



# Ivanhoe Estate

## Redevelopment Stage 1

### Modification 6

Minor increase in height of Building A1  
State Significant Development Modification Assessment  
(SSD 8903 MOD 6)

December 2022



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Title: Ivanhoe Estate Redevelopment Stage 1 Modification 6

Subtitle: Minor increase in height of Building A1 (SSD 8903 MOD 6)

Cover image: *Approved Ivanhoe Estate Redevelopment Concept Plan*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Frasers Property Australia
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>CPP</b>	Community Participation Plan
<b>Council</b>	City of Ryde
<b>Crown Lands</b>	Crown Lands, DPE
<b>AWE</b>	Department of Agriculture, Water and the Environment (formerly DoEE)
<b>Department</b>	Department of Planning and Environment
<b>DPI</b>	Department of Primary Industries, DPE
<b>DRG</b>	Division of Resources & Geoscience, DPE
<b>EESG</b>	Environment, Energy and Science Group, DPE
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>EPL</b>	Environment Protection Licence
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning

<b>NCC</b>	National Construction Code
<b>NPWS</b>	National Parks & Wildlife Service, DPE
<b>NRAR</b>	Natural Resources Access Regulator, DPE
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>The site</b>	Ivanhoe Estate, Macquarie Park
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

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# 1 Introduction

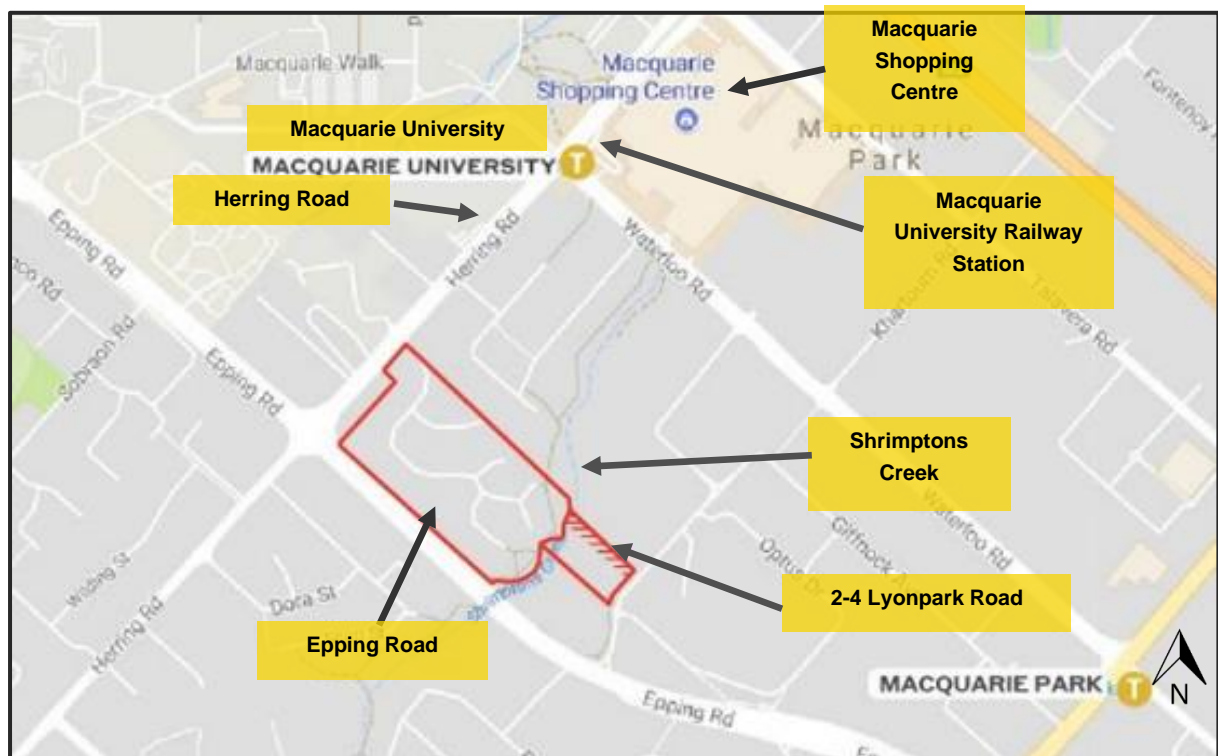
This report provides the NSW Department of Planning and Environment's (the Department) assessment of an application to modify the State significant development (SSD) consent for Stage 1 of the Ivanhoe Estate redevelopment (SSD 8903).

The modification application seeks approval for a minor increase to the height of Building A1 by a total of 565mm, resulting in a new maximum building height of 75.365m (RL 138.865). A 295mm change to the maximum approved parapet height is additionally sought, from RL 138.8 to RL 139.095.

