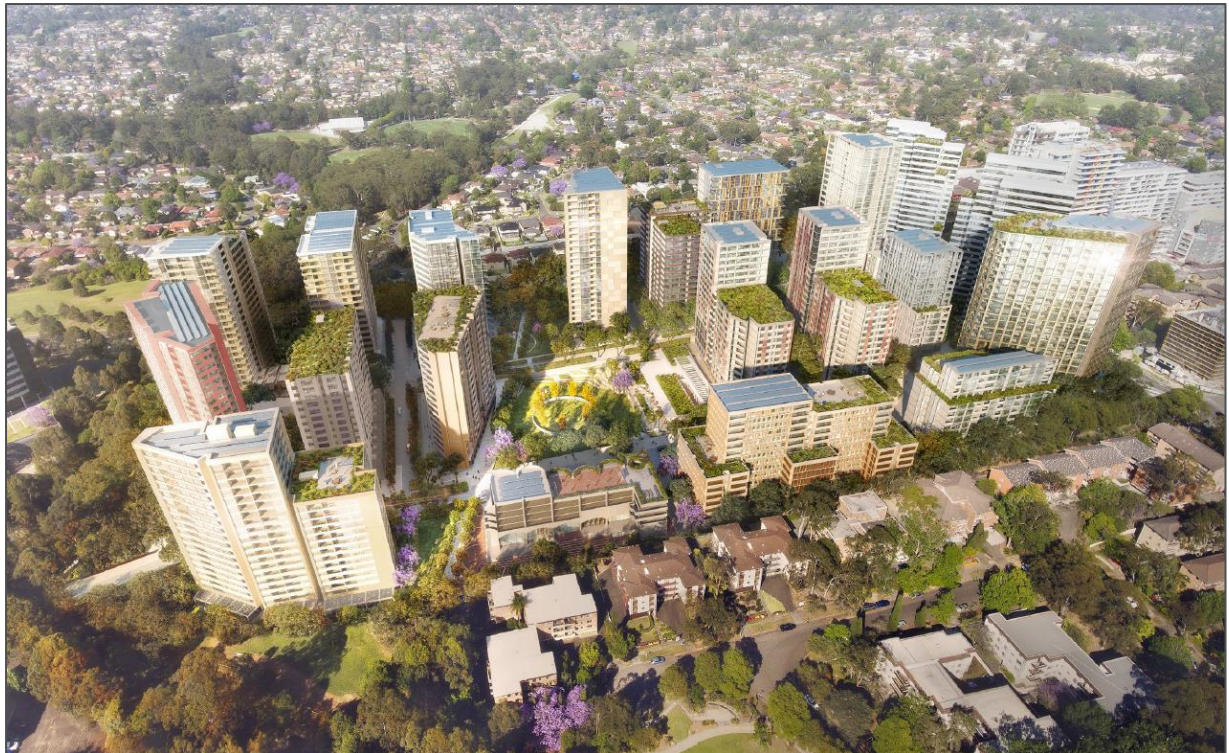




Ivanhoe Estate Redevelopment Stage 1, Modification 3

Removal of three trees that were approved for retention,
and retention of two trees that were approved for removal.
State Significant Development Modification Assessment
(SSD 8903 MOD 3)

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Title: Ivanhoe Estate Redevelopment Stage 1 Modification 3

Subtitle: Removal of three trees that were approved for retention, and retention of two trees that were approved for removal.

Cover image: *Visualisation of the approved Ivanhoe Estate redevelopment concept plan*

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Glossary

Abbreviation	Definition
Applicant	Frasers Property Australia
BMP	Biodiversity Management Plan
Council	City of Ryde
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group, DPIE
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RtS	Response to Submissions
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
The site	Ivanhoe Estate, Macquarie Park

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1 Introduction

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

The application was lodged on 4 November 2021, by Ethos Urban on behalf of Frasers Property Australia (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The proposal seeks approval for the removal of three (3) trees approved for retention and the retention of two (2) trees approved for removal, resulting in a net loss of one (1) tree.

