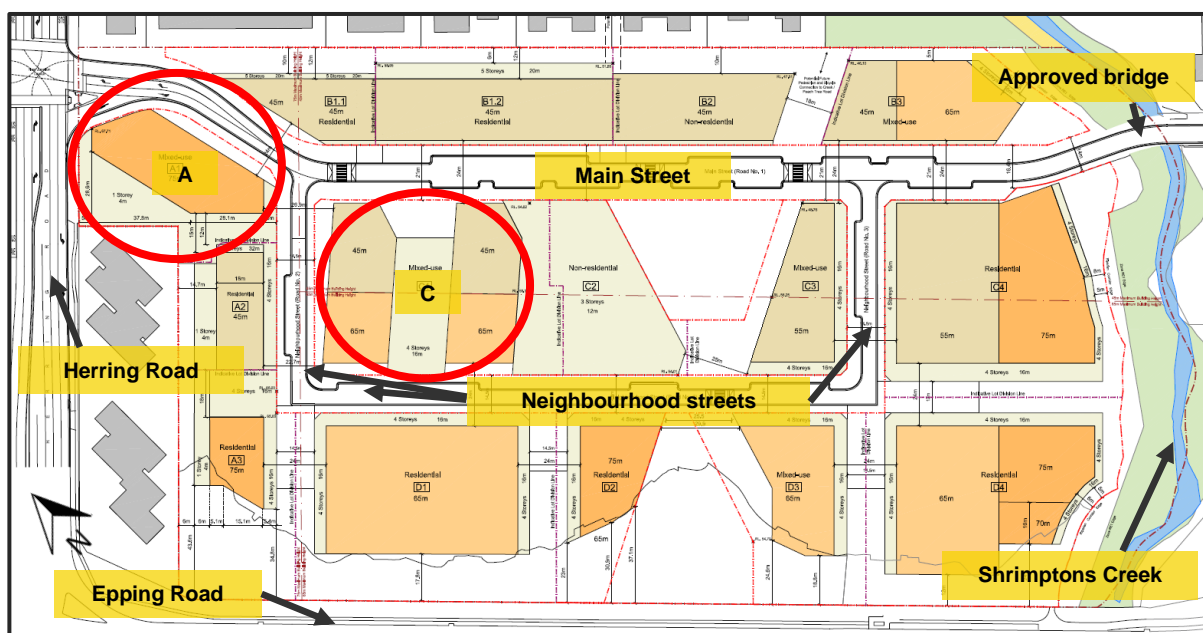


Figure 3 | Approved Ivanhoe Estate Masterplan. Location of approved Stage 1 buildings shown circled red (Base source: Department's SSD 8707/8903 Assessment Report)

The development consent has been modified on four occasions (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modification to various conditions	Director	4.55(1A)	10 November 2020
MOD 2	Increase number of apartments in Building C1 from 471 to 497 and associated design amendments	Director	4.55(1A)	7 May 2021
MOD 3	Removal of three trees that were approved for retention, and retention of two trees that were approved for removal.	Team Leader	4.55(1A)	21 December 2021

MOD 4	Removal of seven trees that were approved for retention	Team Leader	4.55(1A)	5 August 2022
MOD 6	Increase in height of Building A1	Team Leader	4.55(1A)	Under assessment

1.3 Related Applications

On 28 November 2022, the Minister for Planning approved Stage 2 of the Ivanhoe Estate redevelopment (SSD 15822622). The Stage 2 approval included:

- excavation and earthworks
- construction of a part two/part three storey building (Building C2) with ground floor commercial swimming pool and gymnasium and first floor community centre
- construction of a 17-storey residential apartment building with ground floor retail (Building C3), containing 168 dwellings and a 163-space basement car park
- construction of a 24-storey and a 17-storey residential apartment building plus four townhouses (Building C4), containing a total 488 dwellings and a 408-space basement car park
- construction of Village Green public open space
- utilities, services infrastructure and public domain areas
- stratum subdivision.

