

18th June 2019

NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Andy Nixey Andy.Nixey@planning.nsw.gov.au

RE: Submission on Ivanhoe Estate Redevelopment – Stage 1 (SSD 8903)

Dear Andrew,

I would like to commend the consenting authority on embracing a multiple use format for the Ivanhoe Estate redevelopment. The ability to work, live and play within a precinct provides the future platform and blueprint for successful and functional cities. Moreover, the proposed development seeks to rejuvenate and activate recreational and open space along the Shrimptons Creek corridor. Importantly, this represents a first step in prioritising Macquarie Park's most critical piece of infrastructure, being Shrimptons Creek.

While we are generally supportive of the proposed redevelopment, as owners of 6-8 Lyonpark Road Macquarie Park (Lot 62 DP 570271) and a key stakeholder, we wish to outline and express our concerns with respect to certain aspects of the proposed Ivanhoe Estate Redevelopment Stage 1 DA.

We would also like to expressly note that there has been no communication, engagement or dialogue between the developer consortium, project team and ourselves with respect to this DA. We have not been engaged during the consultation period prior to the preparation of the EIS (as prescribed by SEARS), despite fulfilling the definition as a key stakeholder i.e. an affected landowner and business owner in the surrounding area.

In all, the key issues and concerns pertaining to the Ivanhoe Estate redevelopment Stage 1 DA that we wish to raise include:

1. Undermine the structural integrity and stability of 6-8 Lyonpark Road, Macquarie Park (our site)

Our major concern is that the proposed works associated with Stage 1 DA could undermine the structural integrity and stability of our site (6-8 Lyonpark Road, Macquarie Park) and building.

The Desktop Geotechnical Assessment for the construction of a proposed road along the north-eastern side of 2-4 Lyon Park (sic) Road (Appendix G) acknowledges this vulnerability, and outlines potential issues that may arise as a result of works undertaken as part of the proposed Stage 1 DA. Specifically, it notes that:

“Care will need to be taken during any excavation for earthworks below the adjacent crib walls, as this may cause movement of the walls. Assessment and investigation will generally be required to assess the foundation level of the existing boundary retaining walls, foundation strata and any passive support requirements which may dictate the approach to excavation...”

The advised need for further investigation and care by the Geotechnics Expert exemplifies that there is a material risk that proposed Stage 1 works could impair the structural integrity of our site, which constitutes a major concern of for us. This issue and our concerns can be extended to other works beyond excavation that will be undertaken as part of the proposed Stage 1 DA, including and not limited to earthworks, cut/fill, delivery and implementation of new structures (e.g. bridge over Shrimptons Creek, road, foundations, pillars, pathways, etc), removal of trees and construction works.

2. Lack of clarity and ambiguity with respect to the location and character of the crib wall screen

Reproduced below, Figure 26 of the Landscape Report (Appendix C) indicates that a screen (Item 4) will be positioned in front of the existing crib wall along the northern boundary of Main Street. However, it appears that the screen is positioned beyond the perforated line, indicating that the screen will be situated on 6-8 Lyonpark Road and not 2-4 Lyonpark Road. If this is the intention, it must be noted that we have not provided the applicant with consent for the screen to be on our site.

Figure 1 - Layout of Road Connection to Lyonpark Road



Source: Hassall

Adding to the confusion and general lack of clarity is the fact that the proposed screen is absent from the landscape layout of cross-section AA (Figure 2 below), which according to the previous layout (Figure 1), should include the proposed screen. Finally, there has been no indication of the dimensions of the screen (i.e. height, width and depth), its exact location nor the materials that will be used in its construction. Overall, this represents another major concern.