1.1 Background

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

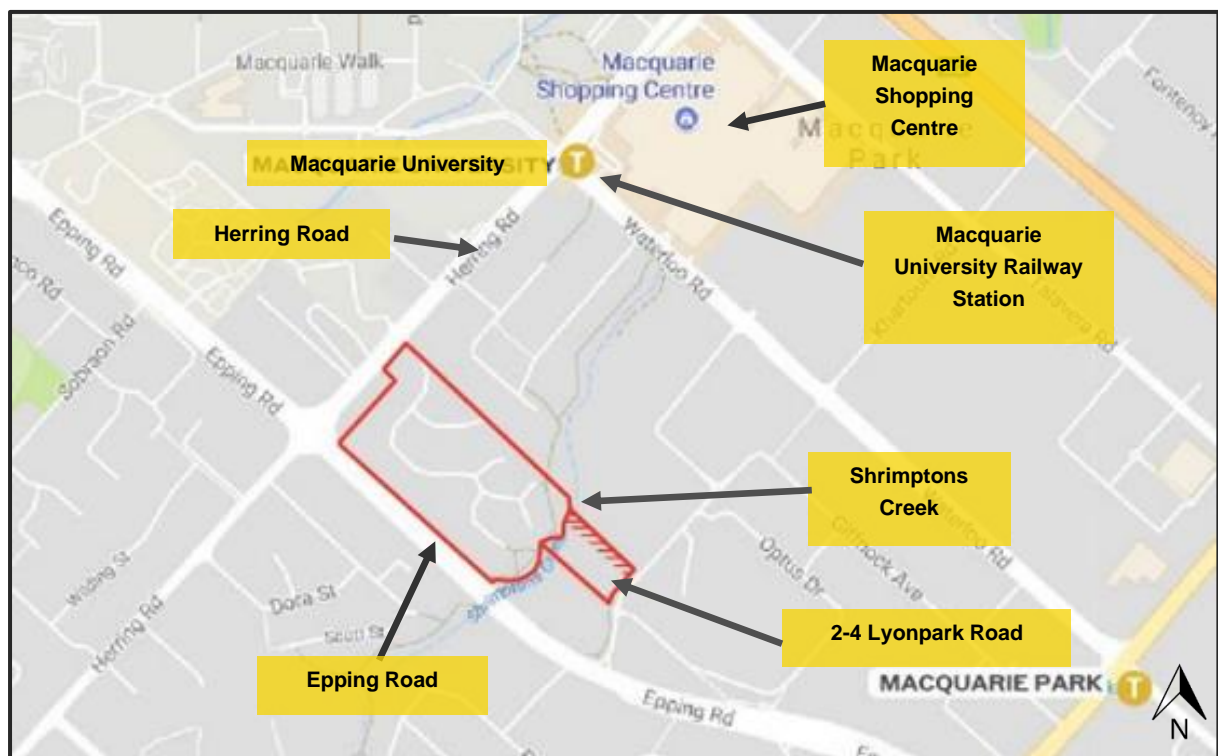


Figure 1 | Site location (highlighted in red) (Source: Department's SSD 8707/8903 Assessment Report)



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

1.2 Approval history

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

The concept approval for redevelopment of the site included:

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

The Stage 1 approval included:

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

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

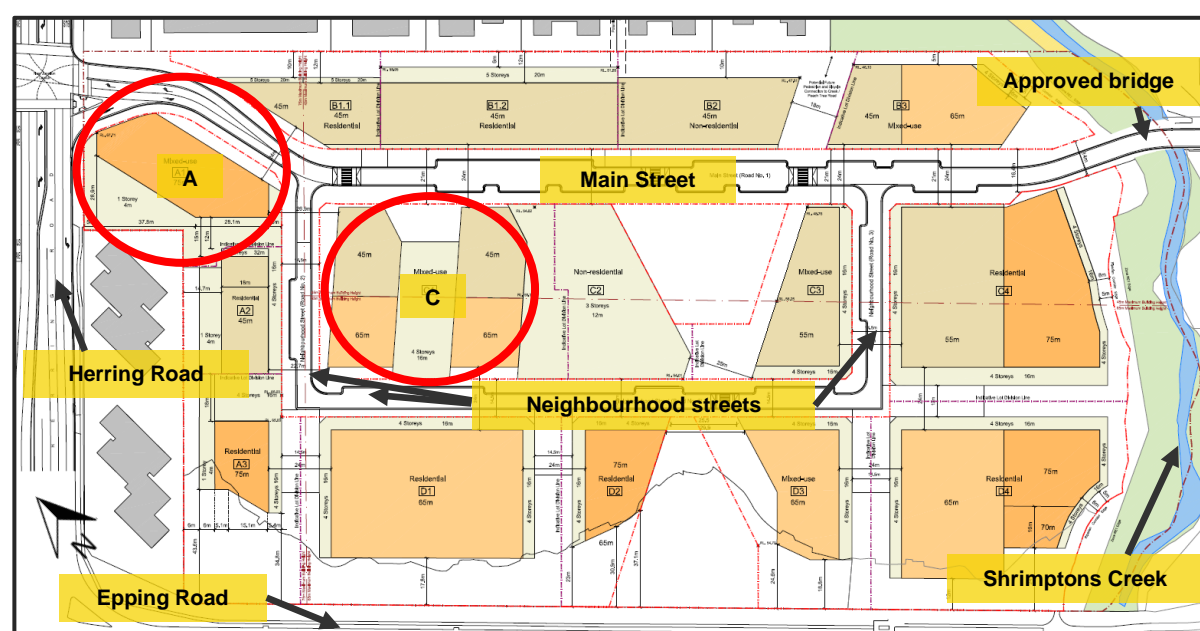


Figure 3 | Approved Ivanhoe Estate Masterplan. Location of approved Stage 1 buildings shown circled red (Base source: Department's SSD 8707/8903 Assessment Report)

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

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modification to various conditions	Director	4.55(1A)	10 November 2020
MOD 2	Increase number of apartments in Building C1 from 471 to 497 and associated design amendments	Director	4.55(1A)	7 May 2021

2 Proposed modification

On 04 November 2021, the Applicant lodged a modification application (SSD 8903 MOD 3) seeking approval under 4.55(1A) of the **EP&A Act** for amendments to the tree removal approved as part of site preparation works occurring across the site.

The proposal seeks approval for the removal of three trees approved for retention and the retention of two trees approved for removal, resulting in a net loss of one (1) tree as part of the site preparation works being undertaken as Stage 1 of the Ivanhoe Estate redevelopment (**Tables 2 and 3**).

Stage 1 of consent SSDA 8903 included a condition (Condition B103) to widen the northern verge of the Shrimpton's Creek bridge joining to Lyonpark Road. The proposed works are as a result of post-approval design development, including compliance with the design development requirements for the Shrimptons Creek Bridge (**Figure 4**).

The trees proposed for removal are identified as:

Table 2 | Trees to be removed

Tree ID	Species	Common name	Reason for removal
921	<i>Angophora costata</i>	Sydney red gum	Design requirements for the Shrimptons Creek Bridge
922	<i>Angophora costata</i>	Sydney red gum	Design requirements for the Shrimptons Creek Bridge
942	<i>Corymbia maculata</i>	Spotted Gum	Design requirements construction of a stormwater outlet

The trees proposed for retention are identified as:

Table 3 | Trees to be retained

Tree ID	Species	Common name	Reason for retention
960	<i>Casuarina cunninghamiana</i>	River Oak	Post approval design changes
961	<i>Casuarina cunninghamiana</i>	River Oak	Post approval design changes