2 Proposed modification

In August 2022, the Applicant lodged a modification application (SSD 8903 MOD 5) seeking approval, under section 4.55(1A) of the EP&A Act for amendments to the Building C1 design. The proposed modifications are detailed in **Table 1** and shown in **Figure 4** to **Figure 9** below.

The modification also seeks to delete Condition E22, which relates to ongoing public access to the lift. The reason for this change was because the public lift would be relocated from Building C1 to Building C2.

Table 2 | Proposed modifications

Aspect	Proposed modification
Car parking	<ul style="list-style-type: none"> Reduction of one community car parking space from 50 to 49 spaces.
Basement	<ul style="list-style-type: none"> Provision of future access to Building C2 (Figure 4) Relocation of Building C1 carpark exhaust locations into Building C2 (Figure 5) Relocation communal lift from Building C1 to Building C2 (subject to the approval of SSD 15822622) Amendments to storage beneath the terraces and stair zone (Figure 6)
Plant and services	<ul style="list-style-type: none"> Reconfiguration of the fire control room, cold water pump room and plant room (Figure 7)
Apartment layout	<ul style="list-style-type: none"> Reconfiguration of Unit B1.02 Reconfiguration of Unit LG.02 Reconfiguration of the terraced area for Unit UG/03 Addition of a storage cupboard to the rear of the waste room in Unit 0.4
Community Room	<ul style="list-style-type: none"> Fit-out of the community room (Figure 8)
External changes	<ul style="list-style-type: none"> Amendment to the pre-cast concrete façade to the terrace façade to incorporate a patterned finish (Figure 9)
Subdivision	<ul style="list-style-type: none"> Amendments to the stratum subdivision plans to reflect the above changes.

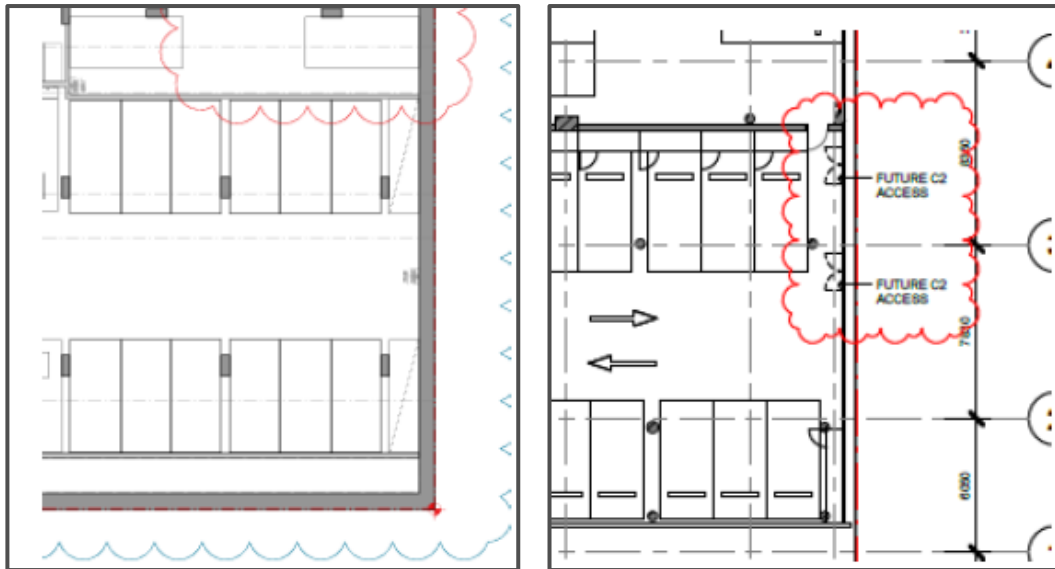


Figure 4 | Basement 3 access arrangement: approved (left) and proposed (right) (source: Applicant)

