

22 June 2020

17164

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
12 Darcy Street,
Parramatta NSW 2150

Attn: Andy Nixey

SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD-8903 Stage 1 – Ivanhoe Estate, Macquarie Park

This application has been prepared by Ethos Urban on behalf the Aspire Consortium, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD-8903 relating to Stage 1 of the Ivanhoe Estate development in Macquarie Park.

This modification application seeks to amend a number of conditions of consent to clarify specific requirements, timings, nominated personnel or address errors. No change is proposed to the approved use of land or the approved design of buildings and public domain areas, ensuring that the ultimate outcome for the site approved under SSD-8903 remains the same.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act.

1.0 Consent proposed to be modified

Development consent was granted by the Minister for Planning and Public Spaces for State Significant Development (SSD-8903), Stage 1 of the Ivanhoe Estate development in Macquarie Park, on 30 April 2020. The development is pursuant to the Ivanhoe Estate Masterplan (SSD-8707) and comprises:

- 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:
 - 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

This consent has not been previously modified.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

No change is sought to the approved design of the development. All changes are administrative and relate to the conditions of consent as detailed in the section below.

2.2 Modifications to conditions

A number of amendments are required to the consent conditions as identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**. Only those conditions or parts of conditions that are subject to change have been included below.

Table 1 Proposed changes to the conditions of consent

Condition no.	Proposed amendment	Discussion and assessment
B27	The maximum height of Building A1 must not exceed RL 138.3m AHD. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, parapets , masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any Crown Building Works Certificate.	It is proposed to amend these conditions to identify that building parapets are excluded from the specified maximum heights, commensurate with the other rooftop building elements that have been identified in these conditions. Parapets might otherwise meet the definition of an architectural roof feature that are permitted to exceed building heights, and as such it is considered appropriate that they are also excluded in this instance.
B28	The maximum height of Building C1 must not exceed RL 124.95 m AHD to the top of the north-western tower, RL 121.95 m AHD to the top of the south-eastern tower, and RL 69.9 m AHD to the top of the three storey townhouses. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, parapets , masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any Crown Building Works Certificate.	
B45	<p>A Construction Soil and Water Management Plan (CSWMP) must be prepared to manage soil and water impacts during construction of the development. The CSWMP must be prepared in consultation with Council and a copy provided to Council, prior to the issue of a Crown Building Works Certificate for each building.</p> <p>The CSWMP must be prepared in accordance with the provisions of the "Blue Book" Part 1 [Landcom (2004) Managing Urban Stormwater: Soils and Construction, 4th edition]. The CSWMP must consider likely stages of the works and provide for appropriate control of sediment and erosion for each stage and include, but not be limited to:</p> <p>...</p>	It is proposed to amend this condition to require the issue of the relevant CSWMP to Council prior to the issue of the Crown Building Works Certificate for each building. The CSWMP is required to be prepared in accordance with the relevant best-practice industry standards and principles under this condition, and as such further ongoing consultation is considered to be unreasonable and unnecessary in this instance. The condition appropriately mitigates and manages environmental impacts associated with the delivery of the proposed development. The existing condition has the potential to result in an extended lead-in period to commencing construction, including the delivery of social housing.

