

# NOTICE OF MEETING



## LOCAL TRAFFIC COMMITTEE MEETING

A Local Traffic Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 17 August 2021
Time	10.30am
Committee Members	Ian Shanahan – Transport for NSW Detective Chief Inspector Matt Kehoe – Police Cr Basil Cameron Tamara Smith MP

**BYRON SHIRE COUNCIL**  
LOCAL TRAFFIC COMMITTEE MEETING

**BUSINESS OF MEETING**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 3.1 Local Traffic Committee Meeting held on 15 June 2021

**4. MATTERS ARISING**

**5. OUTSTANDING ISSUES/RESOLUTIONS**

**6. REGULATORY MATTERS**

- 6.1 Liliu Love Cafe, Huonbrook Rd (No Stopping) ..... 3
- 6.2 Car share - request from provider Popcar for four additional designated  
parking bays ..... 5
- 6.3 No Parking 1am-5am - Massinger St, Byron Bay ..... 16
- 6.4 Event application - Compass Club East Marathon - Byron Bay ..... 18

**7. MATTERS FOR TRAFFIC ENGINEERING ADVICE**

- 7.1 Speed Zone Reviews..... 23

**8. DEVELOPMENT APPLICATIONS**

- 8.1 5 Lot sub-division - 84-92 Broken Head Road ..... 25
- 8.2 Mercato on Byron - Amendment to Development Consent Conditions of  
Approval ..... 31



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**RECOMMENDATION:**

- 5 **That Council support the installation of No Stopping signs along the inside curve of Hounbrook Road / Wilson Creek Rd intersection for approximately 50m either side of the intersection.**



## Report No. 6.2 Car share - request from provider Popcar for four additional designated parking bays

File No: I2021/726

- 5 The purpose of this report is to seek Local Traffic Committee support for car share service Popcar to lease 4 additional designated parking bays in Byron Bay.

Popcar currently operates out of 10 bays in Byron Shire: 2 in Mullumbimby and 8 in Byron Bay.

### Background

- 10 In June 2019, car share service Popcar was designated 10 parking bays in the Shire to operate from. At the 18 June 2020 Ordinary Meeting, Council resolved that staff liaise with Popcar and the Local Traffic Committee about possible expansion of car parking spaces (**resolution 20-271**).

- 15 At the 24 June 2021 Council Meeting, Council noted that community usage of the share cars increased notably in 2020/21 compared to the 12 month trial in 2019/20 (bookings increased by 157% and hours booked increased by 238%). Council also noted that Popcar's proposal for 6 additional parking bays in Byron Bay would be reported to Council through the 17 August 2021 Local Traffic Committee Meeting (**resolution 21-200**).

### Proposed additional bays: locations, neighbour feedback and recommendations

- 20 Popcar approached Sustainability staff to propose 6 additional parking bays in Byron Bay, at the following locations:

- a) 32 Shirley Street
- b) 139 Jonson Street
- c) 26 Ruskin Street
- 25 d) 28 Lawson Street
- e) 97-101 Bangalow Road
- f) Clarkes Beach Carpark

- 30 Two of the locations ((e) & (f)) were immediately flagged as unsuitable. The location on Bangalow Road is now a bike lane, and Clarkes Beach carpark is Crown Land and would involve a separate process that Popcar wasn't prepared to undertake. A letter box drop was done for the other four locations, and Manager Social & Cultural Planning was advised of location (d) as it is adjacent to the Byron Bay Library. Feedback can be found in Attachment 1 (E2021/97431).

- 35 Based on the feedback, and in consultation with Council's Traffic Engineer, Sustainability staff suggested alternative locations to Popcar for (a), (b), and (c), as well as alternative

# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

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suggestions for the immediately dismissed (e) and (f). Location (d) received no feedback. Popcar approved of the suggested new locations, and a mailout was done to neighbours of the following addresses:

- a) 24 Shirley Street
- 5 b) 122 Jonson Street
- c) 41 Cowper Street
- d) 28 Lawson Street (no mail out done; deemed not necessary as no feedback received from initial letterbox drop)
- e) 1 Oakland Court
- 10 f) 1 Massinger Street

For a map of the proposed locations see Attachment 2 (E2021/97219). For neighbour feedback on the locations see Attachment 3 (E2021/97432). Neighbour feedback for the second round of proposed locations can be summarised as follows:

Location	Summary of feedback
a) 24 Shirley Street	No feedback in round 2.
b) 122 Jonson Street	No feedback in round 2.
c) 41 Cowper Street	Overwhelming negative feedback from numerous neighbours.
d) 28 Lawson Street	Did not send mailout as no feedback was received in round 1 letterbox drop; was not considered necessary.
e) 1 Oakland Court	Overwhelming negative feedback from numerous neighbours.
f) 1 Massinger Street	Two pieces of feedback received: one supporting and one not supporting.

- 15 Given that community usage trends have been increasing notably since 2019, staff consider Popcar's request for additional bays reasonable and support the four proposed bays with minimal or no negative feedback on (a) Shirley, (b) Jonson, (d) Lawson and (f) Massinger Streets. Given the negative community feedback on proposed bays on (c) Cowper Street and (e) Oakland Court, staff do not recommend proceeding with those bays. [The reasoning for suggesting car share bays in those predominantly residential
- 20 locations is because there is a significant amount of holiday accommodation in those areas (holiday houses on and near Cowper Street and a motel on Oakland Court).]

- 25 As an alternative, staff recommend that two further additional bays be considered once the four recommended additional bays have been operational until 29 July 2022 (when the leases for the current and additional bays will be up for review by Council and Popcar will have had time to assess the usage of the additional bays). Council's Traffic Engineer has suggested Carlyle Street as a potential location for the bays (north side of road between Tennyson and Cowper Streets, adjacent to the Recreational Grounds). This location is currently unmarked gravel/grass parking but has been earmarked for asphaltting and line

# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

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marking in the coming 12 months if funding allows. Popcar was amenable to this location and is happy to wait.

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### 5 **RECOMMENDATION:**

**That LTC support the car share service 'Popcar', to lease four additional designated parking bays in Byron Bay at the following locations:**

- a) 24 Shirley Street
- b) 122 Jonson Street
- 10 c) 39 Lawson Street
- d) 1 Massinger Street

### **Attachments:**

- 15 1 Confidential - Car share - Popcar proposed additional bays - Feedback round 1 (May letter box drop), E2021/97431
- 2 Car share - Popcar map of additional proposed locations June 2021, E2021/97219 , page 8 [↓](#)
- 3 Confidential - Car share - Popcar proposed additional bays - Feedback round 2 (June mailout), E2021/97432

Map of existing and proposed Popcar car share bays in Byron Bay





Map of existing and proposed Popcar car share bays in Byron Bay (high level only – for exact locations, see pp. 3-8)









### Map of existing and proposed Popcar car share bays in Byron Bay

#### Map key

#### 10 Existing parking bays (8 in Byron; the 2 in Mullum are not shown on the map)

- 67 Shirley Street (between Kendall and Dryden Streets) – 1 car 
- Lawson Street carpark south – 4 cars 
- 29 Marvell Street – 2 cars 
- 18 Browning Street – 1 car 

#### 6 Proposed additional parking bays

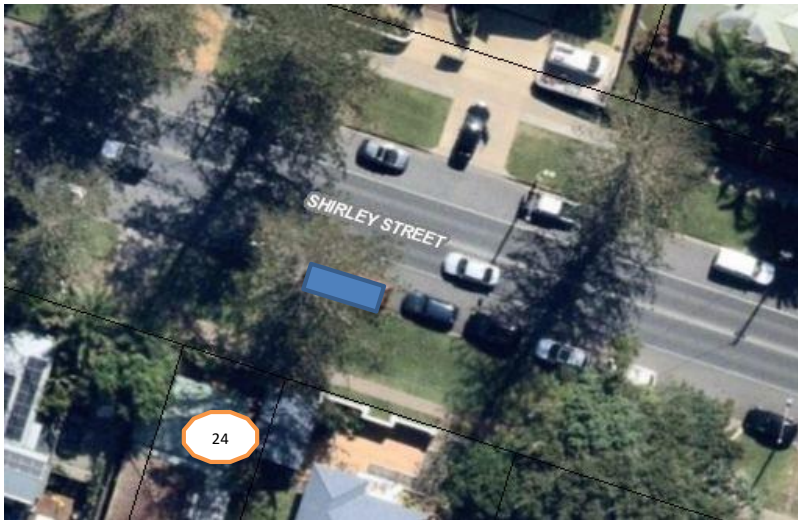
- 24 Shirley Street – 1 car 
- 122 Jonson Street – 1 car 
- 41 Cowper Street 
- 28 Lawson Street (adjacent to Library) – 1 car 
- 1 Oakland Court 
- Massinger Street (across road from 1 Massinger Street; first parking spot on west side of street after roundabout) – 1 car 



Map of existing and proposed Popcar car share bays in Byron Bay

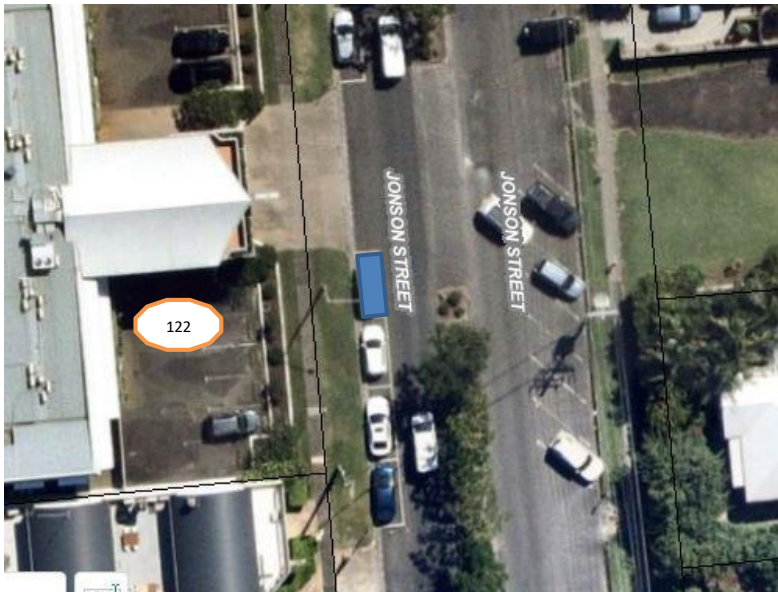
**Exact Geocortex locations of proposed locations**

- a) 24 Shirley Street – halfway between Wordsworth and Milton Streets.  
Pay parking – no time limit.