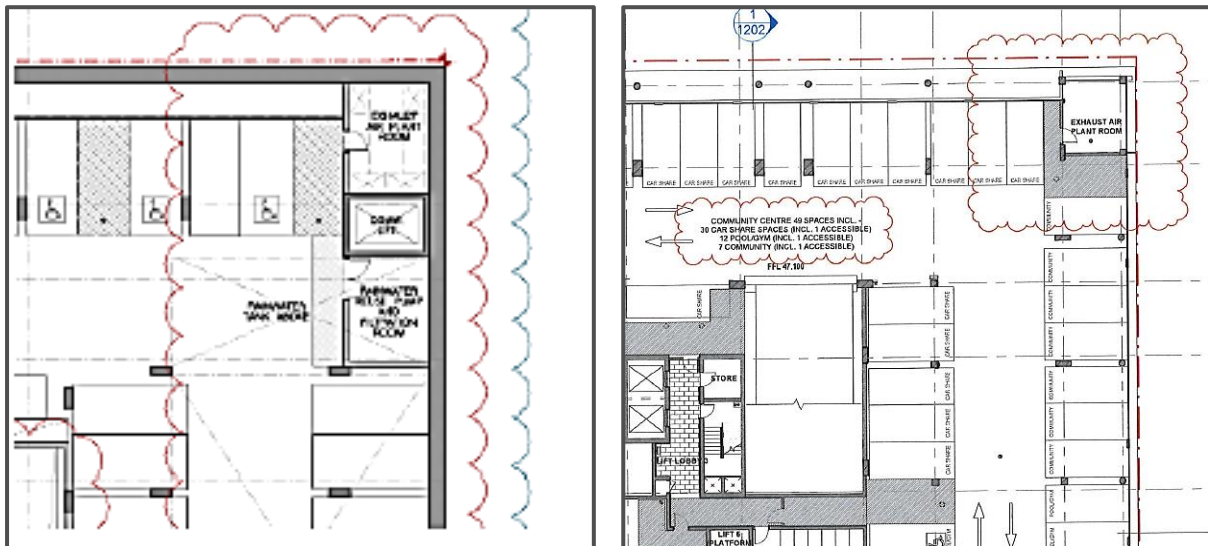


Figure 5 | Basement 3 exhaust arrangement: approved (left) and proposed (right) (source: Applicant)

