

## ATTACHMENT 11

### Public Submissions Summary & Staff Response

Council Meeting 27 October 2022

53 McAuleys Lane Planning Proposal & Planning Agreement

<b>Submission Theme:</b> <b>Mullumbimby Rd / McAuleys Lane Intersection Concept Plan</b>		
<b>Item #</b>	<b>Issues Raised</b>	<b>Council Staff Response</b>
9.	The population of Mullumbimby has grown, so has the traffic along this road and this subdivision at 53 McAuleys Lane will bring even more traffic to this intersection increasing risk for all residents.	<p>Updated Traffic Impact Assessment (TIA) (Attachment 4) SIDRA model outputs shown in Table 9 demonstrate that the intersection will fail over the design horizon (2034) if the intersection is not upgraded – even if the proposed development does not proceed.</p> <p>However, Table 11 in the TIA demonstrates that the intersection upgrade proposed in the concept plan will retain a desirable level of service over the design horizon (2034).</p> <p>The TIA has been updated based on traffic data collected in November 2021 (Mullumbimby Rd) and September 2020 (McAuleys Lane).</p> <p>The data is extrapolated with an opening date of 2024 and an ending date of 2034.</p> <p>A 2.5% baseline annual compound growth rate has been applied to 2034.</p> <p>The intersection level of service based on the updated traffic data is considered desirable and does not</p>

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		<p>warrant an amendment to the concept plan.</p> <p>Further detailed design and assessment will be undertaken at the DA stage.</p>
10.	The speed limit on Mullumbimby road should be decreased to 60km/h heading both east and westerly directions before this intersection to allow a safe turn into and out of McAuleys Lane.	<p>Transport for NSW (TfNSW) advised Council in early discussions that the suggested 60km/h zone at McAuleys Lane would effectively extend from Manns Road to the 80km near Gulgan Road intersection. This would have consequent impacts on travel times and implications for enforcement given the roadside environment is predominantly rural.</p> <p>Whilst a formal Speed Zone Review was not requested by the applicant, TfNSW advised Council that it is unlikely that a Speed Zone Review would support a 60km/h zone in the subject location.</p> <p>It was noted that typically a Traffic Impact Assessment should assess the intersection needs in accordance with the existing speed zoning.</p>
11.	A roundabout at the intersection would be the safest option.	<p>A roundabout in this location would be an extremely dangerous outcome.</p> <p>The roundabout would be located approximately 150m below the hill crest near Saddle Rd.</p> <p>Line of sight to vehicles queued at the roundabout would begin when vehicles travel over the crest.</p>

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		<p>Vehicles (including heavy vehicles) would have inadequate distance to come to a complete stop while travelling on a steep downhill gradient at 80km/hr. This situation would be exacerbated in wet conditions and during peak periods.</p> <p>As noted in Item 10, Transport for NSW has advised that a speed zone change to 60km/h is unlikely to be supported.</p> <p>The developer is not proposing a roundabout, Council engineering staff do not consider it a suitable outcome, and Transport for NSW has not recommended this outcome either.</p>
12.	The traffic changes to the corner of McAuleys and Mullumbimby Road are minor and do not address an already dangerous intersection.	The desirable level of service benefit delivered by the upgraded intersection is addressed above in Item 9.
13.	Pedestrian movements have not been considered.	<p>The developer has committed to providing pedestrian and cycle links (or an equivalent monetary contribution) as per the Planning Agreement.</p> <p>Detailed design with respect to pedestrian and cycle links is premature at the planning proposal concept plan stage.</p> <p>Pedestrian and cycle movements will be subject to consideration at the DA stage when a detailed design is undertaken.</p>