**Map of existing and proposed Popcar car share bays in Byron Bay**

- b) 122 Jonson Street – out the front of the Lord Byron  
Pay parking – no time limit



**Map of existing and proposed Popcar car share bays in Byron Bay**

- c) 41 Cowper Street – corner of Cowper Street and Kingsley Lane  
Free parking, 4 hour time limit



**Map of existing and proposed Popcar car share bays in Byron Bay**

- d) 28 Lawson Street (adjacent to Library)  
Pay parking, no time limit



**Map of existing and proposed Popcar car share bays in Byron Bay**

- e) 96 Bangalow Road (actually located around the corner on Oakland Court, in front of parcel no. 59490)  
No parking restrictions





**Map of existing and proposed Popcar car share bays in Byron Bay**

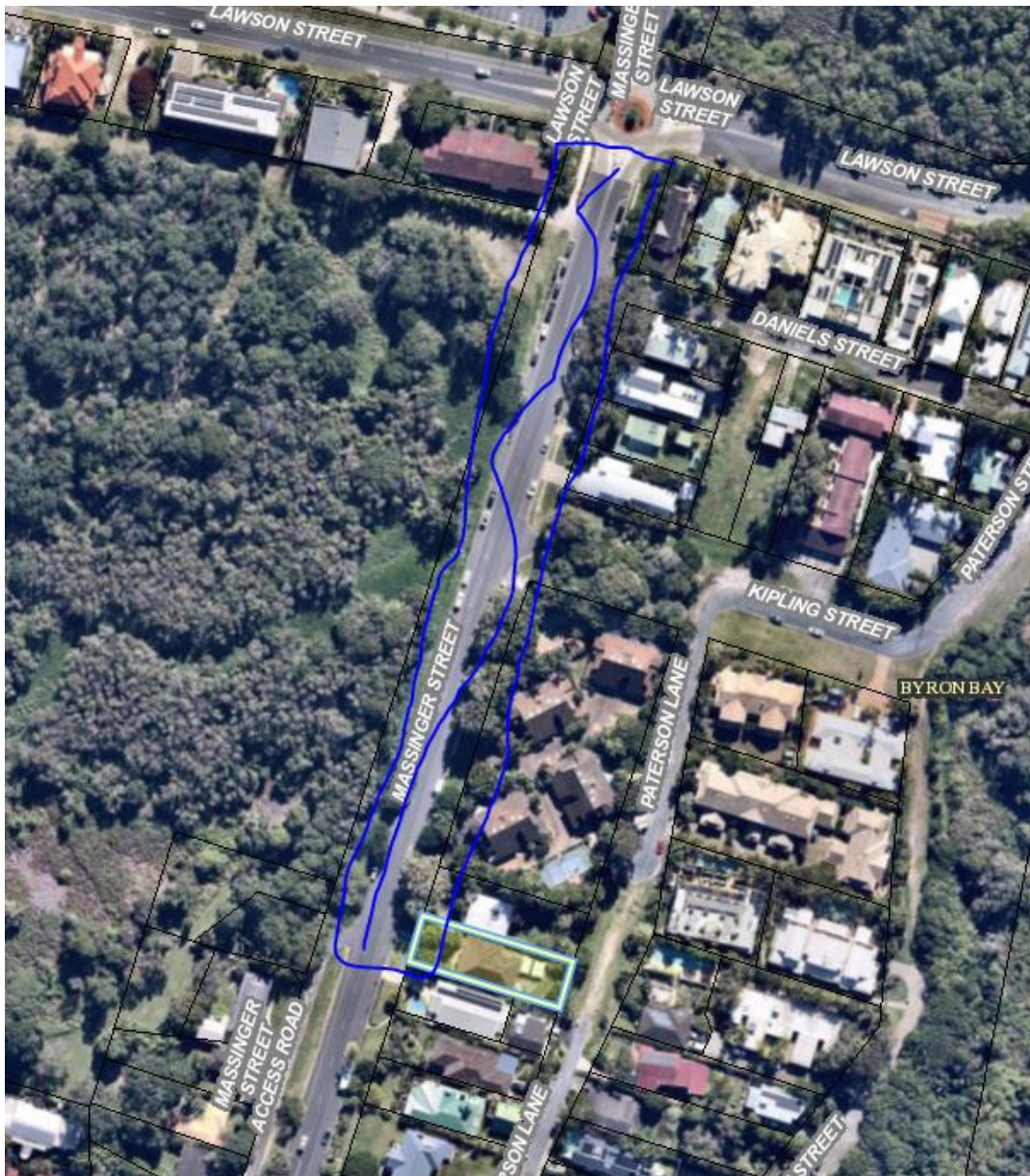
- f) Massinger Street (across from number 1)  
Free parking, 4 hour time limit



## Report No. 6.3 No Parking 1am-5am - Massinger St, Byron Bay

File No: I2021/1130

- 5 The purpose of this report is to request the installation of No Parking 1am – 5am signs in Massinger Street, Byron Bay on the east and west side shown below:



- 10 This equates to about 6-8 signs, 3-4 on each side of Massinger St. This request has been made by local residents who are concerned with the growing number of camper vans parking in this section overnight. The request also has the support of Council's enforcement team.

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5 **RECOMMENDATION:**

**That Council supports the installation of No Parking - 1am-5am signs on the east and west side of Massinger Street, between Lawson Street and 27 Massinger Street, Byron Bay.**

10

**Report No. 6.4      Event application - Compass Club East  
Marathon - Byron Bay**

**File No:** I2021/1168

- 5 Council has received an application for a new event, the fifth in a marathon series at each of Australia's compass points. The Byron event will be Compass Club East Marathon.

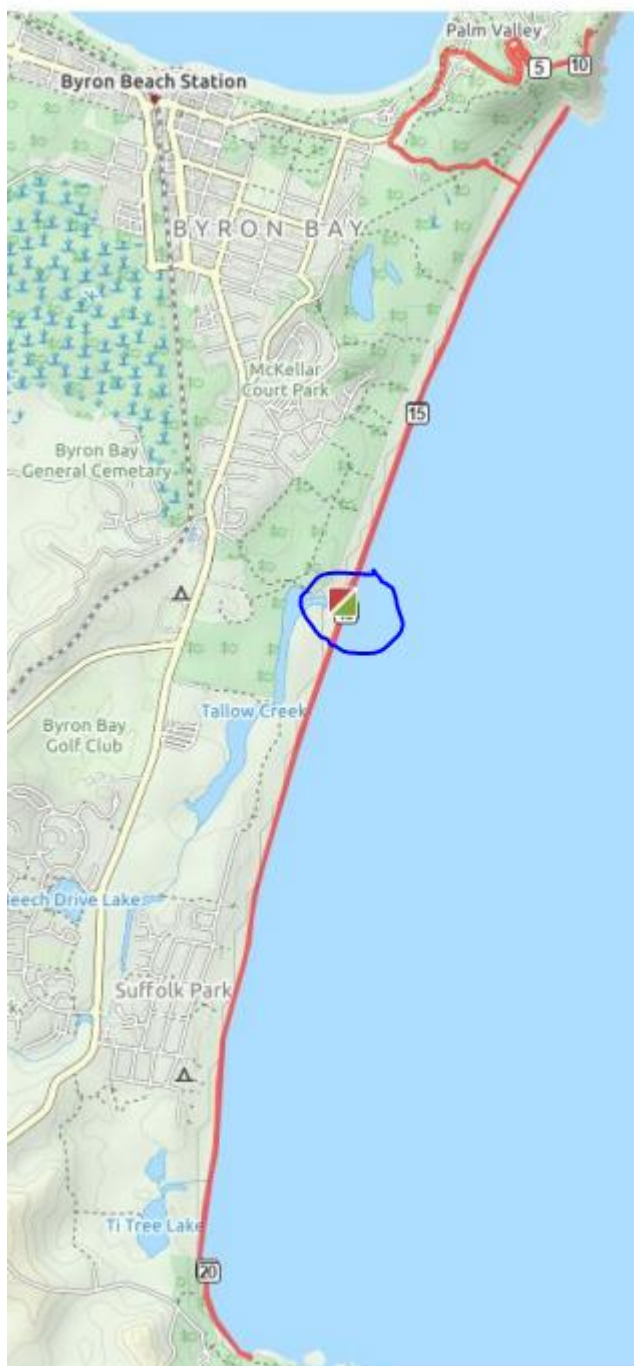
The event includes a 42km full marathon and a 21km half marathon, combining 12km of road running around the Byron Bay lighthouse and 30km of beach running on Tallow Beach.

- 10 The event is proposed for Sunday 7 November 2021, with set up from 4am, and pack down by 4pm. The application is for 200 competitors.

The image below shows the proposed route and impacted roads. In summary, the route follows the following approximate path:

- 15
- Start / finish point is halfway down Tallows Beach. Refer to the blue circle in the image below.
  - Courses heads north along the beach towards Tallows Beach Road
  - North along Tallows Beach Road to Lighthouse Road (subject to NPWS support)
  - East along Lighthouse Road to the lighthouse
  - Return along Lighthouse Road and Tallows Beach Road to Tallows Beach
- 20
- South along Tallows Beach to Broken Head
  - From Broken Head return north to finish line.
  - It is proposed to control traffic along Lighthouse Road between 6am to 8am. Full traffic access will be reinstated after 8am. This is included in the recommendations.