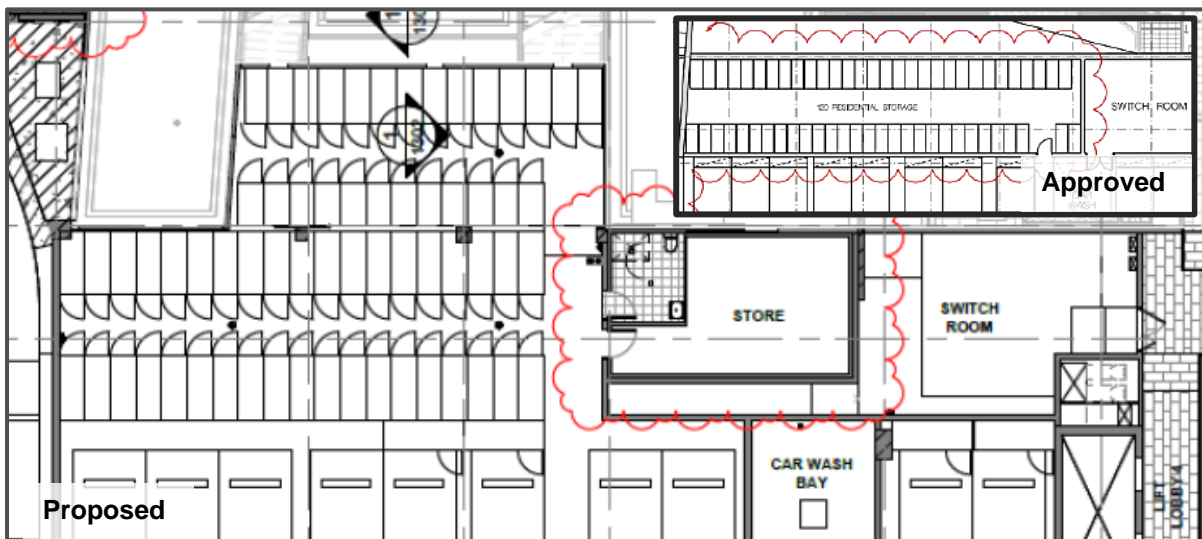


Figure 6 | Approved and proposed storage layout in Basement 1 (source: Applicant)

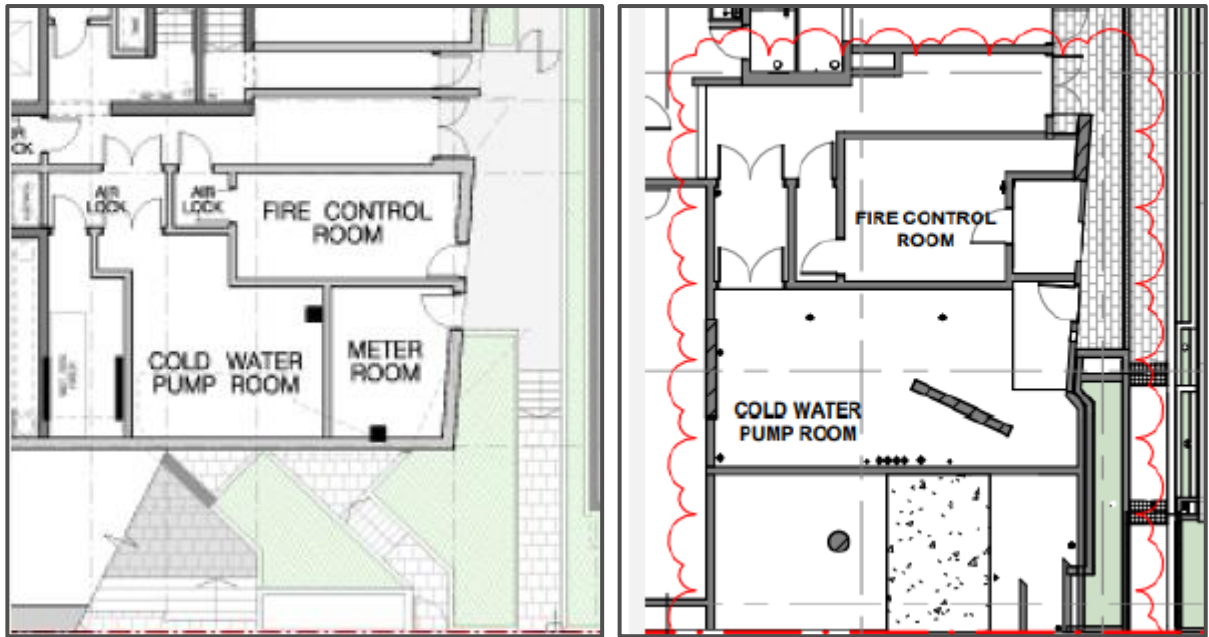


Figure 7 | Lower Ground Floor Plan extract: approved (left) and proposed (right) (source: Applicant)