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		<p>This includes:</p> <ul style="list-style-type: none"> <li>the proposed shared pathway connecting the development site to Mullumbimby Rd.</li> <li>Pedestrian access to bus stops on the northern and southern sides of Mullumbimby Rd.</li> </ul>
14.	Eastbound bus movements have not been considered.	<p>Please note that there will not be any construction of any road or intersection until a DA is approved. The planning proposal intersection upgrade is a conceptual plan only.</p> <p>The intersection upgrade in the planning proposal will further be refined at the DA stage and be further scrutinised in subdivision works including the referral to the Local Traffic Committee.</p> <ul style="list-style-type: none"> <li>Eastbound bus stop – This was not considered however this can be addressed in the DA stage of the development.</li> </ul> <p>Please note that there is no formalised bus stop in this location. Any future bus stops / bus movements will be subject to a road safety audit at DA stage.</p>
	<u>Recommendation:</u> No changes required	

<b>Submission Theme:</b> <b>General concerns relating to the Traffic Impact Assessment (TIA)</b>		
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15.	I understand that this was the seventh version of the Traffic Impact Assessment design put forward by the proponents finally accepted by Council, and by far the cheapest and most ineffective.	<p>This is a false characterization.</p> <p>The TIA was repeatedly amended and reviewed to ensure modelling and design deficiencies were resolved.</p> <p>Amendments and reviews were also carried out in response to Council resolutions. This is a normal process.</p> <p>The cost of the intersection was not a factor in assessment.</p>
16.	The Traffic Impact Assessment (TIA) is out of date, inaccurate, contradictory and assumptive.	<p>The TIA (Attachment 4) has been updated based on traffic data collected in November 2021 (Mullumbimby Rd) and September 2020 (McAuleys lane).</p> <p>The data is extrapolated with an opening date of 2024 and an ending date of 2034.</p> <p>A 2.5% baseline annual compound growth rate has been applied over a 10 year design horizon to 2034.</p> <ul style="list-style-type: none"> <li>• The TIA was prepared by suitably qualified engineers with significant industry experience in Road Design, Traffic Engineering and Road Safety</li> <li>• The TIA was prepared in accordance with RMS Guide to Traffic Generating Development and Austroads Guide to Road Design.</li> <li>• The adopted traffic volumes utilised in the assessment were obtained from Council's traffic data (November 2021</li> </ul>

<b>Submission Theme:</b> <b>General concerns relating to the Traffic Impact Assessment (TIA)</b>		
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		<p>Mullumbimby Rd &amp; September 2020 McAuleys Ln). Data less than five (5) years old are considered current.</p> <ul style="list-style-type: none"> <li>• Accident history was taken from 'Transport for NSW, Centre for Road Safety' dated between 2016 to 2020. This has been updated to include a crash that occurred in 2021.</li> <li>• Traffic generation rates were based on RMS Guide to Traffic Generating Development. These generation rates are utilised in all states in Australia and New Zealand.</li> <li>• The performance criteria were derived from Austroads Guide to Traffic Management and RMS Guide to Traffic Generating Development.</li> <li>• The SIDRA Model was built to quantify the performance of the predevelopment and post development scenarios.</li> <li>• The SIDRA model (Table 9 in the TIA) demonstrates that the intersection will fail over the design horizon (2034) if the intersection is not upgraded – even if the proposed development does not proceed.</li> <li>• However the SIDRA model (Table 11 in the TIA) demonstrates that the upgrade proposed in the concept plan will retain a desirable level of service over the design horizon (2034).</li> <li>• An independent design Road Safety Audit was conducted by Geolink to identify safety issues</li> </ul>

	<b>Submission Theme:</b> <b>General concerns relating to the Traffic Impact Assessment (TIA)</b>	
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		prior to the final intersection treatment design.
17.	An independent traffic study needs to be undertaken by the developers in conjunction with genuine community consultation, Council and Transport NSW before any decision is made regarding this rezoning application to make it able move forward in any constructive form.	<p>See Item 16 with respect to the TIA prepared by Ardill Payne &amp; Partners.</p> <p>The TIA has been reviewed by Council engineers and the independent Geolink Road Safety Audit was prepared by suitably qualified team members registered Level 2 and Level 3 Road Safety Auditors by Transport for NSW.</p> <p>Consultation with the community and public agencies, including Transport for NSW has been undertaken in accordance with the Gateway determination issued by the NSW Department of Planning &amp; Environment.</p> <p>Further consultation, assessment and agency referrals will take place at the DA stage in accordance with statutory requirements.</p>
	<u>Recommendation:</u> No changes required	