Figure 2 – Landscape Layout of Section AA

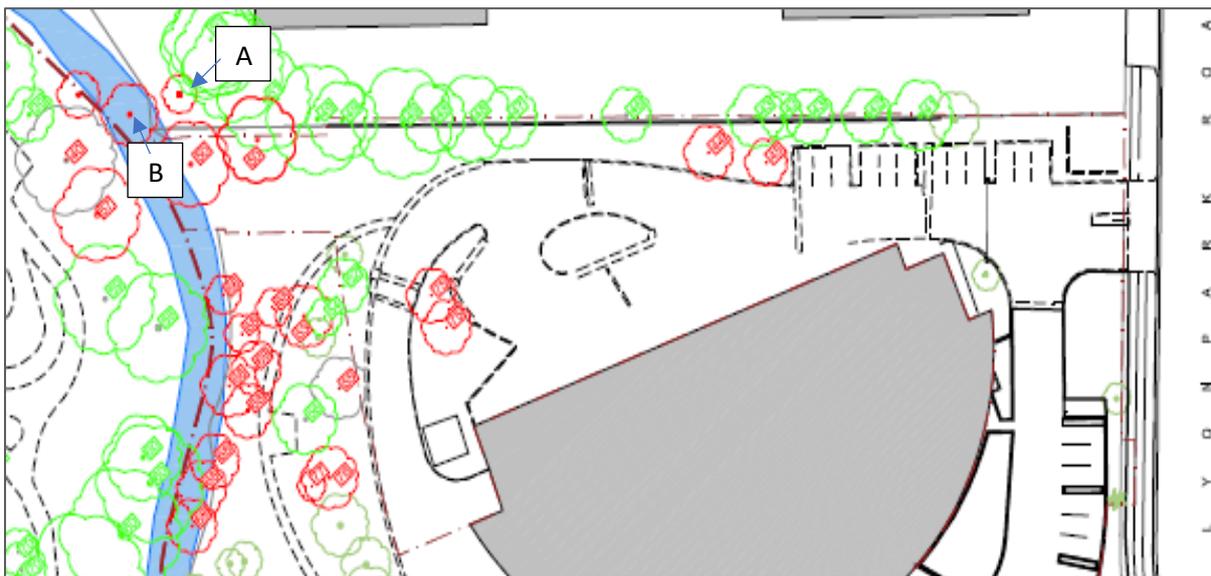


Source: Hassall

3. The removal of a tree which is clearly situated on our site without consent

As indicated in Figure 3 below (sourced from Stage 1 Overview Drawings – Appendix A), there is tree (Item A) earmarked for removal which is clearly within the confines of 6-8 Lyonpark Road, Macquarie Park. It must be noted that we have not consented to the removal of this tree and are concerned about any repercussions that may ensue from its unlawful removal. Moreover, there is another tree within Shrimptons Creek (Item B) that could arguably be situated on our site – that is, if the *ad medium filum legal* precedent applies.