Condition no.	Proposed amendment	Discussion and assessment
B47	<p>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:</p> <ul style="list-style-type: none"> 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), with installation occurring within the retained vegetation adjacent to Shrimptons Creek 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 five (5) years. f) a Weed Management Plan. <p>The BMP must be submitted to and approved by the Planning Secretary.</p>	<p>It is proposed to modify this condition to specify a 5 year vegetation monitoring and maintenance period. This would comprise a 3 year establishment phase followed by a 2 year maintenance phase. This nominated 5 year period is 3 years longer than the standard period specified by the Natural Resource Access Regulator (former Office of Water) in the <i>Guidelines for Vegetation Management Plans on Waterfront Land</i>, and as such it is considered to be sufficient and appropriate. Eco Logical has also confirmed that this period is widely accepted as being suitable for Vegetation Management Plans developed for other riparian land in Sydney.</p>
B49	<p>With the exception of temporary works and anchors, all buildings and structures, together with any improvements integral to the future use of the site, are to be erected clear of the land required for road (unlimited in height or depth) along the Herring Road boundary. Details confirming compliance must be submitted to the Certifier and TfNSW (RMS) prior to the commencement of any works for Building A1. All temporary works and anchors (excluding de-stressed temporary anchors) are to be removed upon completion of works.</p>	<p>It is industry practice that any temporary anchors below any roads reserves can remain in place so long as they are de-stressed once no longer required.</p>
B59	<p>Prior to the commencement of any works and following additional testing (Condition B55), an updated Unexpected Contamination Finds Protocol (UFP), prepared by a suitably qualified and experienced expert, shall be provided to the Certifier. The UFP must be implemented for the duration of construction works.</p>	<p>An Unexpected Finds Protocol (UFP) was submitted with the Stage 1 SSDA. It is proposed to reference the previous UFP prepared for the site and accordingly remove the requirement for an updated UFP.</p>
B60	<p>The Applicant is required to engage a site auditor accredited under the Contaminated Land Management Act 1997 to review the adequacy of the site investigations and required updated UFP, remedial works and management plans. Details confirming compliance must be submitted to the Certifier prior to the commencement of any works.</p>	<p>An Unexpected Finds Protocol (UFP) was submitted with the Stage 1 SSDA. It is proposed to reference the previous UFP prepared for the site and accordingly remove the requirement for an updated UFP.</p>
B63	<p>Prior to the commencement of works, a Hazardous Materials Management Plan (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifier. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:</p> <p>...</p>	<p>It is proposed to delete this condition. While the Site Auditor Report submitted with the EIS confirmed that there was the potential for hazardous materials associated with the existing and former structures on the site as identified in the preliminary site investigations, the demolition of all existing buildings, paths and driveways, fencing and miscellaneous public structures is being completed by LAHC as part of a separate planning process, ensuring that the Stage 1 site will be largely vacant at the commencement of works under this consent. The Unexpected Finds Protocol required under Condition B59 of the consent is, therefore, considered to be the appropriate mechanism through which to manage any materials uncovered as part of future works on the site.</p>

Condition no.	Proposed amendment	Discussion and assessment
B71	<p>Systems Urinals must include 'smart controls' to reduce unnecessary flushing in publicly accessible bathrooms. Continuous flushing urinal systems are not approved. Details are to be submitted to the Certifier prior to the commencement of the relevant works.</p>	<p>Smart controls were not identified to be implemented in the approved BASIX certificates, and as such it is proposed to specify that this requirement only apply to urinals publicly accessible bathrooms.</p>
B85	<p>DELETED The design and construction of each building must prevent any take or inflow of groundwater after the completion of construction by making any below ground levels fully watertight for the anticipated life of each building (i.e. full tanking of each basement is required). Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.</p>	<p>It is proposed to delete this condition which does not clearly relate to the proposed development or site. Douglas Partners has confirmed that the lowest basement floor levels are at RL 50.4m (Building A1) and RL 47.4m (Building C1) and remain above the level of past groundwater measures, as confirmed through groundwater monitoring that has occurred over more than a 6 month period. Accordingly, tanking of the basements provided as part of Stage 1 is not considered necessary or reasonable to prevent the inflow of groundwater. Appropriate drainage will be provided, as a practical construction and maintenance program, to account for ephemeral water sources such as from rainfall, the watering of gardens or leaking services that may transmit into the excavation through the soils or defects on the rock mass.</p> <p>As requested by DPIE, water using a typical hydraulic conductivity for the Class I Hawkesbury Sandstone, inflows of 4L to 40L per day may occur. This equates to 0.015ML p.a. Additional flows should be anticipated from perched seepage.</p> <p>It should also be noted that any ground water drained and/or pumped is being re-introduced into the temporary and or future permanent stormwater network after treatment and will be returned to Shrimptons creek where it would naturally run anyway.</p> <p>Further the proponent will accept condition C45 for the removal of this condition.</p>
B92	<p>The Neighbourhood streets shall be a minimum of 14.5 m wide and the elements of the roads shall be designed according to the requirements of Council's Public Domain Technical Manual, Section 6 - Macquarie Park Corridor and Council's technical standards and specifications, or the stamped plans in the event of an inconsistency. The streets shall comprise 2 x 3 m wide travelling lanes, 1 x 2.5 m wide parking lane and a 3 m wide zone on both sides of the street for footpaths, lighting and landscaping. A threshold treatment shall be introduced in the road pavement to delineate between the public road and private access roads.</p> <p>The intermittent location of parking bays will result in verge widths increasing where parking bays are not provided. In these locations, the overall carriageway width of 14.5 m is to be maintained.</p> <p>Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.</p>	<p>It is proposed to amend this condition so that the approved plans prevail in the event of an inconsistency, to ensure the delivery of the public domain as approved. As assessed in the EIS and technical reports, the proposed roads were designed to be consistent with the Austroads design guidelines with reference to the DCP.</p>