The application has been lodged by Fraser Property Ivanhoe Pty Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 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**). Following consolidation of previous allotments under the approved SSD, the estate is currently legally described as Lot 100 in DP 1262209. The concept approval 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 (**Figure 3**) 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 centre
- 960 m<sup>2</sup> 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 Building A1 (25 storeys and 269 apartments) and Building 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.

The redevelopment of the estate is envisaged to occur in eight stages over 10 to 15 years. Construction of Stage 1 has commenced.



**Figure 3 |** Indicative block layout and proposed heights from concept approval (Base Source: Department's SSD 8707/8903 Assessment Report)



The development consent has been modified on four occasions and two modifications (including this subject application) are currently under assessment (**Table 1**).

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Modification to various conditions including a change to Condition B27 to include parapets in the exclusion of building height for building A1. The exclusion was granted with a defined RL allowing the parapets to be approximately 500mm over the maximum building height.	Director	4.55(1A)	10 November 2020
<b>MOD 2</b>	Increase number of apartments in Building C1 from 471 to 497 and associated design amendments	Director	4.55(1A)	7 May 2021
<b>MOD 3</b>	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
<b>MOD 4</b>	Removal of seven trees that were approved for retention.	Director	4.55(1A)	5 August 2022
<b>MOD 5</b>	Design modifications including reconfiguration of apartments, building access, relocation of lift and fit out of community room.	Team leader	4.55(1A)	19 December 2022

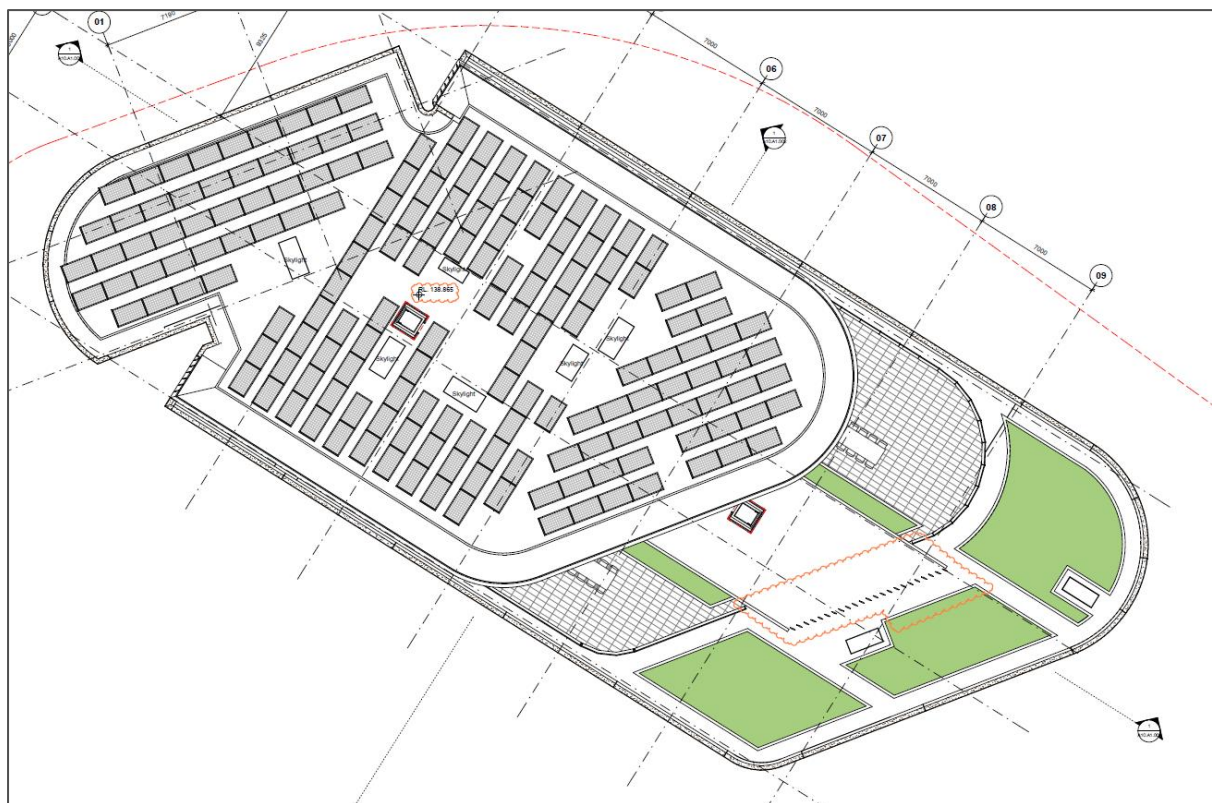
## 2 Proposed modification

The modification application seeks approval for an increase to the height of Building A1 by a total of 565mm, resulting in a maximum building height of 75.365m (RL 138.865). A 295mm change to the maximum approved parapet height is additionally sought, from RL 138.8 to RL 139.095.