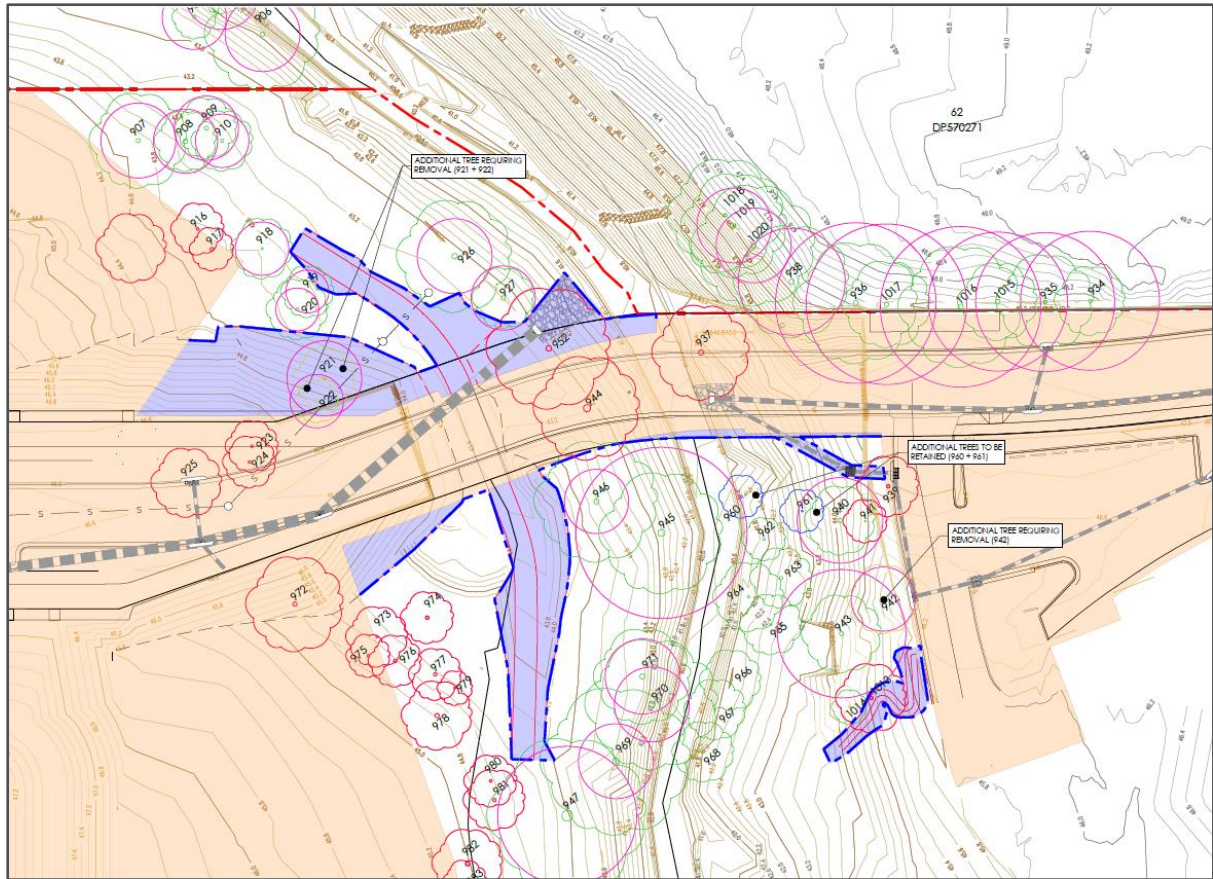


Figure 4 | Tree retention plan (Source: Applicant's Impact Assessment)

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 significantly 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 for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, in accordance with the Minister's delegation, the Director, Key Sites Assessments, may determine this application as:

- a political disclosure statement has not been made
- there are less than 15 public submissions in the nature of objections
- Council has not made a submission by way of objection.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- environmental planning instruments or proposed instruments
- EP&A regulation
- 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 has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

4 Engagement

4.1 Department's engagement

The Department made the modification application available on its website and referred it to City of Ryde Council (Council) and Environment, Energy and Science Group (EESG).

4.2 Summary of submissions

Council confirmed it would not make any submission.

EESG provided comments and sought clarification regarding:

- the justification for two of the trees proposed for removal (2 x *Angophora costata*) given the high retention value of these trees, and whether any of the trees to be removed contain nests, dreys, or hollows
- the species name, tree height, Diameter at Breast Height, retention value, and habitat value of the trees for retention.

EESG also made the following recommendations:

- reuse native trees proposed for removal (including hollows and tree trunks) and root balls within the riparian corridor or other areas on the Ivanhoe Estate site, and replanted with local native species to enhance habitat
- a qualified ecologist should relocate any resident native fauna to an appropriate nearby location, and compensatory tree hollows should be provided prior to removing the tree hollows for existing use hollows
- trees proposed to be removed should be replaced at a ratio greater than 1:1 (for trees not covered by a biodiversity offset strategy) to mitigate the urban heat island effect and to enhance tree canopy and habitat on the site.

No public submissions were received.

4.3 Response to submissions

The Department placed a copy of the submission on its website and requested the Applicant provide a response to the EESG comments.

The Applicant provided a Response to Submission (RtS) which contained additional information on the issues raised, including:

- the high retention value of the angophora trees was assessed under the original Arboricultural Impact Assessment, and compliance with Condition B103 of SSDA 8903 precludes the retention of these trees
- details of trees proposed for retention
- the presence of nests, dreys and hollows is addressed as part of the endorsed Biodiversity Management Plan (BMP) under Condition B47 of the Stage 1 consent

- native vegetation will be planted across the Master Plan site with each progressive stage of the project, in accordance with Condition A17 of the Master Plan consent.

The RTS documents were made publicly available on the Department's website and referred back to EESG for their comment.

The Department received a revised response from EESG who confirmed that the Applicant had addressed the matters raised at the RTS stage and reiterated its previously recommended conditions.

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
- any submissions.