Condition no.	Proposed amendment	Discussion and assessment
B95	<p>All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of Council's DCP 2014 Part 8.2, Australian Rainfall and Runoff (ARR) 1987, NSW Floodplain Development Manual 2005 and any other relevant Australian Standards.</p> <p>Detailed design plans, calculations and other supporting documentations prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) must be submitted to, and approved by, the Certifier prior to the commencement of the relevant works. A copy of the approved plans and documentation must be provided to Council prior to the commencement of the relevant works.</p> <p>The detailed design documentations shall be generally in accordance with the Concept Stormwater Plan Drawing 300001 (1)-EX-001, Version C, prepared by ADW Johnson, dated 4 October 2018. subject to any amendments warranted by Council's City Works Directorate as a result of the review and approval of the design plans.</p> <p>Detailed design documentation for the Water Sensitive Urban Design (WSUD) components shall be prepared by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, experienced in WSUD. The documentation, demonstrating compliance with the above, shall be submitted to the Certifier for approval prior to the commencement of the relevant works. A copy of the approved plans and documentation must be provided to Council prior to the commencement of the relevant works.</p>	<p>The Subdivision Certifier has confirmed that the approved plans and documentation are also required to be provided prior to the issue of the subdivision works certificate for these works to ensure there is no conflict.</p>
B96	<p>All temporary stormwater works must be designed and undertaken in accordance with the relevant aspects of the Council's DCP 2014 Part 8.2, Australian Rainfall and Runoff (ARR) 2019, NSW Floodplain Development Manual 2005 and any other relevant Australian Standards.</p> <p>Detailed design plans of the temporary works stormwater design, calculations and other supporting documentations prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) must be submitted to, and approved by, the Certifier prior to the commencement of the relevant works. A copy of the approved plans and documentation must be provided to Council prior to the commencement of the relevant works.</p> <p>The detailed design of temporary works drainage shall be subject to any amendments warranted by Council's City Works Directorate as a result of the review and approval of the temporary works design plans. To ensure satisfactory performance of the excavation, laying of pipes, back filling, disposal of excess soil and restoration including new kerb and gutter works, the Applicant must maintain all trunk drainage works until dedication to Council.</p> <p>A bond in the form of a cash deposit or Bank Guarantee of \$200,000 shall be lodged with Council prior to the issue of any Crown Building Works Certificate to guarantee this requirement will be met. The bond will be released on dedication to Council.</p>	<p>It is not considered necessary to undergo further consultation and approval for the design of temporary, and not permanent, stormwater works. The condition requires compliance with the relevant sections of Council's DCP and submission of the documents to Council prior to the commencement of the relevant works, which is considered sufficient and appropriate for these temporary works. The existing condition has the potential to result in an extended lead-in period to commencing construction, including the delivery of social housing.</p> <p>The Subdivision Certifier has confirmed that the approved plans and documentation are also required to be provided prior to the issue of the subdivision works certificate for these works to ensure there is no conflict.</p>
B97	<p>Electronic copies of the input and output files of the design software used shall be submitted to Council in a form compatible with Council's computer software along with the plan and a hard copy of the input and output data prior to the issue of the relevant Crown Building Works Certificate or Subdivision Works Certificate.</p>	<p>This condition is amended at the advice of the Subdivision Certifier who has confirmed that these requirements should be met before the issue of the relevant subdivision works certificate.</p>