The approved 25 storey building has a lower ground and ground floor level, before numbered levels begin, with Level 23 forming the topmost storey. The proposal will result in a 0.215m increase to the height of the finished floor levels of Levels 21 and 22 and a 0.135m increase to Level 23, effectively altering the height of the top 3 levels of the building.

As such, the Applicant requests that Condition A2 (architectural plans), Condition B27 (maximum height) and Condition D1 (height certification) be amended to reflect the proposed increase in height of the building.

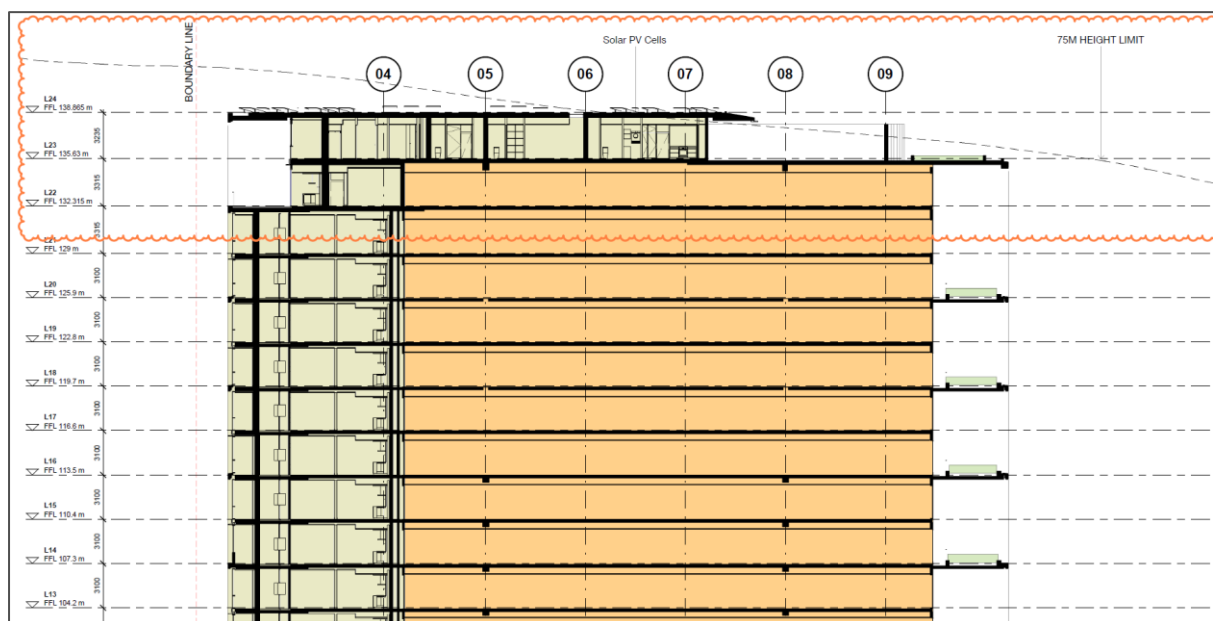
**Figures 4 - 6** illustrate the proposed increases in height.



**Figure 4 |** Proposed roof plan (Source: Bates Smart)



**Figure 5 | East Elevation - depicting proposed roof height RL (Source: Bates Smart)**



**Figure 6 | Section AA depicting proposed roof height RL and changes to ceiling heights (Source: Bates Smart)**

## 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 noticeably increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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

- a political disclosure statement has not been made
- Council has not made a submission by way of objection
- no public submissions were made 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, including where relevant:
  - Social Impact Assessment Guideline for State Significant Projects (2021)
  - Undertaking Engagement Guidelines for State Significant Projects (2021),
  - Cumulative Impact Assessment Guidelines for State Significant Projects (2021)
- 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
- the reasons for granting approval for the original application.



The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment for SSD 8903. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment. The Department has considered any other relevant matters in **Section 5** and **Appendix B**.

## 4 Engagement

### 4.1 Department's engagement

The application was made publicly available on the NSW Planning Portal on 18 November 2022 and was referred to the City of Ryde for comment.

### 4.2 Summary of notification

The City of Ryde raised no objection to the proposed height increase and requested no further information or any modification to the proposed conditions. No submissions were received from the public.

## 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
- the submission from Council.

The Department has considered the key impacts and regulatory compliance of the proposed amendments below.

### 5.1 Consistency with concept approval

In accordance with section 4.24(2) of the EP&A Act, the Department has considered the proposed modification against the concept approval (SSD 8707). Due to the proposed height increase, the proposal results in a minor variation of 0.365m to the envelope control plan (from 75m to 75.365m) approved in Condition A2 and maximum approved building heights in Condition A10.