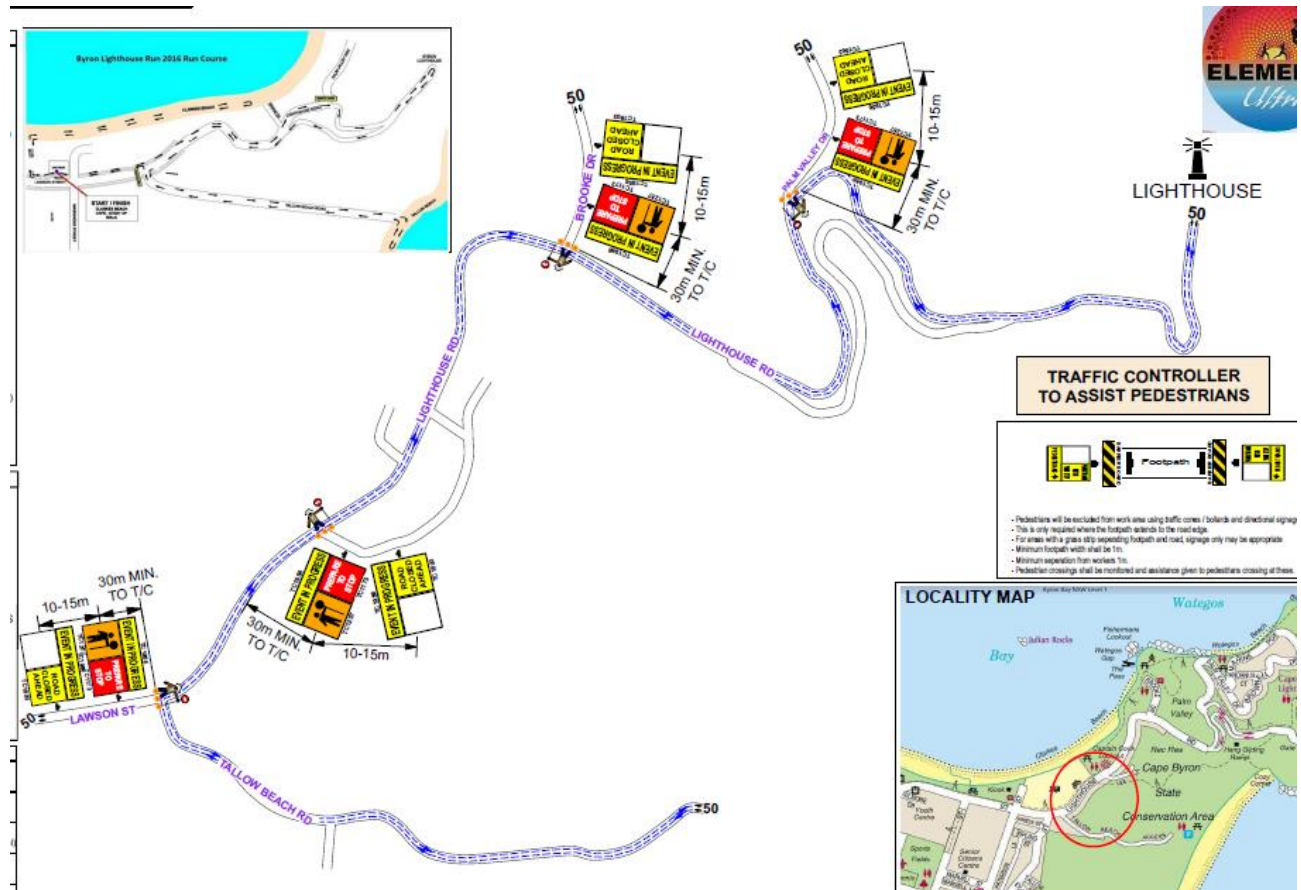


It is proposed that runners will utilise the Byron Bay High School car park (subject to the school's permission).

- 5 The organiser anticipates that being an inaugural event, there would be a maximum of 200 runners, up to 75 runners in the 42km and 125 runners in the 21km event. To ensure the event remains manageable for the first occasion it is recommended capping the event to a maximum of 200 competitors.



While a TMP or event specific TCP have not been submitted, a TCP related to the 2016 Byron Half Marathon has been submitted to demonstrate the expected road closures outlined above for Tallows Beach Road and Lighthouse Road. Refer to attachment 1.



## RECOMMENDATION:

That Council support the 7 November 2021 Compass Club East Marathon, subject to:

1. Traffic Guidance Scheme(s) and a Traffic Management Plan being designed and implemented by those with the appropriate and relevant TfNSW accreditation.
2. The Traffic Management Plan and Traffic Guidance Scheme(s) are to include the following:
  - a. Traffic along Lighthouse Road is to be managed only between 6am to 8am. Unrestricted access is to commence along Lighthouse Road after 8am.
  - b. Local traffic access along Lighthouse Road is to be permitted, under controlled conditions, between 6am-8am.

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## LOCAL TRAFFIC COMMITTEE MEETING

6.4

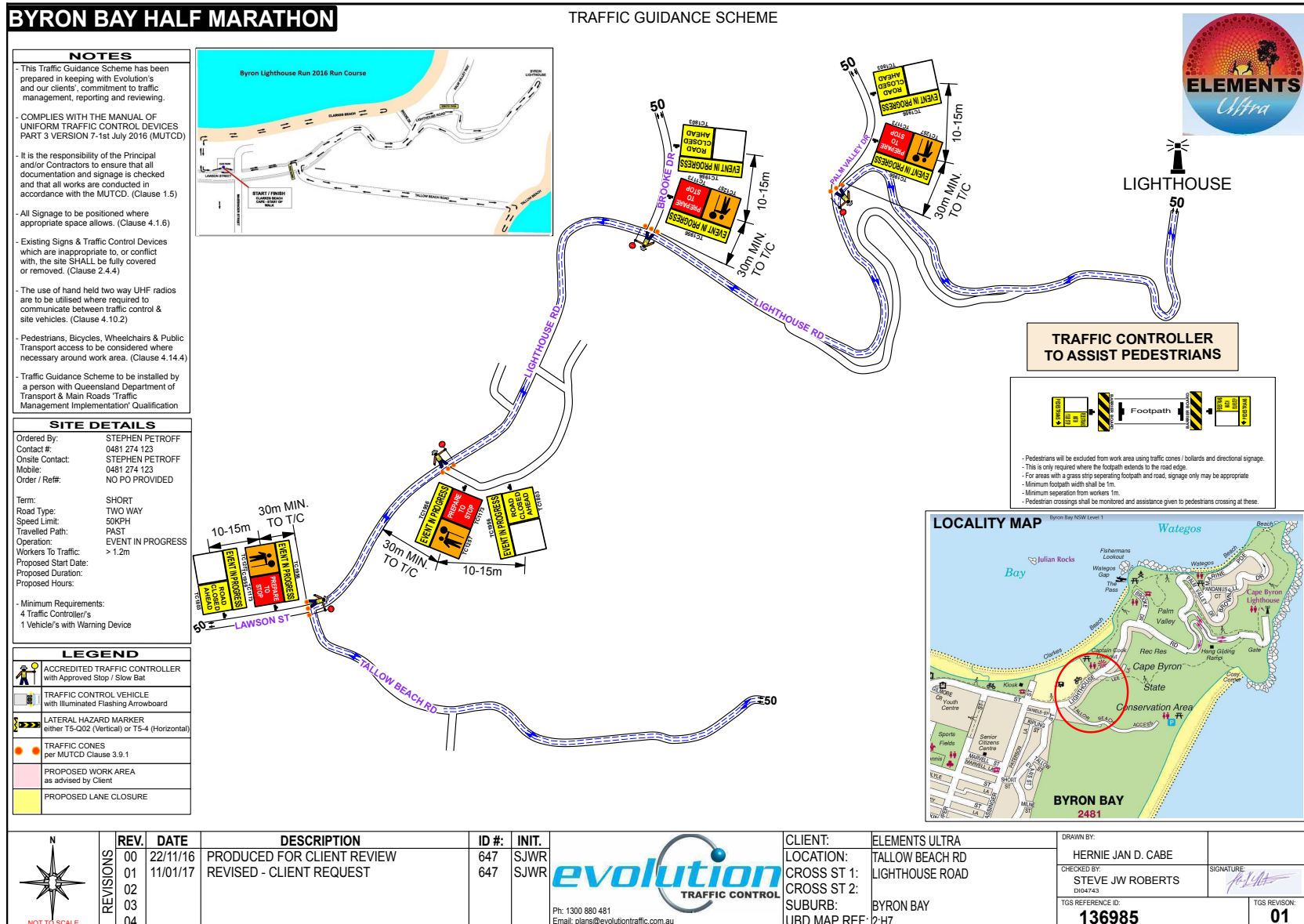
3. Separate approvals by NSW Police, TfNSW, Cape Byron Headland Trust, Byron Bay High School and Dept. of Education being obtained.

4. The event organiser:

- 5       i)     advertising the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect;
- ii)    advertising material must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event
- 10       iii)   providing copy of the advert for Council's web page;
- iv)   informing community and businesses that are directly impacted (e.g. adjacent to the event), including The Pass Café, Lighthouse Café and
- 15       v)     arranging for private property access and egress affected by the event;
- vi)   liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;
- 20       vii)   consulting with emergency services with any identified issues being addressed;
- viii) holding \$20m public liability insurance cover which is valid for the event; and payment of Council's Road Event application fee prior to the event.

25   **Attachments:**

- 1       Event application - Compass Club East Marathon - 7 November 2021 - Traffic control plan for Lighthouse Road, Byron Bay, E2021/95336 , page 22 [↓](#)



**MATTERS FOR TRAFFIC ENGINEERING ADVICE**

## Report No. 7.1      Speed Zone Reviews

**File No:** I2021/1002

5

The purpose of this report is to present known speed zone requests for LTC comment.

Below is a table summarising known speed zone reviews raised with TfNSW since the last LTC meeting and which staff are aware of.

Road	Extents	Current Speed	Requested Speed	Requested by	Status
McAuleys Lane	Mullumbimbi Rd intersection and west for 1.6km	100	<100	Community	Pending
Alcorn St	All	50	<50	Community email	-
New Brighton Rd	Redgate Rd to Casons Rd	50	40	Community email	
Paterson St	Browning St to Bangalow Rd	50	<50	Community email	
Coolamon Scenic Drive	Azalea St to Myocum Rd	100	50 to south of the Golf Club	Community email	
Seven Mile Beach Rd	Full length	100	<50	Community submission pending	

# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

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### RECOMMENDATION:

That Council note the speed zone reviews raised with TfNSW as listed in the report.

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DEVELOPMENT APPLICATIONS

**Report No. 8.1      5 Lot sub-division - 84-92 Broken Head Road**

**File No:** I2021/1131

5

Council has received a Subdivision Works Certificate application (11.2019.429.1) and associated Roads Act application (51.2019.429.1) for a 5 Lot subdivision at 84-92 Broken Head Road, Byron Bay.

10 The applications propose works on Broken Head Road, including central median, precast recycled plastic kerb with safety guide post and cycleway improvements, as identified in plans submitted with the above applications – refer Attachment 1 (E2021/97196).

15 Broken Head Road is a classified (regional) road, requiring TfNSW concurrence for these works. TfNSW have given concurrence, subject to conditions, for the installation of a raised island and recycled plastic barrier kerb with safety guide post – refer Attachment 2 (E2021/97200).