<b>Submission Theme:</b> <b>General concerns relating to the Road Safety Audit(s) (RSA)</b>		
<b>Item #</b>	<b>Issues Raised</b>	<b>Council Staff Response</b>
18.	The Road Safety Audit (RSA) is out of date.	<p>Design RSA prepared by Geolink:</p> <ul style="list-style-type: none"> <li>• The report was dated 24<sup>th</sup> June 2022 and a site investigation was undertaken on the morning of Thursday the 23rd of June 2022.</li> <li>• The RSA was prepared by suitably qualified team members registered Level 2 and Level 3 Road Safety Auditors by Transport for NSW.</li> <li>• The RSA has been undertaken in accordance with Austroads <i>Guide to Road Safety Part 6: Road Safety Audit</i> (AGRS06, 2022) and <i>NSW TfNSW (formerly RMS) Guidelines for Road Safety Audit Practices (2011)</i>.</li> <li>• The Audit Team Geolink is independent to the Design Team (Ardill Payne &amp; Partners)</li> <li>• The level of skills, training, experience and qualifications of the Auditors are not limited to Road Safety only. They both have vast experience in Road Design and Traffic Engineering and have achieved a Chartered Status with Engineers Australia.</li> <li>• The audit findings were based on a safe system approach, is regarded as international good practice in road safety and provides an outcome whereby death and serious injury are virtually eliminated amongst users of the road system.</li> </ul> <p>Existing Road RSA prepared by Ardill Payne &amp; Partners:</p>



	<b>Submission Theme:</b> <b>General concerns relating to the Road Safety Audit(s) (RSA)</b>	
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		<ul style="list-style-type: none"> <li>• The Report was dated September 2020.</li> <li>• Data less than 5 years old is considered current</li> </ul> <p>The Existing Road RSA was cross checked against an independent RSA commissioned by Council in February 2021 undertaken by Barker Ryan Stewart &amp; Associates. No significant discrepancies were noted.</p>
	<u>Recommendation:</u> No changes required	

	<b>Submission Theme:</b> <b>Consideration of Wildlife Movements</b>	
Item #	Issues Raised	Council Staff Response
19.	Increased vehicle movements pose a danger to wildlife in the area.	<p>It is advised that there will not be any construction of any road or intersection until a DA is approved. The planning proposal intersection upgrade is a conceptual plan only.</p> <p>Wildlife impacts and mitigation measures to protect wildlife will be considered at the DA stage.</p>
	<u>Recommendation:</u> No changes required	

<b>Submission Theme:</b> <b>McAuleys Lane heading west towards Myocum Road</b>		
<b>Item #</b>	<b>Issues Raised</b>	<b>Council Staff Response</b>
20.	The conclusion that only 5% of traffic will head west towards Myocum Road from this development is an understatement.	<ul style="list-style-type: none"> <li>• The volume of traffic generated by the development is based on NSW Transport Technical Direction TDT 2013/04. This is the best information available in Australia and New Zealand and notes a regional vehicle trip rate of 0.78 vehicles per dwelling during the evening peak hour (0.71 in the morning).</li> <li>• Peak hour Traffic Distribution accounted for 5% of development traffic turning left onto McAuleys Lane and heading west to Myocum Rd. This assumption is realistic considering most peak hour traffic generated by the development (95%) will head to the M1 Motorway, Byron Bay, Brunswick Heads and Mullumbimby townships to go to work, school, and other daily activities. Other development traffic heading west towards Myocum Rd will fall outside peak traffic whereby the road network will experience free flowing traffic conditions.</li> <li>• 5% of traffic equates to approx. 1.6 vehicle trips under a lot yield scenario of 39 lots. Assuming a maximum development dual occupancy outcome on every lot, this figure increases to 3.2 vehicle trips.</li> </ul> <p>Therefore, any road upgrading to McAuleys Lane heading west to Myocum Rd will be the responsibility of Council as there is a limited nexus to the future development of the site.</p>

