

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 modification
Application number and project name	SSD 5093 MOD 4 Modification 4 to Lachlan's Line, North Ryde
Applicant	Landcom
Consent Authority	Minister for Planning

Decision

The Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consent and imposed additional conditions.

A copy of the instrument of modification and conditions is available [here](#)

A copy of the Department of Planning & Environment's assessment report is available [here](#)

Date of decision

25 September 2018

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;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted with the modification application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; 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 decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.

The key reasons for granting the modification are as follows:

- Benefits - the modification provides a vital piece of infrastructure to the future residential community at Lachlan's Line, providing safe pedestrian access between the North Ryde Station and the development without interrupting traffic flows on the M2 Motorway or Delhi Road.
- Consistent with NSW Government Policy - the modification is permissible with consent, and is consistent with NSW Government policies including:
 - *A Metropolis of Three Cities - The Greater Sydney Plan*
 - *State Infrastructure Strategy 2018-2038*
 - *NSW Future Transport Strategy 2056*
 - *North District Plan*
- Impacts can be managed - 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. The consent authority has imposed conditions relating to vegetation management, tree protection, biodiversity offsets, noise, stormwater and construction management.
- Community views considered - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent.
- Public interest - weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 22 March 2018 until 5 April 2018 (14 days) and received 79 submissions, including 78 objections, primarily from residents living within the City of Ryde Local Government Area. The modification application was subsequently amended through the Response to Submissions process and the amended modification proposal was placed on the Department's website and was re-notified to public agencies and Council.

The Department visited the site on several occasions, and spoke on the phone with community members that lodged submissions. This process has resulted in several changes to the modification application that have led to better outcomes for the community and the environment.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include biodiversity, loss of individual trees and construction management. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Biodiversity impacts</i></p> <ul style="list-style-type: none"> impacts to native vegetation, non-native vegetation, soil compaction, and canopy (from tree removal) impacts loss of individual trees 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department's assessment concluded the biodiversity impact from construction of the pedestrian bridge over Delhi Rd was acceptable given that the Applicant had taken reasonable steps to avoid and minimise its biodiversity impact through revising their proposal, mitigating measures and offsets to address the residual impacts. The Department also identified 'at risk' trees located near the work zone which are to be retained, and measures have been adopted to protect them during construction. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> a Vegetation Management Plan for the enhancement and protection of local vegetation on the site into the future NSW Biodiversity Offsets Scheme credits to be retired (equivalent offset payment of \$12,966.93) protection measures for trees during construction a monetary contribution of \$22,000 to City of Ryde for bush regeneration
<p><i>Construction Management</i></p> <ul style="list-style-type: none"> out-of-hours construction high noise generating construction activities 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant clarified that no approval is sought to vary Condition C1 relating to Construction Hours as part of this modification application. The Department's assessment considered the noise impacts with respect to the proposed tree removal. The Department's assessment concluded the only high noise generating activity that would need to occur at night is tree felling, including three nights of tree felling at Bundara Reserve and three nights at Pier 3 near North Ryde train station over the nine-month construction period. For safety reasons, peripheral trees which could fall onto the road will be felled at night when the roads are closed, and the remainder of tree felling will occur during the day to minimize noise impacts to nearby properties. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions include a requirement for tree felling to be undertaken in blocks of no more than two consecutive nights and that only trees which risk falling onto the road be felled at night to reduce night-time disturbance to residents.