**Refer to image below for the site location circled in blue.**



# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

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### **Below are the conditions of consent imposed on the DA approval:**

Condition 5 (part of):

- a) Kerb & Gutter, Road Shoulder Construction
- 5 Kerb and gutter, road shoulder and associated drainage construction, footpath formation including any necessary relocation of services across the frontage of the subdivision.
- b) Upgrading of the channelised intersection linemarking into a raised island
- 10 Upgrading works in accordance with the annotated Lucena Engineers drawing 180610 ENT1 Rev B dated 22/4/20. Roads and Maritime's concurrence of the design is required prior to Council's approval of works on classified (Regional) roads.
- c) Footpath Reconstruction
- 15 Reconstruction of the existing footpath for the full frontage of the development in accordance with the annotated Lucena Engineers drawing 180610 ENT1 Rev B dated 22/4/20.
- d) Driveway
- A nine (9) metre wide driveway for proposed Lot(s) 1, 2, 3, 4 & 5.
- 20
- The purpose of this LTC report is to gain Council support for the proposed regulatory signage shown in attachment 1. Note, the General Manager does not intend to use delegated authority to adopt the LTC recommendations. Any LTC recommendation for this report will proceed to the next 2021 Council meeting.

25

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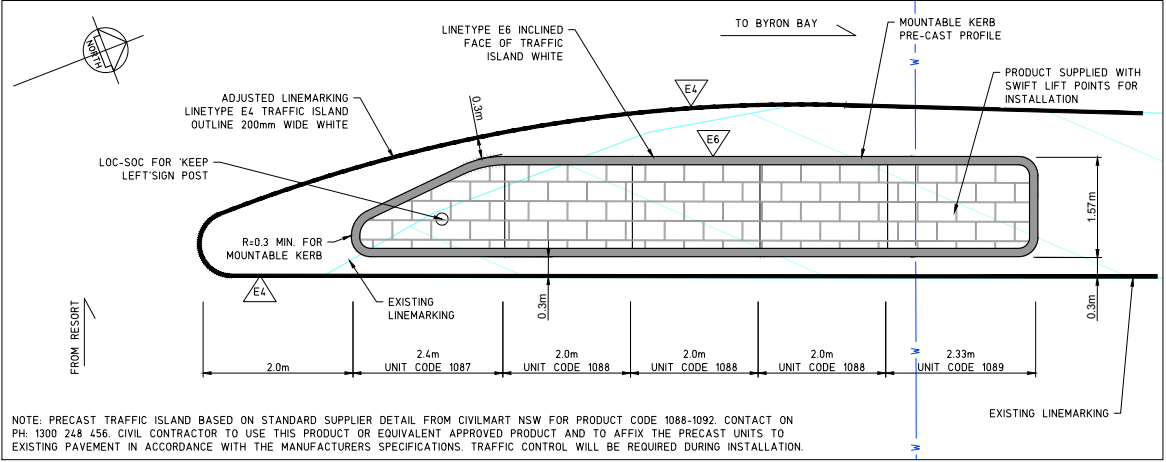
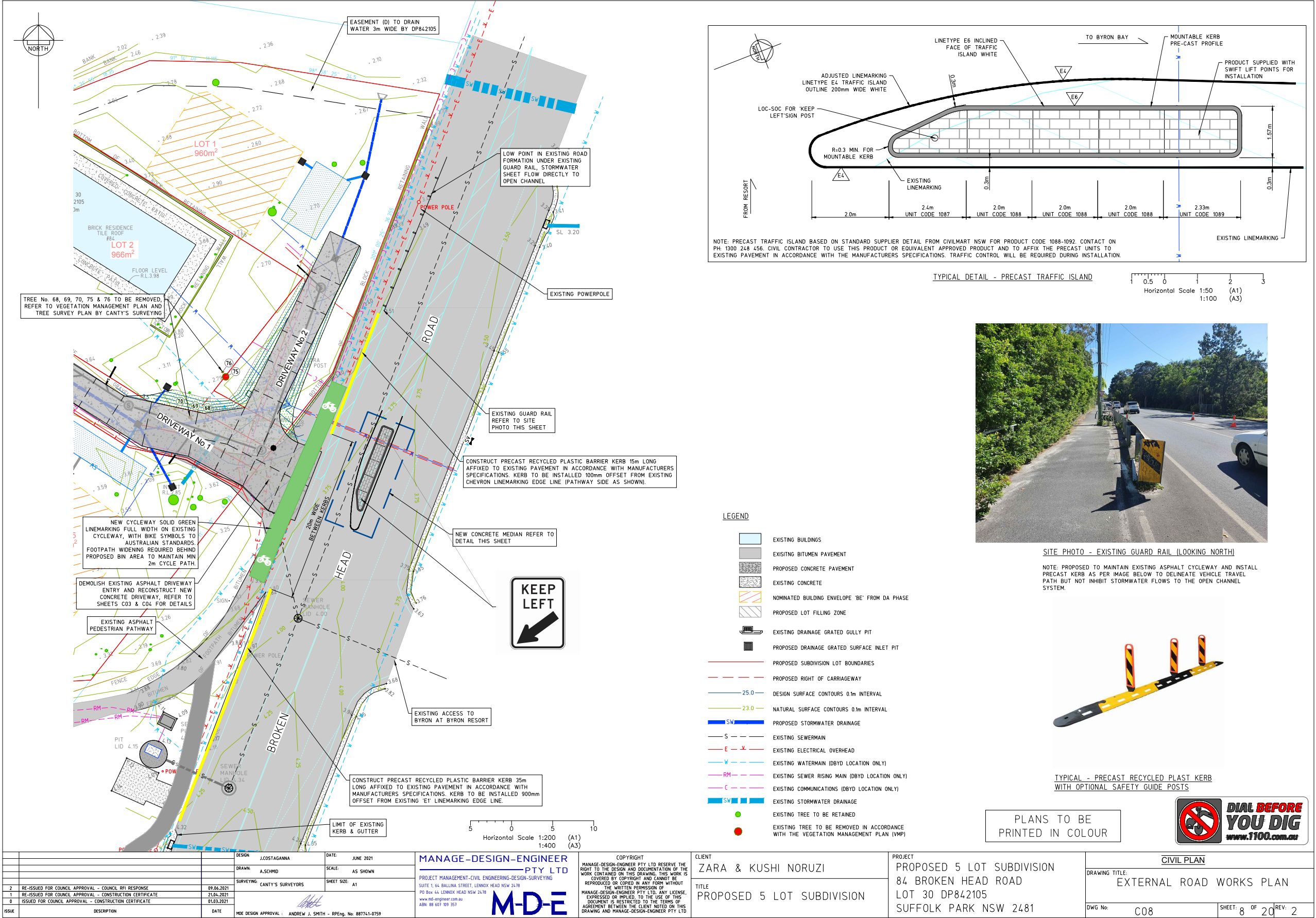
### **RECOMMENDATION:**

- 30 **That Council approve the regulatory devices, signage and line marking shown in Attachment 1 (E2021/97196) which is associated with development application 10.2019.429.1 and Roads Act application 51.2019.429.1.**

### **Attachments:**

- 35 1 11.2019.429.1- external road works plan, E2021/97196 , page 27[↓](#)
- 2 11.2019.429.1 - TfNSW Concurrence for Roadworks, E2021/97200 , page 28[↓](#)





**SITE PHOTO - EXISTING GUARD RAIL (LOOKING NORTH)**

NOTE: PROPOSED TO MAINTAIN EXISTING ASPHALT CYCLEWAY AND INSTALL PRECAST KERB AS PER IMAGE BELOW TO DELINEATE VEHICLE TRAVEL PATH BUT NOT INHIBIT STORMWATER FLOWS TO THE OPEN CHANNEL SYSTEM.



**TYPICAL - PRECAST RECYCLED PLAST KERB WITH OPTIONAL SAFETY GUIDE POSTS**

**Begovic, Jeff**

---

**From:** Development Northern <development.northern@transport.nsw.gov.au>  
**Sent:** Monday, 5 July 2021 10:08 AM  
**To:** Byrne, Amanda  
**Cc:** Blunden, Gray  
**Subject:** NTH19/00211/03 - s.138 concurrence - DA 11.2019.429.1 - S138 Driveway Request - Subdivision - 84-92 Broken Head Road Suffolk Park

Hi Amanda

I refer to your email dated 12 May 2021 and the proposed central median on Broken Head Road Suffolk Park, Transport for NSW (TfNSW) reference of NTH19/00211/03.

Broken Head Road forms part of a classified (regional) road. As this road is a public road, under the provisions of section 138 of the *NSW Roads Act 1993 (the Act)*, TfNSW is required to provide concurrence for the subject works.

**TfNSW concurs with the proposed works subject to the below conditions being met.**

- Should the proposed works vary in any way you must advise TfNSW.
- All works are to be located, designed and constructed in accordance with the Austroads Guidelines, Australian Standards and Roads and Maritime Supplements. The details of the proposed median are not provided in the supplied cross section or plans. The proposed median will need to comply with AS1742.10 with a minimum nose radius and offset to linemarking to allow for Raised Reflective Pavement Markers.
- Any regulatory signs or devices will require the endorsement of the Local Traffic Committee prior to Council approval. Please refer to [A guide to the delegation to councils for the regulation of traffic](#).
- Any maintenance to the services is to be at no cost to TfNSW.
- Any disturbed ground or vegetation is to be suitably reinstated.
- Any restoration required, as a result of any damage to the pavement is to be repaired at no cost to TfNSW.
- TfNSW does not guarantee the location of existing underground services, if any. You must satisfy yourself as to the existence and location of these services and indemnify TfNSW from any claims due to damage arising from your activity.
- The proponent must undertake Public Liability Insurance to the amount of not less than \$20 million. The insurance must be extended to cover the interests of the TfNSW (or its agent) and Council by any contractor engaged on the construction and/or maintenance of the work
- Works undertaken within the road reserve will require a Traffic Guidance Scheme (TGS). The TGS must comply with *Australian Standard 1742.3* and the work health and safety requirements in the *Work Health and Safety Regulation 2017*.
- A Road Occupancy Licence (ROL) may be required for any activity likely to impact on the operational efficiency of the regional road network and / or an activity that requires the road to be used in such a way as to affect traffic flow or an off road activity that affects traffic flow. ROL(s) must be obtained from TfNSW via <https://myrta.com/oplinc2> website before commencement of work. Your asset number is: **NTH19/00211/03**.

An overview of the works in the road reserve process can be found at <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/arrangements-councils/works-road-reserve.html>

Please note for any future enquiries or notifications, please refer these to TfNSW Development Services Team on (02) 6640 1362 or [development.northern@transport.nsw.gov.au](mailto:development.northern@transport.nsw.gov.au).