	<b>Submission Theme:</b> <b>McAuleys Lane heading west towards Myocum Road</b>	
Item #	Issues Raised	Council Staff Response
21.	Road conditions along the full length of McAuleys Lane are hazardous, as per the Road Safety Audit (RSA).	Noted.  See Item 20.
22.	McAuleys Lane has become the proxy shortest route to Myocum tip for all residents in the north of the Shire, for cars with trailers as well as heavy vehicles.	This does not constitute traffic generated by the development.  Any road upgrading to McAuleys Lane heading west to Myocum Rd will be the responsibility of Council.
23.	Residents along the western end of Myocum Road use McAuleys Lane as a shortcut for access to the M1 to head north as well as Brunswick Heads and the north of the Shire.	See Item 22.
24.	An existing bus service provided by G&N Bus Services operates along McAuleys Lane transporting students to Mullumbimby High School and Shearwater Steiner School, this has not been considered in the TIA.	It is noted that this is an existing bus service and does not constitute additional traffic generated by the proposed development.  Bus movements and bus stops will be considered in detail at the DA stage and will be subject to a road safety audit.
	<u>Recommendation:</u> No changes required	

	<b>Submission Theme:</b> <b>Shared Cycleway and Pedestrian Path</b>	
Item #	Issues Raised	Council Staff Response
25.	The Cycleway / Pedestrian links are not included in the concept plan despite it being a condition of the Planning Agreement.	<p>A concept plan at planning proposal stage is not required for the provision of a shared pathway. The concept of a pathway is well understood.</p> <p>The pathway would be required to be constructed in accordance with the Planning Agreement and Council standards.</p> <p>The details of the pathway, i.e., the location of the pathway in the road reserve and how it integrates with bus stops and the proposed intersection, will be determined at DA stage.</p>
	<u>Recommendation:</u> No changes required	

	<b>Submission Theme:</b> <b>Driveway Access at 110 Mullumbimby Rd</b>	
Item #	Issues Raised	Council Staff Response
26.	Right hand shoulder to exit the property is not shown on the concept plan	The concept plan (see Attachment 4) has been updated accordingly.
27.	The landowner estimates 50-60 vehicle entries and exits to the property daily when accounting for residents, guests and deliveries. The left-in left-out design will cause them the	The high volume of vehicle entries quoted by the landowner reinforces the need for safety measures to be applied in this location.

<b>Submission Theme:</b> <b>Driveway Access at 110 Mullumbimby Rd</b>		
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	<p>inconvenience and unsafe process of attempting to do U turns elsewhere. The landowner states that the need to maintain the right turn entry into the driveway and the ability to exit turn right into Mullumbimby from the driveway is essential.</p>	<p>Convenience for the landowner does not trump safety for all road users.</p> <p>The assessment found that driveway access movement in the existing situation is considered unsafe for all road users due to insufficient sight distance, speed and vertical geometry of the road. The proposed concept intersection treatment will remove the safety risk.</p> <p>Traffic efficiency and safety has been investigated in the TIA and Design RSA and resulted in more efficient and improved safety under a left-in left-out only access treatment.</p> <ul style="list-style-type: none"> <li>• U-turn on Mullumbimby Rd or Gulgan Rd:  A U-turn can safely be undertaken to sections of Mullumbimby Rd or Gulgan Rd where there is sufficient sight distance and ideal vertical geometry of the road.</li> <li>• U-turn at the intersection of McAuleys Lane:  The proposed concept intersection treatment will allow vehicles to enter McAuleys Lane before safely crossing back to the future upgraded intersection.</li> </ul>
28.	<p>The landowner proposes a break in front of the driveway to enable right-hand in and out access, and to create a secondary driveway (at the expense of the developer)</p>	<p>The proposed break in the front of the driveway to enable right-hand in and out access would negate the safety measures (i.e., left-in left-out access only) provided for in the concept plan. This is therefore not supported.</p>