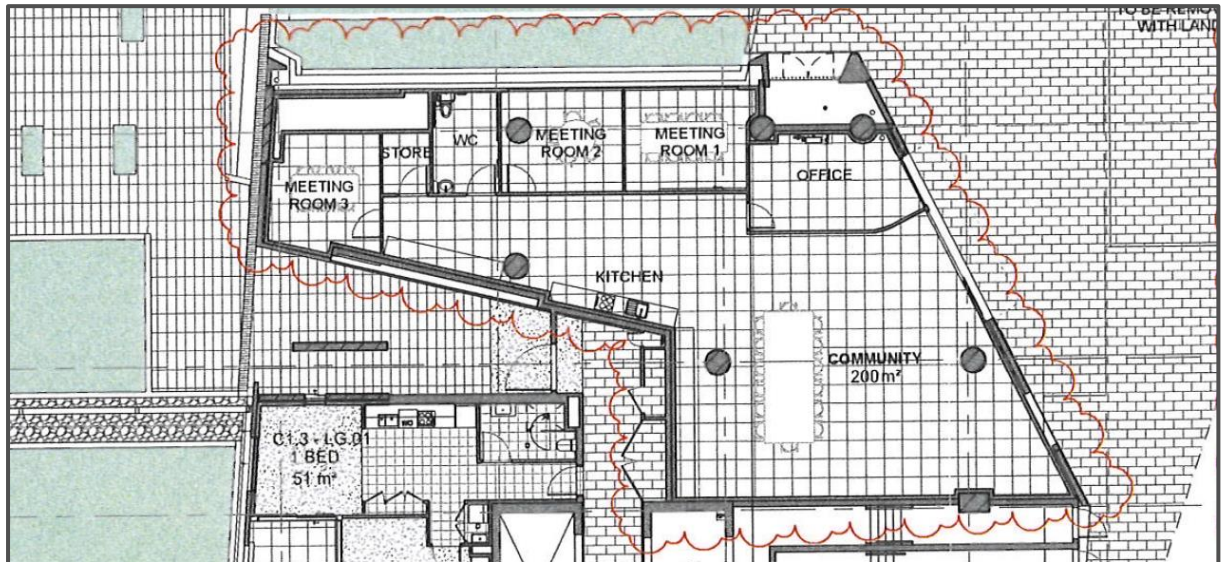


Figure 8 | Proposed fitout of community room (source: Applicant)

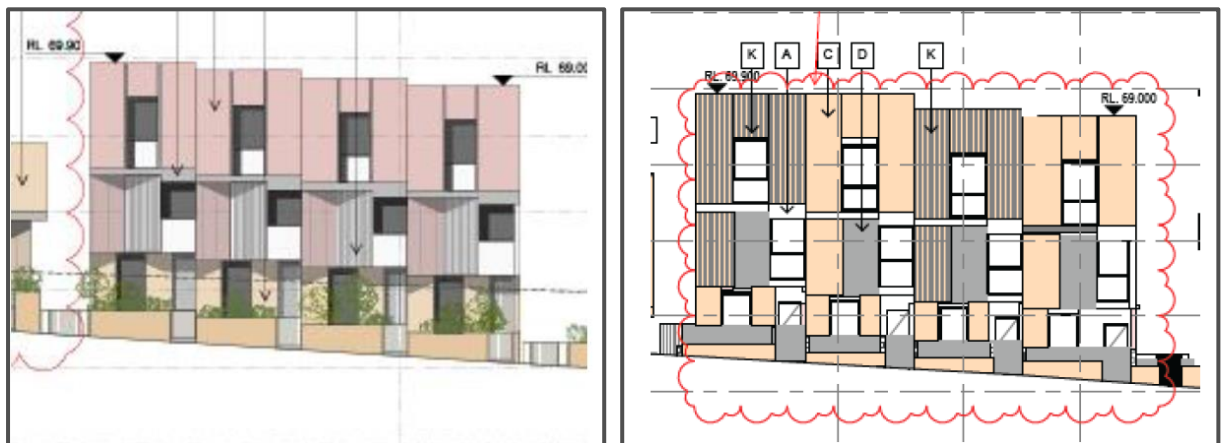


Figure 9 | Terrace Finish: approved (left) and proposed (right) (source: Applicant)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved; and
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, Team Leader, Key Sites Assessments, may determine the application under delegation as:

- a political disclosure statement has not been made
- there were no public submissions in the nature of objections
- Council has not made a submission by way of objection.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- environmental planning instruments or proposed instruments;
- any planning agreements;
- EP&A regulation including that the application has had regard to the State Significant development Guidelines (2021) preparing a modification report
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

4 Engagement

4.1 Department's engagement

Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications.