The Applicant contends the extra height is required for additional structural and insulation works, that are mandated by post-approval revisions to the NCC. As per the Applicant's advice, there will be no change to the floor to ceiling heights in the development.

The Department accepts the modified application will be consistent with the concept approval in terms of floor area, building separation and setbacks, landscaping, car parking and intended uses. In terms of impacts, the height variation would not result in a visually perceptible change when viewed from the public domain or surrounding residences and overshadowing and view loss would be minor. As such, the Department is satisfied that, despite the height variation, the development as modified remains generally consistent with the concept proposal.

### 5.2 Height

The proposal seeks approval for an increase in height of Building A1 by 565mm, resulting in a maximum building height of 75.365m (from RL138.3 to RL 138.865). The Department notes Building A1 currently sits 200mm below the building envelope in the concept plan. A 295mm increase to the parapet height is also sought, from RL 138.8 to RL 139.095.

The 565mm height increase results in an increase in height across levels 21 – 23, which is a 0.6% increase to the height at the upper most levels of Building A1. There is no change to the horizontal massing of the building.

The maximum height (75.365m) results in a 0.6% variation to the height standard (75m) set out in clause 4.3 of the Ryde Local Environmental Plan 2014.

While a clause 4.6 exception request is not applicable to a modification application, an assessment of the proposal (**Appendix B**) has been conducted against both the objectives of the standard and the zone, to ensure that the variation to height is suited to the local area.

The Department considers that strict compliance with the standard is unreasonable and unnecessary in this instance given that the height variation is very minor (0.6%), with no adverse visual or amenity impacts (**Section 5.3** and **5.4** below).

The proposal also meets the objectives of the zone and the height standard, and it also remains broadly compliant with the concept approval and is consistent with the built form outcomes envisaged for the site.

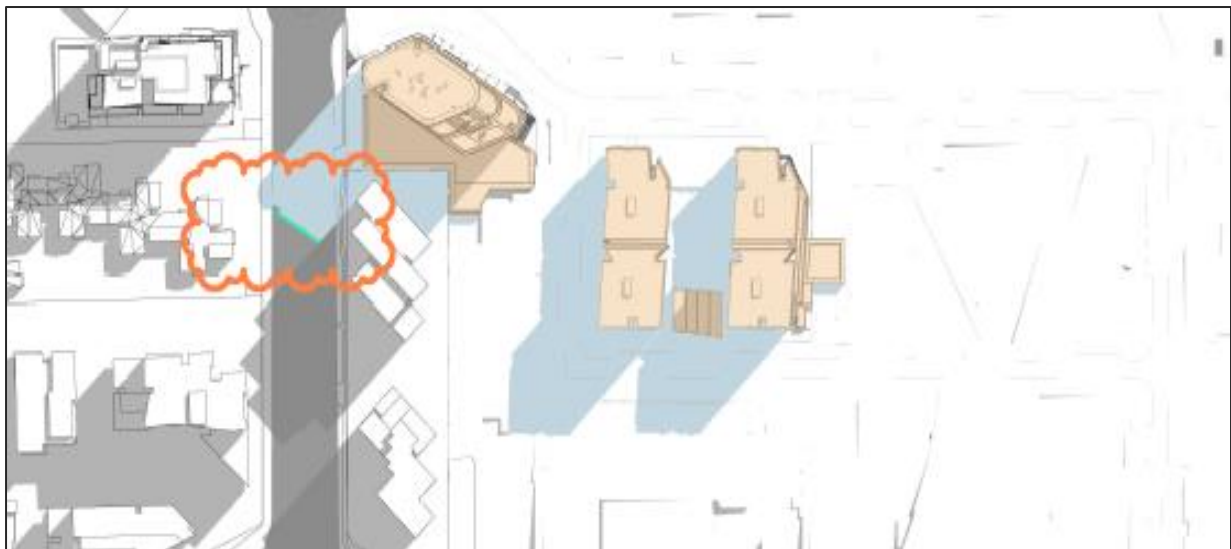
Given the above, the Department supports the proposed height variation.

### 5.3 Overshadowing

The application was accompanied by a series of overshadowing diagrams, addressing solar impacts during the summer and winter solstice and both equinoxes detailing the new impacts from the 565mm (RL138.3 to RL 138.865) height increase of Building A1. Overshadowing impacts were found to be mainly minor with most new shadows falling within the subject site. A detailed assessment is provided below.