The Department has assessed the potential impacts of the proposal in **Table 2**.

Table 2 | Summary of potential impacts

Issue	Findings	Recommendations
Tree removal and retention	<ul style="list-style-type: none"> • EESG raised concern with the rationale for the removal of 2 x Angophora costata trees, given the high retention value of these trees and any impacts this may have on existing habitats (i.e. nests, dreys, hollows). EESG also suggested that trees proposed to be removed should be replaced at a ratio greater than 1:1. • In the RtS, the Applicant stated that the proposed removal of the Angophora trees (Trees 921 and 922) is a result of complying with the design development requirements for the Shrimptons Creek Bridge, which includes widening of the northern verge to accommodate a new vehicle and pedestrian bridge over Shrimptons Creek (as per Condition B103 of the original stage 1 consent). The removal of a further tree (Tree 942) is required to facilitate the construction of an approved stormwater outlet. • The RtS outlines the presence of any nests, dreys and hollows, reuse of native trees for removal, and relocation of native fauna has been encompassed within the assessment of the Biodiversity Management Plan (BMP), which has been endorsed by EESG and the Department, and is enforced under Condition B47 of the Stage 1 consent. • The Department notes the endorsed BMP has the following requirements: <ul style="list-style-type: none"> ○ clearance of vegetation on the site whilst completing the Stage 1 works (in accordance with Condition E20 of the original consent) ○ hollows which can be retained should be placed in the vegetation management areas under the supervision of a suitably qualified and experienced ecologist ○ processes for the pre-clearance survey of vegetation and the replacement of removed hollows at a rate of 1:4. 	<p>Amendments to condition A2 (Terms of consent) to include Tree Retention Plan.</p>

Table 2 | Summary of potential impacts (continued)

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> • EESG reviewed the RtS and advised it addressed their previous comments. • To mitigate the loss of on-site tree canopy, two trees (mature <i>Casuarina cunninghamiana</i>) previously identified for removal are proposed for retention and are endemic to the riparian corridor. • The Department accepts tree removal is required to facilitate necessary construction works across the site, and to comply with existing consent conditions. • The Department notes the trees proposed to be removed are not located within the endangered ecological corridor along Epping Road and that the original consent requires a minimum of 950 replacement trees across the Estate which is a replacement ratio greater than 1:1. • The Department therefore considers the proposed tree removal is acceptable. 	

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:

- the modifications would not alter the assessment of the endorsed BMP under Condition B47 of the Stage 1 consent
- the modification does not hinder the Masterplan's commitments to rehabilitate the Shrimptons Creek Corridor and protect the ecologically significant corridor fronting Epping Road
- a minimum of 950 replacement trees would still be planted across the site
- it complies with the relevant statutory provisions and remains consistent with the relevant EPIs and the strategic planning context
- it is substantially the same development as the approved development and would not result in any adverse environmental impacts.

Consequently, the Department concludes the modification application 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, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 8903 MOD 3 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:



Lara Fusco
Planning Officer
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to be 'CS', with a large loop at the end.

21.12.2021

Cameron Sargent

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

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, Industry and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/43296>

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 consistent with the relevant environmental planning instruments.
(ii) any proposed instrument	The modified proposal remains consistent with relevant draft environmental planning instruments.
(iii) any development control plan	Under clause 11 of the SRD 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 <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed changes to be minor and would not result in any adverse environmental impacts (refer to Section 5).
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	No submissions were received. Refer to Sections 4 and 5 .
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient redevelopment of the Ivanhoe Estate.

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"> the proposed use of the site remains the same the proposed amendments are considered essential to the site preparation works being undertaken as Stage 1 of the Ivanhoe Estate redevelopment it would not result in any adverse additional environmental impacts. <p>The Department is therefore satisfied the modification application would therefore result in a development that is substantially the same as the originally approved.</p>
The application has been notified in accordance with the regulations.	Section 4 of this report demonstrates the modification application followed the consultation requirements as outlined in the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.

Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005
- Draft Remediation of Land State Environmental Planning Policy
- Draft Environment State Environmental Planning Policy.
- Draft Housing Diversity State Environmental Planning Policy.

The Department has assessed the proposed modification against the relevant provisions of these instruments and considers the modification can be carried out in a manner that is consistent with their aims, objectives and provisions.

Objects under the act

The Minister or delegate must consider the objects of the EP&A act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Appendix C – Instrument of modification

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

<https://www.planningportal.nsw.gov.au/major-projects/project/43296>