Accordingly, the application was not notified or advertised. However, it was made publicly available on the NSW Planning Portal on 16 November 2022 and was referred to City of Ryde Council (Council) for comment.

4.2 Summary of submissions

The Department received a submission from Council making comments as summarised in **Table 3**. No public submissions were received.

Table 3 | Summary of Council Submission

City of Ryde Council (Council)	
	Council advises it does not object to the proposal and provided the following comment:
Application	<ul style="list-style-type: none">Amendments to the exhaust air discharge must not impede the height clearance or result in fumes in the loading dock area. A minimum clearance of 4.5 m is required.

4.3 Response to submissions

The Department placed Council's submission on its website and requested the Applicant provide a response to the matters raised.

In December 2022, the Applicant lodged a Response to Submissions (RtS) to address Council's comments and provided the additional information requested by the Department.

The Applicant confirmed the relocation of the exhaust air discharge would not result in any change to the exhaust air discharge affecting the loading dock, exhaust fume discharges or changes to the height clearances.

The Department is satisfied the RtS resolved the comments raised by Council.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation
- submission from Council.

The Department has assessed the key impacts of the proposal in **Table 4**.

Table 4 | Key assessment issues with proposed modification

Issue	Findings	Recommendations
<p>Car parking and access</p>	<p><u>Car parking</u></p> <ul style="list-style-type: none"> • Condition B78 of the Stage 1 consent requires Building C1 is provided with a maximum of 20 community facility car parking spaces and a minimum of 30 car share spaces, resulting in 50 community car parking spaces • The modification seeks to remove a single community facility car parking space within Basement 3 of Building C1, resulting in a total of 49 spaces. • The Applicant advised this change results from a decrease in the Pool and Gym facility GFA (from 1300 m² to 1200 m²); which reduced the number of required car parking spaces from 13 to 12 spaces. Consequently, the total number of community car parking spaces (including car share, pool and gym and community spaces) would reduce from 50 to 49 spaces. • The Department notes no changes are proposed to residential car parking spaces (including affordable housing apartments) or visitor spaces. It is further noted that Condition B78 identifies that a maximum of 20 community facility car parking spaces be provided, rather than a minimum rate. • The Department considers the provision of 12 car parking spaces for the Pool and Gym facility to be acceptable as it is consistent with the approved concept parking rate of one space per 100 m² of community facilities GFA to be contained within the future Building C2 (based on the provision of a Pool and Gym facility with 1,200 m² GFA). • The Department recommends Condition B78 be amended to require a maximum of 19 community facility car parking spaces be provided in Building C1. 	<p>The Department recommends:</p> <ul style="list-style-type: none"> • Condition B78 be amended to require a maximum of 19 community facility car parking spaces be provided in Building C1.

Basement Layout

Access

- The proposal seeks to incorporate direct access from the car parking area in the Building C1 footprint to the lower ground floor of Building C2 (Stage 2) to service the gymnasium, pool and community facilities (**Figure 4**).
- Additionally, the modification seeks to relocate the Building C1 car park lift into the Building C2 building footprint and consequently delete Condition E22, relating to public lift access.
- The Department notes the public lift and proposed points of access have been shown in the Building C2 architectural and subdivision plans approved under Stage 2 (SSD 15822622).
- Council raised no concerns with the proposed addition of direct access and the relocation of the lift.
- The Department considers the proposed changes to be acceptable as they are minor, would continue to provide a publicly accessible lift and would provide additional direct access between Basement 3 in Building C1 and the lower ground floor level of Building C2.
- The Department recommends the Condition A2 plans be updated to include the revised plans.