#### Summer Solstice

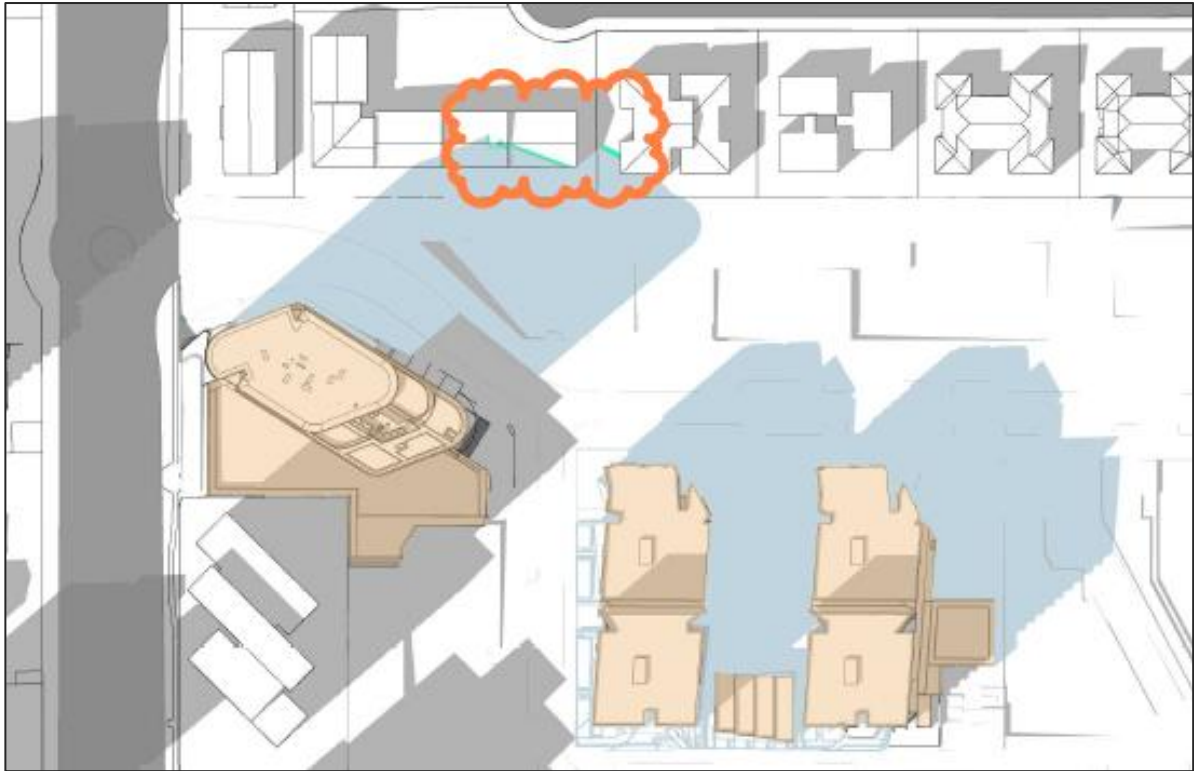
The proposal would result in a minor increase in overshadowing in the morning (9am to 10am) period during the summer solstice and the equinoxes. However, the shadows are mainly cast on Herring Road and do not result in any adverse impacts to adjoining residences or open space (**Figure 7**). Given the orientation of the site, the affected areas enjoy solar access unimpeded by the development, after the 10am period.



**Figure 7 | 9:00am Summer Solstice shadow diagram (Source: Bates Smart)**

The Department notes there is a slight increase in overshadowing in the afternoon 3pm period, to the developments along Peach Tree Road (**Figure 8**). The shadows are minor and mainly fall against the roof and a small portion of the rear open space. The Department accepts these spaces receive solar access unimpeded by the development up until this point and considers that given the minor impacts, the proposal is acceptable in this instance.