Condition no.	Proposed amendment	Discussion and assessment
C24-E22	Public access to the temporary turning heads must be available at all times during construction works , upon issue of the Subdivision Certificate for these works. (Condition A15).	It is not possible to provide access to the temporary turning heads that would be constructed at this stage of the process. The turning heads and associated roads will only be safe for public access following their construction and sign off by way of Subdivision Certificate for safety and insurance purposes. It is, therefore, proposed to move this condition to Part E of the consent.
C43	DELETED-All groundwater monitoring bores installed across the site shall be subject to in-situ permeability testing (rising head tests or falling head tests) at each stage of the development to inform the calculations of groundwater take by each excavation and the results shall be reported to NRAR.	Please refer to the response to Condition B85 above. Condition C43 should be removed given that no significant groundwater inflow is anticipated, with groundwater measurements at monitoring bores within the footprints below the proposed basement levels. Therefore in situ permeability testing in boreholes is not considered relevant to the proposed development.
C45	Daily measurements of water levels from monitoring bores outside basement support walls, weekly measurements of groundwater and discharge water quality, and weekly measurements of pumped volumes shall be recorded by the proponent throughout the construction phase of the development where bulk excavation is within 0.5 m of measured groundwater levels.	While the level of monitoring required by this condition is excessive given the potential duration of construction, the proponent is willing to comply with this condition on the basis that the amendment to Condition B85 is supported and where bulk excavation is within 0.5m of measured groundwater levels.
C46	Inspections are to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, for all Council trunk drainage works. The Applicant shall submit to the Certifier, Certification from the Engineer or equivalent, is to be provided at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, Council's standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.	The condition has been refined to clarify the process and to remove a layer in the certification process which requires the applicant to submit documentation on behalf of the appointed Chartered Civil Engineer or equivalent. The condition has also been refined to allow the accredited certifier who may be appropriately qualified to carry out the inspections as part of the engineering certification of the Subdivision Works Certificate.
C48	DELETED-Water quality targets for Shrimpton creek in accordance with Council's DCP 2014 Part 8.2 and all relevant guidelines must be maintained throughout all construction phases. Testing shall be carried out as per Council's DCP 2014 Part 8.2.	This condition has been deleted as the Part 8.1 of the Ryde DCP "Construction Activities" outlines construction requirements for all works within the LGA including the treatment of runoff from construction sites. The requirements outlined ensure that construction activities do not adversely affect the quality of runoff leaving the site and therefore achieve the same intent of the current condition. Given these are outlined in the DCP in order to obtain CC approval the drawings will need to comply with these requirements. Alternatively, in lieu of deleting the condition, the condition could be reworded to ensure that: "All construction activities, including the treatment of stormwater runoff, are to be undertaken in accordance with Council's DCP 2014 part 8.1".

Condition no.	Proposed amendment	Discussion and assessment
C49	<p>During construction, the following measures should be incorporated with direction from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent:</p> <p>(a) construction equipment, materials, stockpile, access roads and work platforms should not be sited within floodways where the distribution of flood flows will be significantly altered and increase flood impacts on adjoining properties</p> <p>(b) hazardous material should be sited so that the risk of such material entering a watercourse during a flood event is minimised</p> <p>(c) appropriate activities and methodologies should be put in place that addresses awareness, preparedness, response and recovery from a flood event in regard to such things as work health and safety, waterway impacts, site impacts and site reestablishment should a flood event occur during construction</p> <p>(d) temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.</p>	<p>The proposed change to the condition aligns with the wording used in Conditions B95, C46, and C48, D31, D40 etc.</p>
D28	<p>Prior to the occupation or use of each building, written advice or certification shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.</p>	<p>The proposed wording provides further clarification for the certifier.</p>
D31	<p>Prior to the occupation or use or subdivision certificate, Works-As-Executed Drawings prepared by a registered surveyor for all new trunk drainage works shall be submitted to Council's Stormwater Engineer. The Works-As-Executed Drawings shall be accompanied by a certificate from a suitably qualified stormwater engineer (registered on the NER of Engineers Australia), or equivalent, certifying the drawings are a true and accurate representation of the constructed works.</p>	<p>The Subdivision Certifier has confirmed that this documentation is also required to be provided prior to the issue of the subdivision certificate.</p>
D32	<p>To ensure Council's existing and new stormwater infrastructures are adequately protected, there are no damages and the construction has been completed and is fit for purpose, a post-construction CCTV report on Council's existing stormwater drainage pipeline and all new trunk drainage works through the proposed development site and to the downstream discharge point is to be submitted to Council the Certifier accompanied by a certificate from a suitably qualified stormwater engineer (registered on the NER of Engineers Australia) prior to a subdivision certificate.</p>	<p>The proposed change ensures there is a definitive stage for the fulfilment of this condition. The Subdivision Certifier has confirmed that this documentation is required to be provided prior to the issue of the subdivision certificate.</p>