Car park exhaust

- The modification seeks to relocate the Building C1 car park exhaust into the Building C2 building footprint (**Figure 5**).
- Council advised the amendments to the exhaust air discharge must not impede the height clearance or result in fumes in the loading dock area.
- The RtS advised the waste loading dock area would not be impacted by the proposal, which has a separate exhaust system, and would not result in any change to exhaust fume discharges or changes to the height clearances.
- The Applicant also advised a temporary exhaust air discharge location nominated in the eastern corner of the site would be removed and replaced with landscaping once no longer in use (when Building C2 is completed and the new exhaust location is constructed within the built form).
- The Department considers the proposed change acceptable as it is minor and would not result in any additional impacts as a temporary exhaust air discharge location has been nominated until Building C2 is completed and the new exhaust location is constructed.
- The Department recommends a condition be imposed requiring the temporary exhaust air discharge location be replaced with landscaping upon the completion of Building C2 and the new exhaust location is constructed.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings

- a condition be imposed requiring the temporary exhaust air discharge location be replaced with landscaping upon the completion of Building C2

Basement 1

- The modification seeks to extend the storage area in Basement 1 to beneath the terraces/stair zone and incorporate a separate storeroom with a bathroom. A comparison of the approved and proposed configuration is shown in **Figure 6**.
- Council did not raise any concerns with the proposed additional storeroom or the reconfiguration of the storage area.
- The Department considers the proposed layout changes to the Basement 1 storage area and the additional storeroom to be acceptable as they are minor, would improve functionality of Building C1 and would not result in additional impacts.
- The Department recommends the Condition A2 plans be updated to include the revised plans.

Plant and services

- The modification seeks to reconfigure the layout of the fire control room, cold water pump room and plant room (as shown in **Figure 7**). The Applicant advised this was to better utilise the space.
- In the RtS, the Applicant advised that while plans submitted with the modification request do not show the landscaping in the same way as the previous plan set, no changes are proposed to the landscaping along the street frontage.
- The Department considers the proposed reconfiguration to be acceptable as they are minor, would improve functionality of the space and existing conditions would ensure compliance with the BCA and relevant Australian Standards.
- The Department recommends the Condition A2 plans be updated to include the revised plans.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings

Apartment layout

- The modification seeks to reconfigure the layout of the following apartments in Building C1:
 - Unit 4 on Upper Ground to Level 12: waste chutes amended to be in a cupboard rather than a separate room.
 - Unit B1.02: layout changes to the bathroom, bedroom, living, dining & kitchen to provide better access to the open area and use of the space.
 - Unit LG.02: additional storage provided following a change to the exhaust plenum size.
 - Unit UG/03: terrace amendments to size and shape, increasing from 19 m² to 26m².
- The application was supported by an Access Statement, which confirmed the proposed amendments would be capable of achieving with DDA Premises Standards and Australian Standards relevant to access and mobility..
- Council raised no concerns with the proposed layout changes.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings

- The Department considers the proposed layout changes to the above apartments to be acceptable as they are minor, remains compliant with the ADG and would result in improved amenity outcomes for future residents.
- The Department recommends the Condition A2 plans be updated to include the revised plans.

Community Room Fit-Out

- The modification seeks to fit-out the community room in Building C1. While previously approved as a shell, the modification proposes to include a kitchen, office space, meeting rooms, an accessible bathroom and a flexible space (as shown in **Figure 8**).
- The application was supported by an Access Statement, which confirmed the fit out of the Community Room would be capable of achieving DDA Premises Standards and Australian Standards relevant to access and mobility.
- Council raised no concerns with the proposed layout changes.
- The Department notes the original consent anticipated this space to be used for retail or community purposes. The proposed fit-out works are for a community room which would remain consistent with the approved use.
- Existing conditions of consent would limit the use of community facilities to the residents of each building and their guests only.
- The Department considers the proposed fit-out works to be acceptable as they are minor, would not result in any additional impacts and would facilitate the operation of the space in a manner that is consistent with the approval.
- The Department recommends the Condition A2 plans be updated to include the revised plans.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings

External changes

- The modification seeks to amend the façade material for the terrace of Building C1 from a smooth pre-cast concrete finish to a patterned pre-cast concrete finish (as shown in **Figure 9**).
- The Applicant advised the proposed finish would remain the same colour as approved.
- Council raised no concerns with the proposed change in façade finish.
- The Department considers the change in façade material to be acceptable as it is minor, would not vary the approved colour palette and would maintain the architectural integrity of the development.
- The Department recommends the Condition A2 plans be updated to include the revised plans.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings

Subdivision

- The modification seeks to amend the stratum subdivision plans to reflect changes proposed as part of this modification.
- Council raised no concerns with the proposal to update the stratum subdivision plans.

The Department recommends:

- Condition A2 is updated to reflect

- The Department notes the amended plans are consistent with the subdivision plans approved under Stage 2 (SSD 15822622). the revised design drawings
 - The Department considers the revision to the stratum subdivision plans to be acceptable as they are consistent with the proposed amendments to Building C1.
-

6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is acceptable as:

- the proposed works are minor and would not significantly impact on the architectural integrity of Building C1 or result in any additional impacts
- Council did not object to the proposal did not recommend any additional conditions of consent
- it would remain compliant with relevant statutory provisions in EPIs and the strategic planning context
- it is substantially the same development as the approved development and would not result in any adverse environmental impacts
- it is in the public interest.

The Department considers the modification is in the public interest and should be approved, subject to the recommended conditions of consent.

7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8903 MOD 5 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 8903
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:

A handwritten signature in black ink, appearing to read 'Lucinda Craig', written in a cursive style.

Lucinda Craig
Planning Officer
Key Sites Assessments

8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the left.

19.12.22

Cameron Sargent

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-5-amendments-building-c1>

Appendix B – Statutory considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 5** identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to the proposed modification.

Table 5 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department’s assessment
(a) the provisions of - (i) any environmental planning instrument	The proposed modification is consistent with, or does not alter compliance with, the relevant Environmental Planning Instruments (EPIs) addressed below in this report.
(ii) any proposed instrument	The proposed modification is consistent with the relevant draft Environmental Planning Instruments (EPIs).
(iii) any development control plan	Under clause 2.10 of SEPP Planning Systems, Development Control Plans (DCPs) do not apply to SSD.
(iia) any planning agreement	Not applicable.
(iv) the regulations	The applications satisfactorily meet the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees as addressed in Section 4 .
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the proposed modification acceptable subject to the recommended conditions and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	No public submissions were received. The Department has considered Council’s submissions, as addressed in Sections 4 and 5 .
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient redevelopment of the Ivanhoe Estate.

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 6**.

Table 6 | Consideration of Section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
(a) the proposed modification is of minimal environmental impact	The proposal would not alter any of the key components or characteristics of what was originally approved under SSD 8903 and would be of minimal environmental impact.
(b) the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)	<p>The development, as proposed to be modified, is substantially the same development as that originally approved in that:</p> <ul style="list-style-type: none"> • the proposed use of the site remains the same • the proposed modification to the approval will not alter the overall built form or scale of Building C1 • it would not result in any adverse additional environmental impacts. <p>The Department is therefore satisfied the modification application would therefore result in a development that is substantially the same as the originally approved.</p>
(c) The application has been notified in accordance with the regulations.	Section 4 of this report demonstrates the modification application followed the consultation requirements as outlined in the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)
(d) Any submission made concerning the proposed modification has been considered.	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.

Appendix C – Instrument of modification

The recommended conditions of consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-5-amendments-building-c1>