**Figure 8 | 3:00pm Summer Solstice Shadow Diagram (Source: Bates Smart)**

#### Winter Solstice

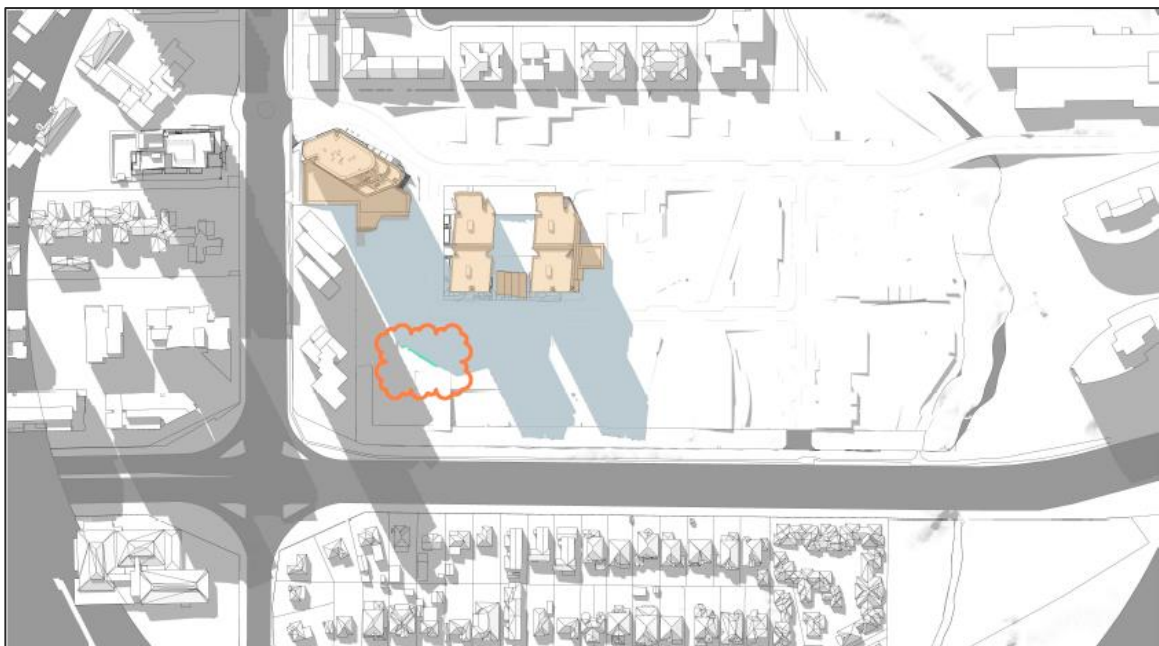
During the winter solstice period, when shadowing impacts are potentially most significant, a minor increase in the shadows cast by the development is shown during the 9am-11 am period (**Figures 9 - 11**). Nonetheless, the potentially affected areas (to the south and east) are currently overshadowed by the 22 storey residential towers at 137-143 Herring Road, directly south-west of Building A1.



**Figure 9 | 9:00am Winter Solstice shadow diagram (Source: Bates Smart)**



**Figure 10 | 10:00am Winter Solstice shadow diagram (Source: Bates Smart)**



**Figure 11 | 11:00am Winter Solstice shadow diagram (Source: Bates Smart)**

As is evident in **Figures 9 and 11** the additional solar impacts fall mainly within the site. Given that the height change is minor (565mm), the increase in overshadowing is correspondingly minimal. The 9am period sees a slight increase in overshadowing towards Epping Road, but this area already experiences overshadowing from the towers at 137-143 Herring Road. The shadows then move within the site and across residential Building D1 (10am -12pm) before falling across a portion of Building C4 and the access road (3pm).

The Department notes the additional solar impacts fall mainly within the site and do not unreasonably affect residential areas or open space. The Department therefore considers surrounding development both within and outside the site would still retain an acceptable amount of solar access consistent with the outcomes envisaged in the original application and the concept approval.

## 5.4 View loss and visual impacts

The proposal results in a 0.6% increase to the height at the upper most levels of Building A1 from (from RL138.3 to RL 138.865). This 565mm height variation sees a direct height increase to levels 21 – 23. There is no change to the horizontal massing of the building.

The Department considers the increase to height would not be easily perceptible from the public domain or from surrounding residences given the existing height of the building and the stepped-back upper level. However, the proposal has the potential to impact view corridors running through the modified levels, (21-23).

**Figure 12** depicts the base heights for the concept approval and **Figure 13** provides a photomontage of the envisioned concept.



**Figure 12 |** Indicative block layout and proposed heights from concept approval (Base Source: Department's SSD 8707/8903 Assessment Report)

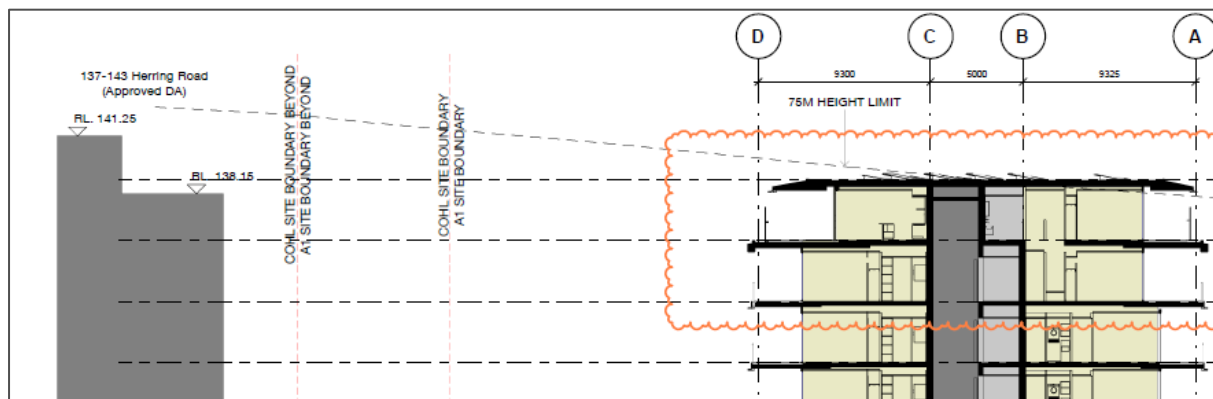
The Department notes that Building A1 has an approved height that is greater than the immediately adjacent buildings within the site, including Buildings A2 (45m), B1.1 (45m), C1 (45m-65m). As such, the proposed variation would have little impact on the views enjoyed by these buildings, given that they would not have a view corridor that passes through levels 21-23.

