Modification of Development Consent

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

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

Anthony Witherdin
Director
Key Sites Assessments

Sydney 10 November 2020

SCHEDULE 1

Development consent:	**SSD 8903** granted by the Minister for Planning and Public Spaces on 30 April 2020
For the following:	Stage 1 development application for the redevelopment of the Ivanhoe Estate, including: • 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.
Applicant:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Ivanhoe Estate comprising Ivanhoe Place, Wilcannia Way, Nyngan Way, Narromine Way and Cobar Way (Lot 100 DP1262209), part of 2-4 Lyonpark Road (Lot 1 DP859537) and portions of Shrimptons Creek adjacent to Lot 1 DP859537 to the centre line of the creek, Macquarie Park
Modification:	Amendments to conditions

SCHEDULE 2

1. The above approval is amended by the deletion of ~~strikethrough~~ text and inclusion of **bold and underlined** text as follows:

MAXIMUM HEIGHT

B27 The maximum height of Building A1 must not exceed RL 138.3 m AHD. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, **parapets (to a maximum height of RL 138.8)**, 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.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN

B45 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 the Certifier and Council,** prior to the issue of a Crown Building Works Certificate for each building.

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:

(a) location and extent of all necessary sediment and erosion control measures for the site;
(b) catchment plan;
(c) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s). Requirements for sediment basins are specified below;
(d) all relevant details and calculations of the sediment basins including sizes, depths, flocculation, outlet design, all relevant sections, pump out systems, and depths;
(e) all details of basement and other excavation pump out and dewatering treatment systems including flocculation and any proposed discharge from the site from dewatering and pump out systems. Requirements for dewatering are specified below;
(f) identification and management of any stormwater run-on to the site from adjacent sites;
(g) location of any temporary stockpiles (soil, spoil, topsoil or otherwise) and accompanying sediment and erosion control measures;
(h) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds; and
(i) a daily and weekly site inspection checklist consistent with IECA Best Practice Erosion and Sediment Control documents.

A Sediment Basin is required for every catchment discharging from the site as part of any **CSWMP**. Sediment basin(s) are to be designed as follows:

(a) according to the NSW Blue Book (section 6.3.4 and Appendix E). The calculations of the sediment basin size must be submitted with the **CSWMP**;
(b) using type D soils (unless otherwise demonstrated by an analysis of site soils by a qualified geotechnical);
(c) for all events up to the peak flow rate from the 1 in 10-year ARI event for the site for the 5-day rainfall event; and
(d) to include a gypsum flocculent to be added to the sediment basin in accordance with Appendix E of the Blue Book.

BIODIVERSITY MANAGEMENT PLAN

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

a) pre-clearance surveys and clearance supervision of hollow bearing trees

b) the replacement of all removed hollows with artificial nest boxes or the removed hollows at a ratio of 1:4 (removed/replaced), 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 **ten (10) years**.

f) a **Weed Management Plan**.

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

CLEARANCE FROM LAND – HERRING ROAD

B49 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.

CONTAMINATION

B55 The Applicant must ensure that following demolition of any existing buildings, roads, electricity substations and in-ground utilities as part of the Stage 1 works, further investigation of soil contamination is undertaken within the footprint of those buildings, roads, electricity substations and inground utilities prior to undertaking any construction works. Details confirming compliance must be submitted to the Certifier prior to the commencement of any **remediation** works.

B56 The Applicant must conduct additional site investigations and prepare an updated Remedial Action Plan to address any identified contamination with proper regard to the:

(a) NSW EPA Sampling Design Guidelines, **1995**

(b) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017

(c) ~~Guidelines for Consultants Reporting on Contaminated Sites 2011~~ **Consultants Reporting on Contaminated Land (Contaminated Land guidelines (EPA, 2020)**

(d) National Environment Protection (Assessment of Site Contamination) Measure, ~~2013 as amended~~ **(as amended 2013)**

(e) ~~other~~ **Relevant** guidelines approved under section 105 of the *Contaminated Land Management Act 1997*.

Details confirming compliance must be submitted to the Certifier prior to the commencement of any ~~construction~~ **remediation** works.

.

B57 A ~~Section A Site Audit Statement and accompanying Site Audit report, certifying the site is suitable for the approved use, must be submitted to the Certifier prior to the commencement of any construction works.~~

B58 The Applicant must provide details of the proposed remediation and validation strategy to the accredited site auditor in a Works Plan and a Validation Sampling and Analysis Quality Plan for review by the site auditor prior to remediation works commencing. Details confirming compliance must be submitted to the Certifier prior to the commencement of any **remediation** works.

B59 ~~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.~~

B60 ~~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.~~ **The Applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.**

The Applicant must adhere to the management measures in the Remediation Action Plan that has been approved by the Site Auditor. Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor.

B61 The Applicant is to ensure that all reports prepared for the assessment of contamination must be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. Details confirming compliance must be submitted to the Certifier prior to the commencement of any **remediation** works.

~~**HAZARDOUS MATERIALS MANAGEMENT PLAN**~~

B63 ~~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:~~

~~a) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*~~
~~b) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;~~
~~c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;~~
~~d) outline the procedures for identification, handling and disposal of hazardous materials;~~
~~e) include an Asbestos Management Plan;~~
~~f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;~~
~~g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;~~
~~h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and~~
~~i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.~~

~~Prior to the commencement of works, a copy of the HMMP demonstrating compliance with the above must be submitted to the EPA, SafeWork NSW and the Planning Secretary.~~

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B71 ~~Systems~~ **Urinals** must include 'smart controls' to reduce unnecessary flushing **in publicly accessible bathrooms**. Continuous flushing **urinal** systems are not approved. Details **demonstrating compliance with this requirement** are to be submitted to the Certifier prior to the commencement of the relevant works.

~~**GROUNDWATER DESIGN**~~

B85 ~~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.~~

STORMWATER

B95 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.

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.

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~~.

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.

B96 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.

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.

~~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.

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.

B97 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**.

GROUNDWATER MONITORING

C43 ~~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.~~

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**.

STORMWATER

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,** 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.

(f) Upon excavation of trenches as per the approved drainage drawings.

(g) Upon installation of pit reinforcement but prior to concrete pour for cast in-situ pits.

(h) Upon installation of pipes and other drainage structures prior to backfilling.

(i) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

(j) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

(k) Any stormwater pit with a depth greater than 2.5 metres shall be certified by a suitably qualified Structural Engineer.

C49 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:**

(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

(b) hazardous material should be sited so that the risk of such material entering a watercourse during a flood event is minimised

(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

(d) temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

UTILITY PROVIDERS

D28 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.

STORMWATER

D32 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 accompanied by a certificate from a suitably qualified stormwater engineer (registered on the NER of Engineers Australia) **or equivalent**.

FLOODING

D38 A Detailed Flood Emergency Response Plan (FERP) is to be developed for all **flood affected** 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.

D40 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 **flood affected** 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.

CONTAMINATION

D52 A Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan (prepared by a NSW EPA-accredited Site Auditor) – certifying that the site is suitable for the proposed use, must be submitted to the Planning Secretary and the Certifier prior to use of the relevant buildings and infrastructure included in this consent.

End of modification

(SSD 8903 MOD 1)