Condition no.	Proposed amendment	Discussion and assessment
D33	<p>An electronic closed-circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to the Certifier and Council's City Works Directorate, prior to occupation or use or subdivision certificate.</p> <p>The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council.</p> <p>The Applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.</p>	<p>The Subdivision Certifier has confirmed that this documentation is also required to be provided prior to the issue of the subdivision certificate.</p>
D36	<p>Following completion of the final stage of the drainage and associated works and prior to the issue of any Occupation Certificate or subdivision certificate, the Applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for "Stormwater - Trunk Drainage Works - Hold Points during Construction" to Council's City Works Directorate.</p> <p>The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.</p>	<p>The Subdivision Certifier has confirmed that this documentation is also required to be provided prior to the issue of the subdivision certificate.</p>
D38	<p>A Detailed Flood Emergency Response Plan (FERP) is to be developed for all relevant buildings within the Ivanhoe Estate. The FERP shall consider floods up to and including the Probable Maximum Flood (PMF). Implementation and maintenance of the FERP shall be the responsibility of the relevant owner's corporation and relevant building management. All owners and tenants of the building must be made aware of the FERP. Details of the FERP prepared by a qualified Engineer are to be submitted to Council prior to the occupation or use of each building.</p>	<p>The EIS and associated technical assessments confirmed that not all buildings are affected by flooding, and as such emergency response plans should only be required for the relevant affected buildings.</p>
D40	<p>A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Certifier, prior to the occupation or use of each relevant building, confirming the building structures are able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.</p>	<p>The EIS and associated technical assessments confirmed that not all buildings are affected by flooding, and as such the structural certification in this condition should also only reasonably apply to the relevant affected buildings.</p>
D41	<p>A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Certifier, prior to the commencement of use of the bridge or Subdivision Works Certification, confirming that all bridge structures are able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event. The bridge structural design shall include serviceability allowances for bridge scour of the piers, abutments and embankments for ultimate limit states design for events up to the 0.05% AEP (2000-year ARI) storm event.</p>	<p>The Subdivision Certifier has confirmed that this documentation is also required to be provided prior to the issue of the subdivision works certificate.</p>

Condition no.	Proposed amendment	Discussion and assessment
D42	Prior to the commencement of use of each road, the Applicant shall provide Council's City Works & Infrastructure Directorate engineering plans prepared by suitably qualified Engineer, registered on the NER of Engineers Australia or equivalent , providing details of the new roads, including the smooth connections to existing infrastructure along Herring Road and Lyonpark Road.	The proposed change to the condition aligns with the wording used in conditions B95, C46, and C48, D31, D40 etc.
D45	Details confirming all public domain works have been designed and constructed in accordance with Council's DCP 2014 Part 4.5 Macquarie Park Corridor, Part 8.5 - Public Civil Works, and Part 8.2 - Stormwater Management, and the Public Domain Technical Manual Section 6 - Macquarie Park Corridor, Austroads Standards and the approved plans in the event of an inconsistency , must be provided to Council and the Certifier prior to the commencement of use of each road	It is proposed to amend this condition so that the approved plans prevail in the event of an inconsistency, to ensure the delivery of the public domain as approved. As assessed in the EIS and technical reports, the proposed roads were designed to be consistent with the Austroads design guidelines with reference to the DCP.
D48	<p>Positive Covenant must be created on each property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7.</p> <p>The terms of the covenant are to be in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7. to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the occupation or use of each building. The application to Council for endorsement of the Positive Covenant must be accompanied by a Works-As-Executed plan of the service area must ensure ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles.</p>	The positive covenant will be provided in accordance with the standard terms identified in the DCP and specified in this condition of consent, and as such further endorsement is not considered necessary.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that 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)”.

This modification application is administrative in nature and seeks to refine the detailed requirements, timing, and nominated personnel in conditions of consent or to address errors. The development, as proposed to be modified, is substantially the same development as that originally approved as no change is proposed to the use of land or the design of buildings and public domain areas, ensuring that the ultimate outcome for the site that was approved under SSD-8903 remains the same.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The proposed modifications do not alter the approved development’s consistency with any environmental planning instruments, policies and guidelines as set out in the SEARs, or will result in any additional significant or adverse

environmental impacts with respect to the relevant matters under Section 4.15(1) of the EP&A Act. The proposed changes are minor and administrative in nature, and seek to align the conditions of consent with the approved plans and supporting technical assessments that were prepared for this application. The proposed modifications are of minimal environmental impact.

The proposed modifications also do not alter the development insofar as the matters identified by the Minister as the reasons for granting the original development consent.

5.0 Conclusion

This modification application seeks to amend a number of conditions of consent to clarify specific requirements, timings, nominated personnel or address errors. No change is proposed to the approved use of land or the approved design of buildings and public domain areas, ensuring that the ultimate outcome for the site approved under SSD-8903 remains the same.

In accordance with section 4.55(1A) of the EP&A Act, DPIE may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- is substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



James McBride
Associate Director