Regards

*Katrina Wade*

for Liz Smith  
 Team Leader, Development Services

Community and Place | Region North  
Regional & Outer Metropolitan  
Transport for NSW

T 02 6640 1362 | F 02 6640 1304  
Level 1, 76 Victoria Street, Grafton NSW 2460



Transport  
for NSW

-----Original Message-----

From: Byrne, Amanda [mailto:AByrne@byron.nsw.gov.au]  
Sent: Thursday, 20 May 2021 11:01 AM  
To: Development Northern <development.northern@transport.nsw.gov.au>  
Cc: Blunden, Gray <gblunden@byron.nsw.gov.au>  
Subject: FW: Byron Shire Council - Referral Attn Ms L Sedger 11.2019.429.1 84-92 Broken Head Road Suffolk Park Subdivision - One Lot into Five

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Ms Sedger,

Please see referral sent to you on 12 May 2021 regarding S138 Roads Act application as noted above. As the S138 Application was not lodged via the NSW Planning Portal, Council is unable to refer it to you via the Planning Portal. At the present time, it is not mandatory to lodge S138 Roads Act applications via the NSW Planning Portal.

As such, could you please review the documents as attached and provide your comments.

Regards

Amanda Byrne | Business Support & Administration - Planning, Building and Construction For Gray Blunden - Development Engineer

| BYRON SHIRE COUNCIL

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-----Original Message-----

From: Byrne, Amanda <AByrne@byron.nsw.gov.au>  
Sent: Wednesday, 12 May 2021 12:43 PM  
To: development.northern@rms.nsw.gov.au  
Subject: Byron Shire Council - Referral Attn Ms L Sedger 11.2019.429.1 84-92 Broken Head Road Suffolk Park Subdivision - One Lot into Five

Ms Sedger,

Please see attached referral as noted above from Council's Development Engineer Gray Blunden.

Regards

Amanda Byrne | Business Support & Administration - Planning, Building and Construction | BYRON SHIRE COUNCIL



P: 02 6626 7050 | F: 02 6684 3018 | E: council@byron.nsw.gov.au PO Box 219, Mullumbimby NSW 2482 |  
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-----< Content Manager Record Information >-----

Record Number: E2021/65979

Title: Referral to TfNSW L Sedger - 11.2019.429.1 - Subdivision One (1) Lot into Five (5) Lots

-----< Content Manager Record Information >-----

Record Number: E2021/64772

Title: 11.2019.429.1 Generated application form\_1616248926\_CFT-16452

-----< Content Manager Record Information >-----

Record Number: E2021/64766

Title: 11.2019.429.1 84 Broken Head Road - CC Rev 1 - Application - Cover Letter\_AI-100622

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## Report No. 8.2 Mercato on Byron - Amendment to Development Consent Conditions of Approval

File No: I2021/1186

5

Development Application seeks to modify the conditions of consent of DA10.2013.587.1 (as amended). The conditions identified to be modified in the application involve a new access arrangement, new design of Jonson Street and Carlyle Street intersection and pedestrian crossing in Jonson Street, Byron Bay. The proposal also will involve the reconfiguration of the development access to limit the traffic flows of the development into a left-in and left-out movement in Jonson Street.

10



Site Plan



Inset of Affected Area  
Locality Plan

The following conditions of DA10.2013.587.7 are proposed to be modified.

### 23) Consent required for works within the road reserve

Consent from Council, with concurrence from Roads & Maritime Services (RMS), must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

**All regulatory signs and markings must be approved by Council's Local Traffic Committee prior to approval of the works.**

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

#### e) Roundabout

A roundabout at the Jonson Street / Carlyle Street intersection in accordance with AustRoads, Part 4B: Roundabouts. The design is to address pedestrians, cyclist movements (preferably by bicycle lanes), siting, signs, linemarking, parking restrictions and night-time visibility. The pavement in the roundabout must be upgraded to a concrete pavement designed for the expected traffic loads and there turning movements. The design plans are to include swept paths demonstrating that the roundabout can accommodate u-turns for heavy rigid and articulated vehicles.

#### g) Taxi Zone

A taxi zone with suitable tapers to allow smooth access from the traffic lane, accommodating a minimum of 2 taxis, on Jonson Street adjacent to the frontage of the site. The taxi zone is to be designed in accordance with AS 2890.5-1993: Parking facilities - On-street parking and AS 1742.11-1999: Manual of uniform traffic control devices - Parking controls. The design is to address the NSW Taxi Council Taxi Zone Guidelines, including but not limited to signage, line marking, parking restrictions, shelter, seating, kerb side space, trolley stowage, lighting and disability access.

The following are the proposed modified conditions. See attachment 1 (E2021/80545).

### 23) Consent required for works within the road reserve

Consent from Council, with concurrence from Roads & Maritime Services (RMS), must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

**All regulatory signs and markings must be approved by Council's Local Traffic Committee prior to approval of the works.**

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

#### e) Site access from Jonson St

*Access to the site is to be provided from Jonson Street via a left in/left out arrangement only, in accordance with Functional Layout - Proposed Access Arrangement, prepared by TTM, dated 23 April 2021, drawing number 18GCT0271-14, version A.*

#### g) Taxi Zone

A taxi zone with suitable tapers to allow smooth access from the traffic lane, accommodating a minimum of 1 taxi, on Jonson Street adjacent to the frontage of the site. The taxi zone is to be designed in accordance with AS 2890.5-1993:

# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

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Parking facilities - On-street parking and AS 1742.11-1999: Manual of uniform traffic control devices - Parking controls. The design is to address the NSW Taxi Council Taxi Zone Guidelines, including but not limited to signage, line marking, parking restrictions, shelter, seating, kerb side space, trolley stowage, lighting and disability access.

It is noted that Jonson St is currently a classified road. TfNSW concurrence is required to determine the suitability of the proposed intersection treatment in Jonson St and Carlyle St and proposed access design of the development. TfNSW have given comments to Council requiring further consideration to assess traffic impact and design requirements to comply with the safety and traffic efficiency requirements in Jonson St and to seek Local Traffic Committee comments. See attachment 2 (E2021/95176) and attachment 3 (E2020/46550).

The purpose of this LTC report is to seek comment as recommended by TfNSW and approval for the following:

### DA Matters

1. Removal of the Roundabout Treatment at the intersection of Jonson St & Carly St intersection as recommended in development condition 23e) of DA10.2013.587.1;
2. Approve the Priority Intersection Treatment subject to traffic efficiency assessment and detailed design as part of Section 138 Roads Act Application no. 51.2021.1035.1; and
3. Approve the location of the Pedestrian Aids as recommended in development condition 23f) of DA10.2013.587.1.

### Regulatory Matters

1. Approve the existing Taxi Zone as recommended in development condition 23g) of DA10.2013.587.1;
2. Approve the existing Bus Zone as recommended in development condition 23h) of DA10.2013.587.1;
3. Approve the existing Motorcycle parking and advise parking timing limit is required; and
4. Approve Regulatory signage of the priority intersection treatment at the intersection of Jonson St & Carlyle St.

### Discussion

#### DA Matters

1. Removal of the Roundabout and installation of Priority Intersection Treatment at the intersection of Jonson St and Carlyle St.

This matter has already been argued in the Land & Environment Court with case name on 30 October 2020.

- Item 24 of the judgement acknowledges “*that the construction of the roundabout at the intersection of Carlyle and Jonson Streets, as envisaged under Condition 23(e), was “not warranted by the Mercato development”.*”

- Item 25 of the judgement states: *“The Court should consider imposing one of two alternative version of modified Condition 23(e) that they proposed, as follows:*

- 5 (1) *the Applicant explained that whilst initially it had sought to modify the conditions of the original consent by deletion of Condition 23(e), it now sought to amend that application and proposed that Condition 23(e) be modified to read as follows:*

***“Site access and Jonson Street/Carlyle Street***

- 10 *Access to the development sites and Carlyle Street, is to be constructed as shown in the ‘Access Arrangement drawing P3414 1 005’ and in accordance with AustRoads, Part 4A: Unsignalised and Signalised Intersections (2017 Edition).*

*The design plans are to include swept paths demonstrating that the access can accommodate u-turns for heavy rigid and articulated vehicles.”*

- 15 (2) *The Respondent, while not opposing the Court granting leave to the Applicant to amend its modification application, nevertheless proffered an alternate Condition 23(e) for imposition by the Court as follows:*

***“Jonson Street***

- 20 *Within 3 months of Modification Application No. 10.2013.587.5 being approved, the Applicant shall lodge an application with Council for the installation of a traffic island/median on Jonson Street and a mountable roundabout at the intersection of Jonson and Kingsley Street in accordance with Concept plan Number 2814 – CP01 Issue B dated 3/7/20 prepared by Byron Shire Council and with AustRoads.*

- 25 *The design is to address pedestrians, cyclist movements (preferably by bicycle lanes), siting, signs, linemarking, parking restrictions and night-time visibility.*

*The design plans are to include swept paths demonstrating that the median strip exit on Jonson Street is of suitable width to accommodate heavy rigid and articulated vehicles.*

- 30 *The island must include a mountable section that is able to be traversed by trucks turning right out of the site, whilst also being undesirable for cars. Appropriate signage must also be provided at the driveway to enforce this restriction.*

*The works the subject of the above application shall be completed by the Applicant within 6 months of any consent being granted by the Council in relation to such an application.”*

- 35 • Item 49 of the judgement states: *“Based on my findings above (at [37] and [43], I conclude that the Applicant’s proposed modified Condition 23(e) is contrary to the provisions of cl 101(2)(b) of SEPP (at [15] as I am not satisfied that the efficiency and safety, and as a consequence the ongoing operation, of the classified road will not be adversely affected by the development should the Applicant’s proposed Condition 23(e) be imposed.”*
- 40



# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

8.2

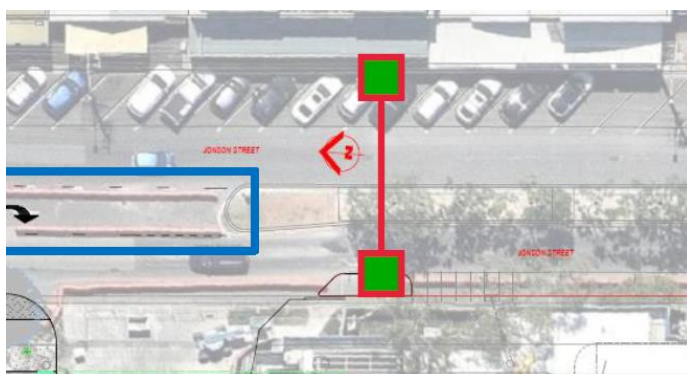
- 5 • Item 61 of the judgement states: *“Having considered the submissions of the Parties, I agree with the submission of the Applicant in relation to the Respondent’s alternative Condition 23(e) that, without a detailed design for the alternative roundabout at the intersection of Jonson and Kingston Streets, it is not possible for the Court to determine that the works that would be required to fulfil the condition were feasible and reasonable, for the reasons that the Applicant provided above (at [58]).”*
- 10 • Item 64 of the judgement states: *“Having considered the submissions of the Parties, and the testimony of the experts, I conclude that:*
  - (1) *the Applicant’s proposal to modify Condition 23(e) of consent no. 10.2013.587.1 is not approved for reasons provided above at [49];*
  - (2) *the Respondent’s proposed alternative modified Condition 23(e) is also not approved for reasons provided above at [61].*
- 15 • Item 65 of the judgement states: *“I note that, as a consequence of the dismissal of the Applicant’s appeal in relation to its proposed modification application, as well as the non-imposition of the Respondent’s proposed alternative condition 23(e), as identified by the expert traffic engineers (see above at [24], the matter of the safe and efficient access to, and egress from, the Subject Site remains*
- 20 *unresolved”*