The immediate surrounds host a mix of developments, with predominately three to four storey residential apartment buildings to the north-east and high-density residential towers (approximately 22-23 storeys in height) located along Herring Road. Two new towers (22 storeys) are located at 137-143 Herring Road, directly south-west of Building A1 (**Figures 14-15**).



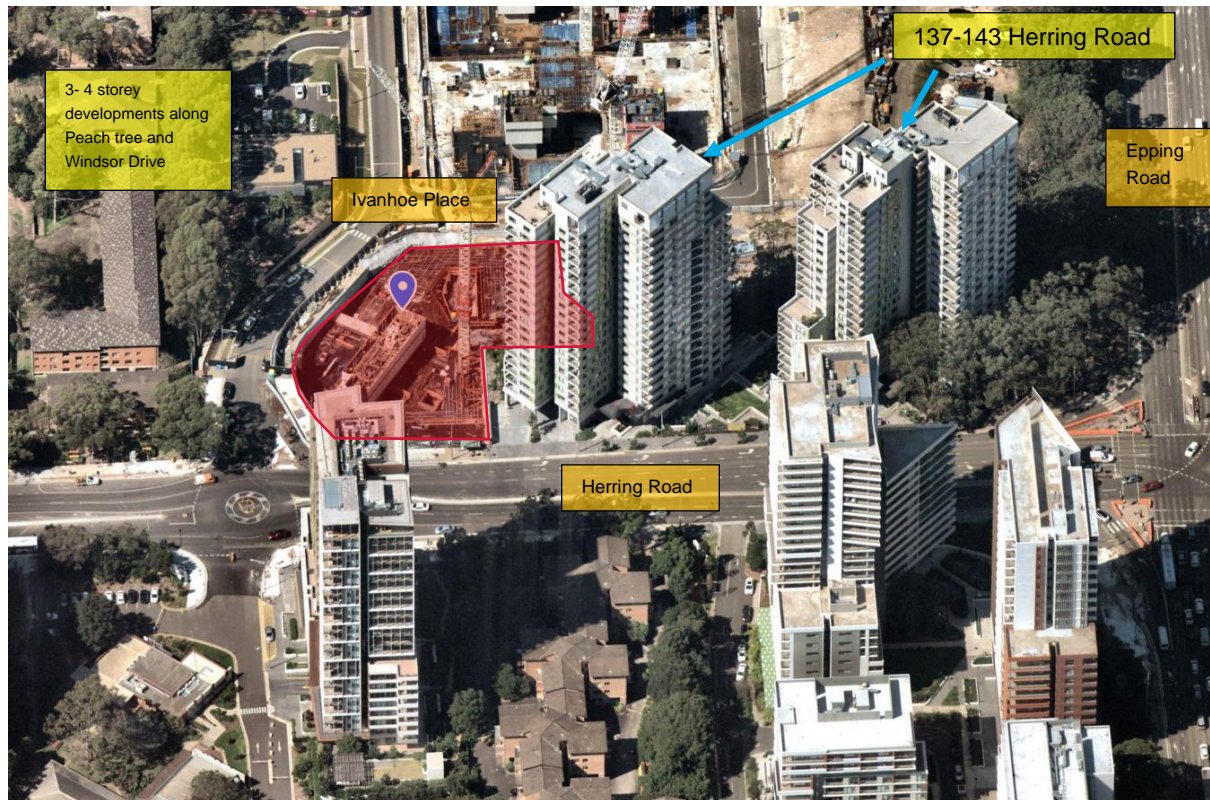


**Figure 13 |** Photomontage of Concept Plan of development looking south-west (Base Source: Department's SSD 8707/8903 Assessment Report)



**Figure 14 |** Section detailing the relationship and RLs of the tower at 137-143 Herring Road to the proposed development (Source: Bates Smart)





**Figure 15 |** Oblique (south-east) view of site surrounds, construction site of Building A1 identified with red outline (Source: Nearmaps)

The Department accepts the existing three to four storey apartments north of the site would have no view loss impacts. The uppermost storeys of the residential towers west of Herring Road would have negligible view loss impacts given the minor increase in building height, and the orientation of the building and the separation provided by Herring Road.