Figure 3 – Tree Removal Layout

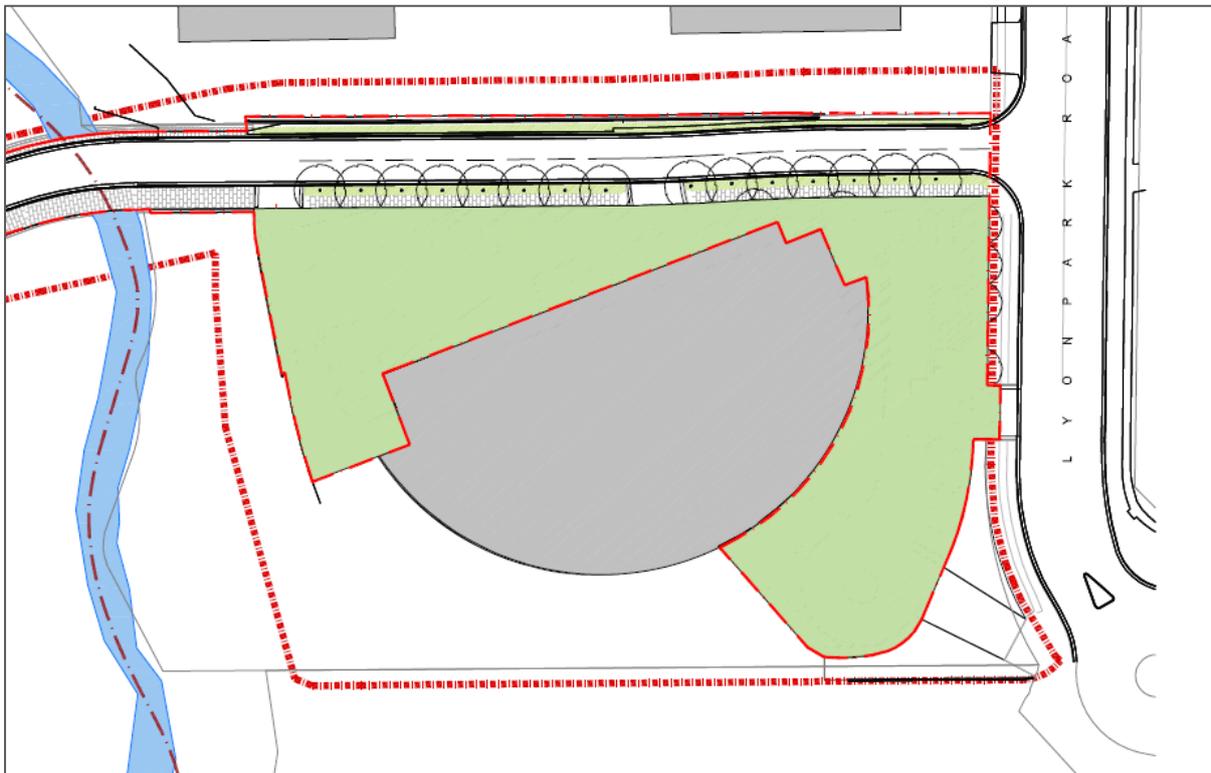


Source: BATESSMART – DA01.A1.000 [1]

4. Inclusion of our site in the Stage 1 Extent Area

As indicated in Figure 4 below (sourced from Stage 1 Overview Drawings – Appendix A), it appears that a portion of our site has been incorporated into the designated Stage 1 Extent Area. It must be noted that we have not provided consent for our site to be included in the Extent Area, and that we are concerned about the repercussions and implications of its inclusion. We ask that the applicant either seek our permission for our site to be included in the extent area or amend all and any figures or images accordingly.

Figure 4 – Stage 1 Extent Area



Source: BATESSMART – DA01.A1.013 [1]

5. Impairment to our land, building and tenant due to noise, vibration and other pollutants as a result of Stage 1 DA works;

We are extremely concerned about the impact noise, vibration and other pollutants created during the undertaking of Stage 1 DA works will have on our land, building and tenant (i.e. their operations, vehicles, etc). Our tenant is a global leader in the provision of digital inkjet technology, and as such is highly sensitive to noise, vibration and pollutants such as dust which are common outputs of excavation, earthworks and construction-orientated activities. Moreover, we are concerned about the impact dust and other air-borne pollutants will have on our property and our site, and as such we will require the applicant to take appropriate measures to ensure that this will not occur.

A list of other concerns we have with proposed Stage 1 DA works and actions include:

- The proposed T-intersection at the termination of the new road connection to Lyonpark Road will form a bottleneck, and importantly, present hazardous and safety issues for patrons seeking to turn right onto Lyonpark Road;
- There is a lack of clarity with respect to the timing of the earthworks and construction of the proposed road and Stage 1 works in general; and
- There has been an absolute lack of regard to the effect that pollutants may have on our tenant and its workforce.

The concerns and issues raised may have significant repercussions on us, our site (6-8 Lyonpark Road, Macquarie Park) and our tenant. We ask that each concern and issue outlined above is addressed in detail. Moreover, we ask that the applicant initiate dialogue immediately with us in the event that access to our land is required by the applicant, its representatives or any of their contractors during the undertaking of Stage 1 works and tasks.

Regards,

Enrico Halbedel
Director

Caleven Pty Ltd
E: e.haldebel@lagoon.nc