### 2. Approval of the location of the Pedestrian Aids

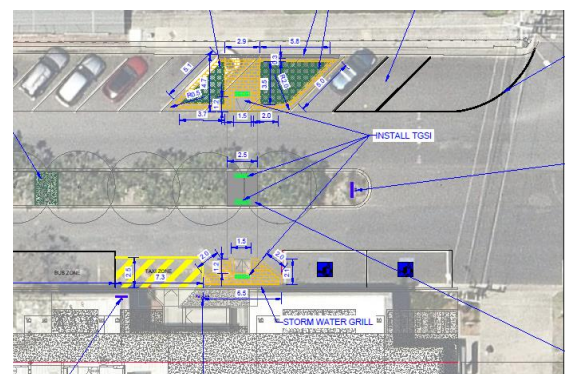
It is anticipated that the construction of a new pedestrian crossing will reduce the parking supply in Jonson St. The following criteria has been applied to determine the most suitable location of the pedestrian crossing;

- to ensure minimal number of existing parking spaces are affected; and
- to provide direct/efficient and safe passage of pedestrians to eastern side of Jonson St.

A comparison was made to the originally approved location of the pedestrian crossing against the new location according to the criteria above.



Original approved location



Proposed Location

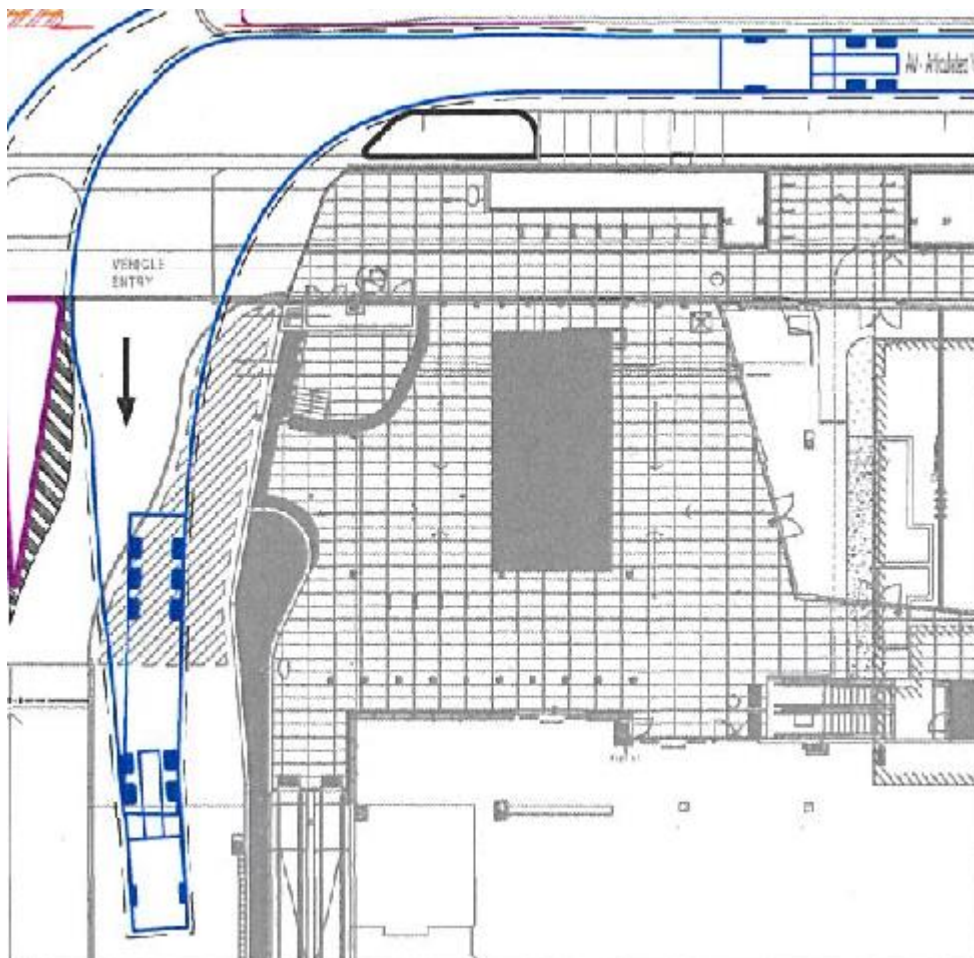
### Original approved Location in DA10.2013.587.1

This is situated near the development access (see above). This location will reduce the angle parking supply by a maximum of 3 parking spaces on the east side of Jonson St and no reduction of parking spaces west of Jonson St. A net parking supply reduction of three (3).

This location is close to Mercato building's main entrance providing the shortest distance for pedestrians (approximately 5m) to gain entry and exit of the development and currently being used by the majority of pedestrian crossing in the Jonson St.



It is envisaged that the pedestrian crossing will be constructed within the raised island as shown on the access layout of the development (see below) and the maximum sized vehicle accessing the site is an articulated vehicle (AV). As shown below, the location of the raised island does not interfere against the traffic lines of the maximum sized vehicle accessing the development site.



AV Accessing the Site prepared by TTM - DA10.2013.587.5 (7/3/19)

### Proposed Location

5 The proposed location is situated near Kingsley St intersection (see above). The proposal will involve the removal of one taxi rank space to accommodate a ramp down for pedestrians to cross the street. The works will also involve a ramp on the other side of the street with complimentary landscaping, new line marking and the relocation of one car space to make room for the pedestrian ramp across the road.

10 The proposal offers more details than the approved location however the proposal will provide a greater impact to the supply of the existing taxi ranks adjacent the development and parking.

15 The proposal also offers to relocate one angle car space close to Kingsley St intersection. This proposal does meet the no-stopping distance space requirement near a priority intersection (minimum 10m). The net parking supply reduction are three (3) angle parking and one (1) taxi rank. No justification provided why the reduction of one (1) taxi rank is acceptable.

This location also provides a longer travel path from the main entrance of Mercato to travel approximately forty (40m) minimum along the frontage of the development.

### Comparison between the approved and proposed location

# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

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The comparison based on the criteria above found that the originally approved location in DA10.2013.587.1 will provide a more suitable location than the new proposal.

- 5 It is recommended that the new proposal is not supported and the adoption of the approved location in DA10.2013.587.1 be endorsed.

### **Regulatory Matters**

- It is noted that the taxi and bus zones are the requirements of the DA.

10 The installation of the taxi zone, bus zone and motorbike parking in front of the development was made without a Section 138 Roads Act approval and without consultation with LTC.

The existing linemarking must be upgraded to the current standard.

- Regulatory signage of the priority intersection treatment at the intersection of Jonson St & Carlyle St be assessed as part of Section 138 Roads Act approval.

15

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### **RECOMMENDATION:**

#### **1. That Local Traffic Committee provides the following traffic related advice:**

- 20 a) **Removal of the Roundabout Treatment at the intersection of Jonson St & Carly St intersection from condition 23e) of DA10.2013.587.1 (as amended) is supported.**
- b) **The proposed Priority Intersection Treatment is supported subject to traffic efficiency assessment and detailed design as part of a Section 138 Roads Act Application.**
- 25 c) **The Pedestrian Aids required by condition 23f) of DA10.2013.587.1 (as amended) be located adjacent to the driveway access for the site, subject to a detailed design as part of a Section 138 Roads Act Application.**

#### **2. That Council approve the regulatory signs, linemarking and traffic devices for the following:**

- 30 a) **The existing Taxi Zone, Bus Zone and Motorcycle parking (currently unauthorised by Local Traffic Committee and Roads Act consent), subject a detailed design as part of a Section 138 Roads Act Application for the repainting of the linemarking to the relevant standards.**
- b) **The proposed Priority Intersection Treatment, subject to a detailed design as part of a Section 138 Roads Act Application.**

35

# BYRON SHIRE COUNCIL

## LOCAL TRAFFIC COMMITTEE MEETING

8.2

### **Attachments:**

- 5
- 1 10.2013.587.9 - Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8\_PAN-102736, E2021/80545 , page 40[↓](#)
  - 2 CNR-23748 - DA102013.587.9 - Referral of DA - comments from TfNSW, E2021/95176 , page 50[↓](#)
  - 10 3 RMS Response - 10.2013.587.5 - Mercato on Byron Johnson Street Byron Bay, E2020/46550 , page 52[↓](#)





**LEVEL 2**  
**64 MARINE PARADE**  
**SOUTHPORT QLD 4215**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

21 May 2021

Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2482

Dear Sir/Madam,

## **DA NO.10.2013.587.8 (MERCATO ON BYRON) – AMENDMENT TO DEVELOPMENT CONSENT CONDITIONS OF APPROVAL**

We write on behalf of the proponent *Mercato on Byron Pty Ltd* to amend the current development consent DA No. 10.2013.587.8 in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979* for a modification application. This Section 4.55 application is to modify the conditions of approval of the development consent for the Mercato on Byron shopping centre development located at 98-114 Jonson Street, Byron Bay (Lot 6 and Lot 7 on DP619224 and Lot 8 and Lot 9 on DP617509).

The purpose of this letter is to update Condition 23(e) and 23(g) of the conditions of approval in relation to site access. This application will also confirm compliance with Condition 23(f) and (h).

