

# MEMORANDUM

**To:** Members of the Sydney North Planning Panel

**From:** Tony Collier – Senior Town Planner

**Date:** 16 October 2023

**Subject:** PPSSNH-362 (LDA2022/0408) – 5-11 Lachlan Avenue & 155-159 Herring Road, Macquarie Park – Amendment to Conditions

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Dear Panel Members,

On 10 October 2023 the applicant provided a response via email to Council's draft conditions for the above development which queried Conditions 32, 35, 188 and 199(vii), and which requested an amendment to Condition 38.

The following describes the applicant queries and Council's response to each condition.

## Conditions 32 and 35

In their email, the applicant states:

*"Condition 35 (Road and Active Transport Upgrades) – Based on the need to retain trees along Herring Road and Windsor Drive (as required by Condition 32 – Street Trees, Retention and Protection), we understand that there will be challenges of strict compliance requiring provision of a shared pedestrian/cycle links along Herring Road (minimum 2.5m wide) and Windsor Drive (minimum 2m wide) as per Condition 35. This is noted within the Addendum Traffic Statement submitted in June 2023. Therefore, we query the extent to which we can comply with both Condition 35 and Condition 32 at the same time.*

*Also, we noted that the Transport Impact Assessment is not included in Condition 1 (Approved Plans / Documents) of the draft conditions – should this be included?"*

Conditions 32 and 35 are closely related in that Condition 32 requires the retention of street trees along Herring Road and Windsor Avenue, while Condition 35 requires the installation of a shared user pathway (SUP) with a width of 2.5m along Herring Road and 2.0m along Windsor Avenue. The two conditions conflict because the required widths of the SUP necessitate the removal of all street trees along both frontages.

Condition 35 currently requires:

**Road and Active Transport Upgrades.** The applicant or person acting on the consent must deliver the following works to mitigate traffic impacts associated with the development:

- A shared pedestrian/cycle link along the eastern side of Herring Road and southern side of Windsor Drive for the extent of the western and northern frontages of the site to improve pedestrian/cyclist connectivity between the development site and public transport facilities within Macquarie Park.

- The minimum width for the shared pedestrian/cycle link is 2.5m on Herring Road, and 2m on Windsor Drive.
- Following kerb ramps are also required to be provided:
  - Widening the existing kerb ramp on Herring Road to cross Windsor Drive.
  - Provide new kerb ramps on both sides crossing Lachlan Avenue to ensure the shared pedestrian/cycle link along Windsor Drive is connected to the park's pathway on the southern side of Lachlan Avenue.

The above-mentioned measures are also expected to support walking, cycling and public transport strategies specified in future green travel plans.

All design drawings associated with the above shared pedestrian/cycle link is to be confirmed and approved by Council prior to Construction Certificate. All costs associated with the design and delivery of the shared user path and upgrades outlined above are to be borne by the proponent.

Reason: To ensure appropriate traffic management.

In order to retain the street trees and to provide a SUP along both frontages, Condition 35 has been amended to read as follows (the amendment to the condition is in bold italic):

**Road and Active Transport Upgrades.** The proponent must deliver the following works to mitigate traffic impacts associated with the development:

- A shared pedestrian/cycle link along the eastern side of Herring Road and southern side of Windsor Drive for the extent of the western and northern frontages of the site to improve pedestrian/cyclist connectivity between the development site and public transport facilities within Macquarie Park.
- ***The minimum width for the shared pedestrian/cycle link is 2.5m on Herring Road with the exception for tree protection reducing the width to 2m, and the minimum width for the shared pedestrian/cycle link on Windsor Drive is 2m with the exception for tree protection reducing the width to 1.8m.***
- Following kerb ramps are also required to be provided:
  - Widening the existing kerb ramp on Herring Road to cross Windsor Drive.
  - Provide new kerb ramps on both sides crossing Lachlan Avenue to ensure the shared pedestrian/cycle link along Windsor Drive is connected to the park's pathway on the southern side of Lachlan Avenue.

The above-mentioned measures are also expected to support walking, cycling and public transport strategies specified in future green travel plans.

All design drawings associated with the above shared pedestrian/cycle link is to be confirmed and approved by Council prior to Construction Certificate. All costs associated with the design and delivery of the shared user path and upgrades outlined above are to be borne by the proponent.

Reason: To ensure appropriate traffic management.

The above amendment therefore does not require any change to Condition 32.

With respect to the inclusion of the Traffic Impact Assessment (TIA) into Condition 1 as a supporting document, the TIA does not include any recommendations which are enforceable as conditions of consent. Therefore, the TIA is not included in Condition 1.

### Condition 38

In their email, the applicant states (requested change in bold italic):

*“Condition 38 (Land Boundary / Cadastral Survey) – We’d like to propose a minor amendment to this condition (whilst still ensuring the intent of the original condition wording is achieved. Proposed alternate wording is included below, where changes are shown in blue:*

*Land Boundary / Cadastral Survey **or Proposed Easement Plan**. If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey **or proposed easement plan** be undertaken to define the land.*

*The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.*

*Reason: To ensure no encroachment of private works on public land.”*

Condition 38 currently reads:

**Land Boundary / Cadastral Survey.** If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

Reason: To ensure no encroachment of private works on public land.

It is noted that the applicant’s proposed amendment includes the phrase “land boundary / cadastral survey *or proposed easement plan*.” As this may alleviate the applicant from having to provide a plan showing the land boundary the amendment is not supported. As discussed from the correspondence below it is not clear what the applicant’s reasoning is for the requested change. It is acknowledged that a plan detailing proposed easements in relation to the boundary lines would be useful, however, the proposed amendment wording enables them to provide either the cadastral survey or a plan detailing proposed easements.