Similarly, the top storey of the northern-most tower at 137-143 Herring Road would not experience any loss of views as the existing height of Building A1(RL 138.3) sits above the upper residential level (RL138.15) (**Figure 14**). The proposed increase (RL 138.865) may affect a small portion of the upward outlook to the sky at the uppermost levels but will not block any iconic or scenic views. The affected development would still enjoy panoramic views of the surrounds due to its height and orientation.

Given the above, the Department considers that the potential visual and view loss impacts of the proposal are minor and would not compromise views or the amenity of the surrounding residences.

## 6 Evaluation

The Department has reviewed the proposed modification and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposal is acceptable as:

- it is consistent with the design envisioned with the concept approval for the site
- the increase in height is minor (0.6%)
- it would provide a satisfactory level of amenity for future residents within the development
- it is substantially the same development as the approved development
- it would not result in any adverse environmental or amenity impacts
- Council has not made any objection to the modified proposal and no submissions have been received from the public
- the modified development is compatible with the reasons given by the consent authority when granting consent to the original application.

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

## 7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8903 MOD 6 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:**



**Janith De Silva**  
Planning Officer  
Key Sites Assessments

## 8 Determination

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

A handwritten signature in blue ink, appearing to be 'CS', written over a horizontal line.

23.12.2022

**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-6-increase-height-building-a1>

## 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 1** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report, as referenced in the table.

**Table 1** | 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 modified proposal remains generally consistent with the relevant environmental planning instruments (refer to <b>Section 5</b> ).
ii. any proposed instrument	The modified proposal remains consistent with relevant draft environmental planning instruments.
iii. any development control plan	Under clause 2.10 of the Planning Systems SEPP, Development Control Plans (DCPs) do not apply to SSD.
iiia. any planning agreement	Not applicable.
iv. the regulations	The application satisfactorily meets the relevant requirements of the Environmental Planning and Assessment Regulation 2021, including the procedures relating to applications (Part 6), the requirements for notification (Part 3, Division 5) and fees (Part 13, Division 3 and Schedule 4) (refer to <b>Section 4</b> ).
(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 proposed changes to be minor and have been appropriately addressed in <b>Section 5</b> .
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	As discussed at <b>Section 4</b> , the Department received one submission from Council, which raised no objection. No public submissions were received.
(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.

**Table 2 | Consideration of Section 4.55(1A) of the EP&A Act**

Section 4.55(1A)	Assessment
That 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.
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified	<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"> <li>the proposed use of the site remains the same</li> <li>it would not result in any significant adverse environmental impacts.</li> </ul> <p>The Department is therefore satisfied the modification application would therefore result in a development that is substantially the same as originally approved.</p>
The application has been notified in accordance with the regulations.	<b>Section 4</b> of this report demonstrates the modification application followed the consultation requirements as outlined in the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	The Council of Ryde provided one submission for the proposal which has been considered in <b>Section 4</b> of the report. No other submissions were received.

**Table 3 | Consideration of the Objectives held in Clause 4.3 – Height of Buildings of the Ryde LEP**

Objectives of the standard	Department Assessment
(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,	The proposed height change will have no impact in the street frontages approved in the previous applications.
(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,	Overshadowing impacts have been closely assessed with this application. The net increase to shadows is negligible, surrounding development will still receive an acceptable amount of solar access during the mid-winter months. Building A1 will remain compatible with the immediate area, having a maximum height that is comparable to other proposed towers (Buildings C4, D2 and D4) within the Ivanhoe estate and with residential tower developments along Herring Road.

(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,	The proposed height change will not have any impact on the pattern of subdivision. The proposal is located within proximity to key public transport infrastructure (Macquarie Station).
(d) to minimise the impact of development on the amenity of surrounding properties,	The proposed height change will have a negligible impact on the amenity enjoyed by surrounding development due to the minimal increase to height. This includes potential disruption of views, loss of privacy and overshadowing.
(e) to emphasise road frontages along road corridors.	N/A

**Table 4 |** Consideration of the Objectives held in the land use table, Zone B4 – Mixed Use, of the Ryde LEP

Objectives of zone	Department Assessment
To provide a mix of compatible land uses	The minor height change will have no bearing on the mix of land uses accepted with the concept approval.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposal remains a well-integrated development providing a range of uses within an accessible location. The minor height change will not result in any perceptible impact to this.
To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.	N/A
To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.	N/A

## Appendix D – Modification Instrument

The Modification Instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-6-increase-height-building-a1>