This is supported by the following:

- **Attachment A** – Proposed Access Arrangement, prepared by TTM
- **Attachment B** – Proposed Pedestrian Crossing, prepared by TTM
- **Attachment C** – Swept Path Analysis, prepared by TTM

### **Condition Review**

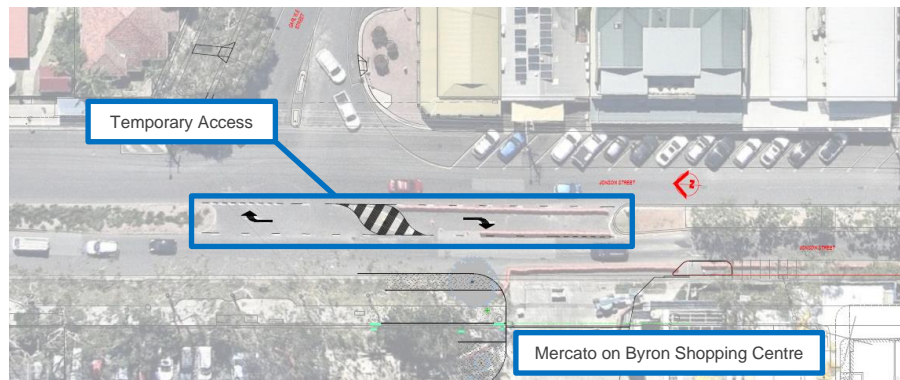
#### **Condition 23(e)**

On 21 December 2018, Council approved a temporary modification to the access arrangement required under Condition 23(e). This was specifically for a *Temporary Holiday Access Arrangement* to the Mercato on Byron shopping centre as shown in **Figure 1** below.

Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8



Figure 1 Approved Temporary Holiday Access Arrangement



Source: Bitzios Consulting

As the proponent has previously discussed with Council, a safe and functional roundabout cannot satisfactorily be designed for the Jonson Street/Carlyle Street intersection. This intersection was not assessed or considered during the original development application, and subsequent investigations have not been able to find a satisfactory design.

The Applicant proposes site access be amended for a left in/left out arrangement through the extension of the existing central median strip to the southern point of the intersection with Carlyle Street and some minor amendments to the existing pedestrian refuge and minor widening of the driveway flare at the development vehicle entry to cater for the left turn of the 19m Articulated Vehicle. The proposed access arrangement is shown in **Attachment A**.

Therefore, the proponent proposes an amendment to Condition 23(e) for a permanent site access outcome that will be safe and functional.

Condition 23(e) currently reads:

e) *Roundabout*

*A roundabout at the Jonson Street/Carlyle Street intersection in accordance with AustRoads, Part 4B: Roundabouts. The design is to address pedestrians, cyclist movements (preferably by bicycle lanes), siting, signs, linemarking, parking restrictions and night-time visibility. The pavement in the roundabout must be upgraded to a concrete pavement designed for the expected traffic loads and there turning movements. The design plans are to include swept paths demonstrating that the roundabout can accommodate u-turns for heavy rigid and articulate vehicles.*

It is proposed Condition 23(e) is amended to read as follows:

e) ~~Roundabout~~ **Site access from Jonson Street**

**Access to the site is to be provided from Jonson Street via a left in/left out arrangement only, in accordance with Functional Layout - Proposed Access Arrangement, prepared by TTM,**

Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8

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*dated 23 April 2021, drawing number 18GCT0271-14, version A. A roundabout at the Jonson Street/Carlyle Street intersection in accordance with AustRoads, Part 4B: Roundabouts. The design is to address pedestrians, cyclist movements (preferably by bicycle lanes), siting, signs, linemarking, parking restrictions and night-time visibility. The pavement in the roundabout must be upgraded to a concrete pavement designed for the expected traffic loads and their turning movements. The design plans are to include swept paths demonstrating that the roundabout can accommodate u-turns for heavy rigid and articulate vehicles.*

The amendment to Condition 23(e) will allow for an alternative site access arrangement that is safe and functional and will not impact the safety or efficiency of Jonson Street. Included in **Attachment C** is a swept path analysis that demonstrates an AV can exit the site.

Further, with the opening of the Butler Street Bypass, the left in/left out arrangement is complimentary as the majority of cars that would usually travel via Lawson Street, will now be directed along the Butler Street Bypass and can turn left into Jonson Street, then left again into the site. It is our understanding Lawson Street will be used primarily by traffic exiting the CBD and so traffic can turn left out of the site, travel along Jonson Street and then left into Lawson Street. The Butler Street Bypass and the left in/left out arrangement create a circuit of traffic to move to and from the site.

For traffic heading east to the residential area, the left in/left out arrangement also provide easy access to and from the site.

#### **Condition 23(g) + (f) + (h)**

An amendment to Condition 23(g) is also proposed to reduce the number of taxi bays required. This amendment is required as a result of the proposed pedestrian crossing, as detailed in **Attachment B** and in order to fulfil Condition 23(f). This revised design also demonstrates compliance with Condition 23(h).

The proposed pedestrian crossing will involve the removal of one taxi rank space to accommodate a ramp down for pedestrians to cross the street. The works will also involve a ramp on the other side of the street with complimenting landscaping, new line marking and the relocation of one car space to make room for the pedestrian ramp across the road. This arrangement provides a safe and legible crossing for pedestrian directly from the Mercato on Byron Shopping Centre.

Therefore, in order to accommodate the proposed pedestrian crossing, an amendment to Condition 23(g) is required.

Condition 23(g) currently reads:

#### *g) Taxi Zone*

*A taxi zone with suitable tapers to allow smooth access from the traffic lane, accommodating a minimum of 2 taxis, on Jonson Street adjacent to the frontage of the site. The taxi zone is to be designed in accordance with AS 2890.5-1993: Parking facilities – On-street parking and AS 1742.11-1999: Manual of uniform traffic controls devices – Parking controls. The design is to address the NSW Taxi Council Taxi Zone Guidelines, including but not limited to signage, line marking, parking restrictions, shelter, seating, kerb side space, trolley stowage, lighting and disability access.*

It is proposed Condition 23(g) is amended to read as follows:

Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8

3



g) *Taxi Zone*

*A taxi zone with suitable tapers to allow smooth access from the traffic lane, accommodating a minimum of ~~2~~ 1 taxis, on Jonson Street adjacent to the frontage of the site. The taxi zone is to be designed in accordance with AS 2890.5-1993: Parking facilities – On-street parking and AS 1742.11-1999: Manual of uniform traffic controls devices – Parking controls. The design is to address the NSW Taxi Council Taxi Zone Guidelines, including but not limited to signage, line marking, parking restrictions, shelter, seating, kerb side space, trolley stowage, lighting and disability access.*

This amendment will allow the pedestrian crossing to be implemented while still maintaining suitable parking for a taxi and the bus zone adjoining the taxi zone.

**Summary**

The application is made pursuant to s4.55(2) of the Act and in this regard, it is noted that the proposed modifications will maintain the development as substantially the same as that of the original consent. The amendments will allow for a satisfactory and safe site access solution to be delivered and the amendments are consistent with that previously discussed with Council officers.

We look forward to resolving this s4.55 with Council. Should you have any questions about the above or attached, please contact the undersigned on (07) 5600 4900.

Yours sincerely,

Liam Campbell  
Associate Director  
[lcampbell@urbis.com.au](mailto:lcampbell@urbis.com.au)