	<b>Submission Theme:</b> <b>Driveway Access at 110 Mullumbimby Rd</b>	
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	within the property to allow it to connect to Saddle Rd.	<p>Construction of an alternative second driveway is a matter to be investigated by the landowner and would be subject to Council approval.</p> <p>The developer is already committing via the Planning Agreement to fund works that will provide for safer access to 110 Mullumbimby Rd.</p>
	<u>Recommendation:</u> No changes required	

	<b>Submission Theme:</b> <b>Community Consultation Process</b>	
Item #	Issues Raised	Council Staff Response
29.	While we are not against the Planning Proposal at this point, there has been no consultation with us by the developers as to its likely impacts on our property.	<p>Consultation requirements for planning proposals are determined by the NSW Department of Planning &amp; Environment in accordance with a Gateway determination (Attachment 2).</p> <p>This submission is a response to community consultation undertaken as per the statutory requirement.</p>
	<u>Recommendation:</u> No changes required	

<b>Submission Theme:</b> <b>Concerns regarding the development outcome.</b>		
<b>Item #</b>	<b>Issues Raised</b>	<b>Council Staff Response</b>
30.	There does not appear to be a plan of the proposed layout of the lots included in the proposal. Therefore, it is difficult for us to determine what sort of development is likely close to our shared boundary.	<p>A concept lot layout was provided in <i>Appendix C Planning Proposal Mapping</i>. This was included in the suite of exhibition documents.</p> <p>Please note that the concept lot layout is indicative and conceptual only. A planning proposal only seeks to change the zoning of the land and/or other relevant LEP planning controls.</p> <p>The plan of subdivision is prepared and assessed at DA stage.</p>
31.	Buffer border planting along adjoining boundaries should be considered to protect privacy.	<p>Noted.</p> <p>This is a matter to be considered at DA stage.</p>
32.	The proposed rezoning will change the rural character of residences along McAuleys Lane.	<p>The vast majority of lots adjoining McAuleys Lane are zoned R5 Large Lot Residential.</p> <p>The planning proposal seeks to rezone the land from RU2 Rural Landscape to R5 Large Lot Residential.</p> <p>The proposal is therefore consistent with the pattern of existing development in the area.</p>
33.	I didn't quite understand the waste management or if they will have access to town water so does that mean everyone along McAuleys Lane will also?	<p>Waste management is proposed to take place on-site.</p> <p>The planning proposal does not propose that the site be connected to water or sewer services.</p>

	<b>Submission Theme:</b> <b>Concerns regarding the development outcome.</b>	
Item #	Issues Raised	Council Staff Response
34.	<p>I feel that the western side of the subdivision - lots 8 thru 14 will produce toxic seepage through the use of septic systems into the gully that feeds the lake on the property of 53 Mcauleys Lane. It would be better sewage management for the developer to construct an on-site sewage treatment plant to stop this seepage into a sensitive waterway, rather than have 40 separate septic systems constructed on relatively small blocks.</p>	<p>Noted.</p> <p>A preliminary onsite sewage feasibility assessment found that the site is generally suitable for onsite sewage management.</p> <p>However, detailed assessments will be undertaken at DA stage to determine the capacity of individual lots, the location and appropriate nature of septic systems, and environmental impact considerations.</p>
	<u>Recommendation:</u> No changes required	

	<b>Submission Theme:</b> <b>Requests to rezone adjoining land.</b>	
Item #	Issues Raised	Council Staff Response
35.	<p>I own a property which shares its west boundary with 53 McAuleys Lane. Please include my land in the rezoning to R5 Large Lot Residential.</p>	<p>Additional properties cannot be included as part of the current rezoning process for the subject site.</p> <p>If you have questions about the rezoning process and how your land can be considered for rezoning, please contact Council.</p>
	<u>Recommendation:</u> No changes required	