As per the reason given within the condition, the purpose of the condition is to “ensure no encroachment of private works on public land” and therefore the submission of the cadastral plan showing survey boundary lines in relation to the constructed elements is critical.

The following condition is recommended in light of the applicant’s request (amendment in bold italic):

**Land Boundary / Cadastral Survey.** If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey including any be undertaken to define the land. ***Any proposed easements shall also be shown on the plan.***

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

Reason: To ensure no encroachment of private works on public land.

### Condition 188

In their email, the applicant states:

*“Condition 188 (Loading Dock Management Plan) – Given that the Loading Dock Management Plan submitted with the DA has been approved (and listed in Condition 1 of the draft conditions), can Council provide further clarification on the need to provide a Loading Dock Management Plan (as per Condition 188) and what additional information is required (if any) that hasn’t already been provided?”.*

Condition 188 currently reads as follows:

**Loading Dock Management Plan.** *A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council’s Traffic Services Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 10.8m long garbage truck.*

*The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements on the public road (including verge). Vehicle queuing on any public road is not permitted. In this regard the Plan must provide details of the following:*

- (i) Delivery requirements and service schedules.*
- (ii) Operational aspects on how to use facilities; and*
- (iii) Management duties and responsibilities.*

*All fees and charges associated with the review of this plan are to be paid in accordance with Council’s latest Schedule of Fees and Charges.*

*Reason: To assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads.*

Loading Dock Management Plans (LDMPs) are always assessed and approved prior to Occupation Certificate (OC). If the applicant submits a LDMP with the development application (as is the case with this application), Council will review the LDMP but will not approve it at development application stage because situations may change during the construction phase and Council will need to assess the LDMP based on the as-built plans rather than the proposed architectural plans.

For this reason, even if a LDMP is submitted with the development application, Council will still require the above condition to be retained as is so that the LDMP can be assessed at the OC stage.

Given the above comment and to avoid confusion, the LDMP is removed from Condition 1.

### **Condition 191(Part vii)**

In their email, the applicant states:

*“Condition 191 (Framework Travel Plan) – In relation to Condition 191(vii), could we request further clarification on what is required to satisfy this condition? For example, is the developer required to provide bus shelters and passenger waiting areas and a new public bus stop? It’s unclear whether the “additional demand from the development” is likely to trigger the need to provide a new public bus stop, etc. Further clarification required, alternatively, should the wording of the condition should be reconsidered (and amended)?”*

Condition 191 currently reads as follows:

**Framework Travel Plan.** A finalised Framework Travel Plan (FTP) is to be submitted to Council for review and approval prior to the issue of any Occupation Certificate. The FTP must:

- (i) Adopt targets to reduce single occupant car trips to the site for the journey to work and business travel based on an initial estimate of the number of trips to the site by mode;
- (ii) Develop measures to achieve the targets including a list of specific tools or actions,
- (iii) Develop monitoring scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey.
- (iv) Adopt strategies and procedures to meet mode share target in Macquarie Park as stated in Ryde Integrated Transport Strategy for journey-to-work trips, to minimise drive-alone vehicle trips and to encourage transport choice to and within the Macquarie Park Corridor;
- (v) Demonstrate how on-site parking provision and built form design will contribute to the FTP and assist in meeting the mode share target for the development for the journey-to-work.
- (vi) Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-sitelinks where required.
- (vii) Provide, to Council satisfaction, supportive infrastructure for:
  - Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is required to service the additional demand from the development or meet relevant mode share targets for the development.
  - Taxi drop-off areas or parking (as appropriate) and carpooling and car share dedicated parking in publicly accessible locations, within the development site. The number of dedicated parking spaces provided must support relevant mode share targets for the development.
  - Walking and cycling (lockers and end-of-trip facilities).

It is recommended that the plan consider an Opal Card with credit and information pack on public transport to be provided to the new residents to encourage use of public transport if applicable. The FTP shall be incorporated into or annexed to the strata management plan for the units in perpetuity.

Reason: To assist in reducing future traffic congestion and promote alternative transport options in Macquarie Park.

Council's Traffic Engineer provides the following comment in response:

*"Condition 191(vii) requires the above-mentioned measures to be provided if the Framework Travel Plan (FTP) identified that those measures are required to be provided to support the travel mode shift targets of the FTP. In other words, the trigger for the above-mentioned measures is based on the results of the FTP. For this reason, this condition is to be retained as it is."*

According to the FTP, the development does not require a new bus stop or bus service to service the additional demand from the development and therefore, the provision of an additional bus stop and/or service is not required to be provided.

This is a standard transport condition and is to remain unchanged as per the Traffic Engineer response.

## Conclusion

In summary, the following is applied to the draft conditions:

- Condition 32 remains unchanged and continues to require all street trees to be retained.

- Condition 35 has been changed to address shared user pathway widths and tree retention as required by Condition 32.
- Condition 38 has been changed to include easement details on the boundary identification survey(s).
- Condition 188 remains unchanged (only the submitted Loading Dock Management Plan has been removed from Condition 1).
- Condition 191 remains unchanged as the development does not generate a requirement to provide additional bus stops or bus services.

The above advice has been forwarded to the applicant.

The updated set of draft conditions are attached to this memo as amended above.

Regards

A handwritten signature in black ink, appearing to read 'Tony Collier', with a stylized, cursive script.

Tony Collier  
Senior Town Planner