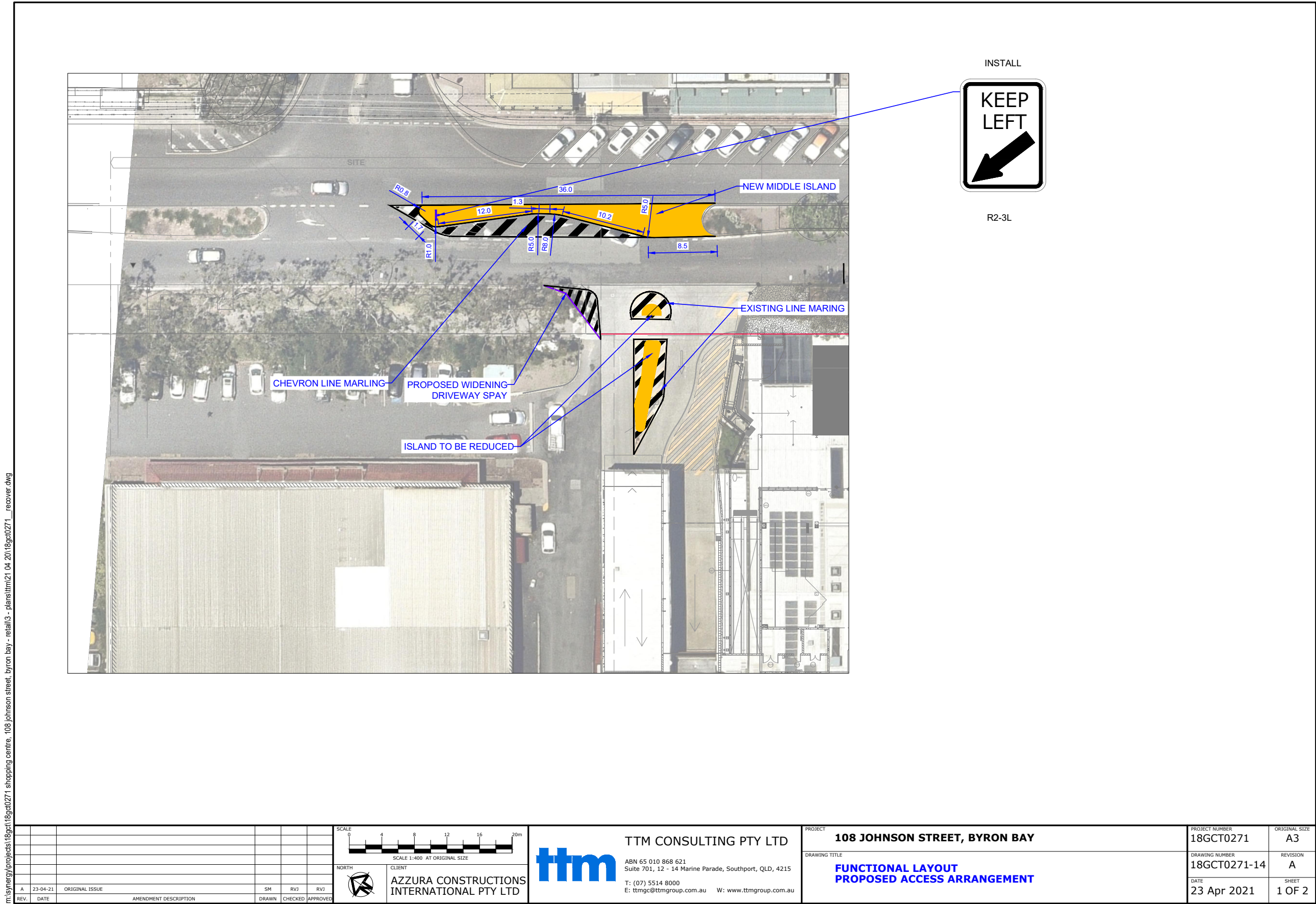
**ATTACHMENT A**

**PROPOSED ACCESS ARRANGEMENT**

Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8

5







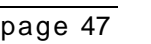
**ATTACHMENT B**

**PROPOSED PEDESTRIAN CROSSING**

Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8

6







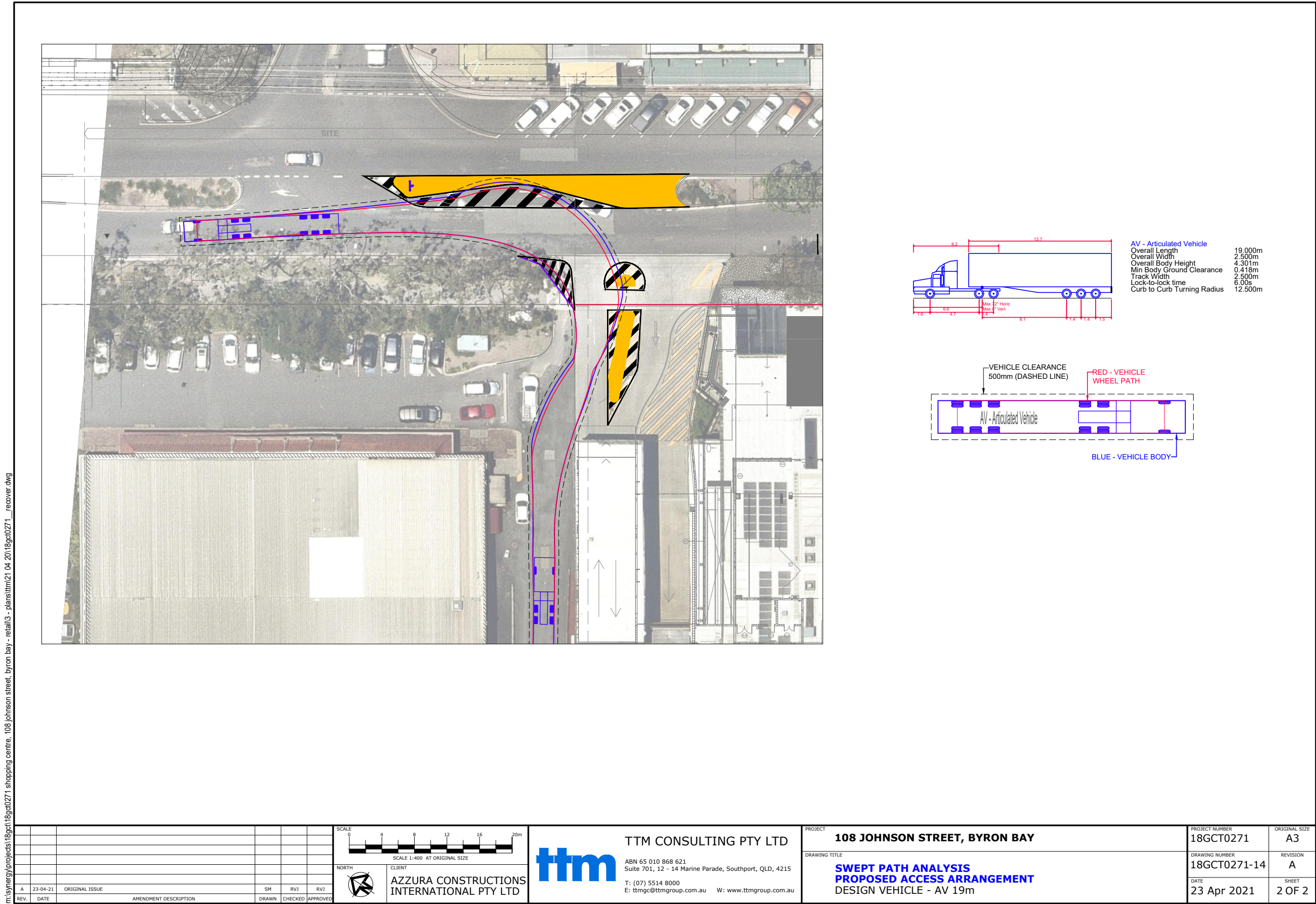
**ATTACHMENT C**

**SWEPT PATH ANALYSIS**

Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8

7





**Solatan, Renan**

---

**From:** Development Northern <development.northern@transport.nsw.gov.au>  
**Sent:** Wednesday, 23 June 2021 5:15 PM  
**To:** Smith, Greg  
**Cc:** Holland, Ivan  
**Subject:** CNR-23748 - DA 10.2013.587.9 - Referral of DA  
**Attachments:** Ltr\_GP0133\_210519\_Mercato on Byron S4.55 for 10.2013.587.8\_PAN-102736 (1).pdf; NTH13\_00119\_08 - RMS Response - DA10.2013.587.5 - Mercato on Byron, John....pdf

Hi Greg

I refer to Councils referral of **DA 10.2013.587.9** via the portal **CNR-23748**.

I called Council to discuss this referral and it was mentioned that you were on leave. It was suggested I copy Ivan into the following comments, my apologies Ivan if this is not relevant to you.

My pre-assessment review notes the application seeks to modify conditions relating to a roundabout at the intersection of Carlyle Street, and to access considerations for pedestrians and Taxi access. Noting the CNR referral trigger of 'Other' and in the interest of saving time I am responding to you directly rather than accepting the referral via the portal. Council will receive a notification via the portal that the referral was rejected, however please consider the following feedback;

**Comment on Access arrangement**

I consider that the proposed amendments are generally consistent with TfNSW (RMS) comments on 10.2013.587.5 (copy attached) in that the proposed arrangement maintains priority for vehicles turning right from Johnson Street into Carlyle Street, with development traffic accessing left-in and left-out giving way to through traffic. I note the proposed median arrangement in Attachment A of the Urbis submission dated 21 May 2021 (attached) effectively shortens the right turn storage for vehicles turning into Carlyle Street, which is likely to result in any longer vehicle generating a delay to through traffic. It is unclear whether the proposed median could be modified to reinstate storage for the right turn into Carlyle Street, which could still enable the swept path of service vehicles exiting the development. I note the swept path assessment in Attachment C of the submission suggests that the body of the service vehicle will encroach above the median and consideration should be given to conflict with vehicles moving along Johnson Street in the opposite direction. It is unclear whether analysis was undertaken to determine any localised impacts of any full median closure with redirection of all traffic via other intersections. I trust Council has a better understanding of the local traffic patterns.

**Comment on Pedestrian and Taxi Facilities**

TfNSW supports the provision of pedestrian and taxi facilities. Consideration needs to be given to the location of the proposed crossing with respect to sight distances to nearby intersection, property access, on-street parking and landscaping. The proposed arrangements include regulatory facilities requiring advice and/or approval from Local Traffic Committee (LTC) prior to Council approval. It is recommended Council obtain comment from LTC.

Should you have any questions or require any further comment then please contact me on the number or via email below.

Best Regards



Matt Adams  
Team Leader, Development Services  
Community and Place | Region North  
Regional & Outer Metropolitan  
**Transport for NSW**

M 0400 474 068

E [development.northern@transport.nsw.gov.au](mailto:development.northern@transport.nsw.gov.au)

A Level 1, 76 Victoria Street, Grafton NSW 2460  
ed



**Transport  
for NSW**

I acknowledge the traditional owners and custodians of the land in which I work and pay my respects to Elders past, present and future.

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## Transport Roads & Maritime Services

File No: NTH13/00119/08  
Your Ref: DA10.2013.587.5

The General Manager  
Byron Shire Council  
PO BOX 219  
MULLUMBIMBY NSW 2482

Attention: Chris Larkin – Manager Sustainable Development

Dear Sir / Madam,

**Jonson Street [MR545] – S4.55 Modification DA10.2013.587.5 Permanent Access Arrangement  
Mercato on Byron Pty Ltd - 110 Jonson Street, Byron Bay.**

I refer to your letter of 28 May 2019 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

### Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Jonson Street (MR545) is a classified (Regional) road and Byron Shire Council is the Roads Authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act 1993* (the Act). Council is generally responsible for setting standards, determining priorities and carrying out works on Jonson Street, however Roads and Maritime's concurrence is required prior to Council's approval of works under Section 138 of the Act.

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road. Roads and Maritime is given the opportunity under Clause 104 to comment on traffic generating developments listed under Schedule 3 of the ISEPP.

### Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- The amendment of condition 23(e) proposed by Urbis Consultant's in the letter dated 21 December 2018 is not supported. The supporting justification does not adequately address the suitability of the design with consideration for pedestrian and bicycle safety, guidance and delineation, pavement design, street-lighting and swept path analysis for relevant design vehicles undertaking all directional turning movements. Council should consider suitable alternatives and be satisfied that the proposed access arrangement addresses all relevant guidelines and standards prior to making a determination.
- The supporting Traffic Impact Study identifies that the approved development access will generate peak hourly turn movements exceeding opposing demand at the Carlyle Street intersection. The proposed access arrangement demonstrated in Drawing No P3414.005 sheets 1-3 dated 13 December 2018 does not provide for adequate separation between the public road junction and the driveway access. The proposed treatment has potential to generate conflict between vehicles entering the lanes and limits storage capacity for relevant design vehicles during peak conditions.

- Jonson Street is a two-way, median divided road and the existing median break at the Carlyle Street intersection is intended to provide for right turning vehicles into Carlyle Street. The temporary line-marking was introduced to accommodate access to the site until the conditioned permanent access is complete. Typically, public road junctions should have priority over private access driveways and should be suitably separated from junctions to manage capacity and conflict between turning vehicles.
- The supporting Traffic Impact Study includes a swept path assessment in Drawing No P3414.001 sheets 1-2 dated 25 September 2018 demonstrating an alternative access design with a channelised right turn treatment for vehicles entering the development site. The design includes an extension of the median from north of Carlyle Street to the development access, which would physically prevent vehicles turning right into Carlyle Street.

An equivalent treatment could be adopted in favour of Carlyle Street, which would limit the development access to left turn movements only. Such options will require further consideration of traffic facilities to allow the redistribution of traffic at intersections up and downstream of the site.

Whilst both options assist in managing the traffic impacts of the development, Council should consider wider implications for local area traffic management and existing businesses.

- Any proposed change to external access design must demonstrate compatibility with the design of the access driveway and internal car parking and servicing areas. The design should minimise the potential internal congestion to delay vehicles entering the site and any subsequent queuing in the classified road.
- Roads and Maritime has just received a further Development Application 10.2018.650.1 for a mixed use development including tourist accommodation on the site. Any proposed change to site access arrangements will need to accommodate the cumulative demand of existing and proposed uses of the site.
- All works on the classified road should be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime supplements.

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Greg Sciffer, Development Assessment Officer on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully,



Matt Adams  
A/Manager Development Assessment, Northern  
19 June 2019