

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.2 Voluntary Planning Agreement (VPA) - 53 McAuleys Lane
Planning Proposal**

File No: I2022/161

Moved that Council:

1. Endorses the draft Voluntary Planning Agreement (as contained in Attachment 1 to this report) for exhibition with the corresponding planning proposal for the subject land; but include the following changes
 - a) Require that a Traffic Impact Assessment and Road Safety Audit be conducted for the Saddle Road – Mullumbimby Road intersection up to the minimum standard required by the Austroads – Road design guidelines. Taking into consideration the current and proposed changes to the McAuleys Lane– Mullumbimby Road intersection.
 - b) Include any required intersection and Road upgrades identified during item 1 (a) above as required upgrades that are included in the VPA.
 - c) Require that a minimum 1m wide concrete or bitumen off formation footpath be constructed from the Mullumbimby Road bus shelter to the driveway to the proposed new rural residential development site.
 - d) Require that minimum design and safety standards are included to allow buses to enter, offload passengers and exit both eastbound and westbound, off formation, bus drop off bays off Mullumbimby Road.
 - e) Require that minimum design and safety standards are included to allow pedestrians to cross Mullumbimby Road when catching or getting off a bus on the eastbound side of Mullumbimby Road.
 - f) Require that a minimum of 2m of bitumen be retained on Mullumbimby Road, on either side, beyond the proposed lanes and turn treatments to continue to act as an on formation mixed use bike lane.
 - g) Require that design and construction of the road and intersection upgrades give consideration to the future construction of an off formation dedicated bike lane on either side of Mullumbimby Road.
2. Receives a submissions report following public exhibition to consider key issues raised. (Dey/Ndiaye)

BYRON SHIRE COUNCIL

ORDINARY (PLANNING) MEETING MINUTES

11 August 2022

AMENDMENT

22-362 Resolved that Council:

1. Endorses the draft Voluntary Planning Agreement (as contained in Attachment 1 to this report) for exhibition with the corresponding planning proposal for the subject land; and
2. Receives a submissions report following public exhibition to consider key issues raised.
3. Requests staff to consider the issues around traffic heading East on Mullumbimby Road and also traffic heading West from the entrance of the property onto McAuleys Lane. (Pugh/Lyon)

*The amendment was put to the vote and declared carried.
Crs Balson, Ndiaye, and Dey voted against the amendment.
Cr Coorey was not present for the vote.*

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Cr Coorey was not present for the vote.*

Report No. 13.4 PLANNING - 10.2018.384.3 - S4.55 to delay provision of suitable vehicular access for Dual Occupancy (Detached) - 183 Coopers Lane West, Main Arm
File No: I2022/584

22-363 Resolved that pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, application no. 10.2018.384 to modify development consent 10.2018.384.1 to delay requirement to the access road easement to be corrected to accurately overlay the physical access road prior to the issue of a construction certificate for alterations and additions to the dual occupancy (detached), be approved as follows:

Delete Condition 14 and insert new 5A in stage 2 of consent.

5A. Legal Access to Property

Sufficient evidence to demonstrate that the property access road through Lot 3 DP 558858, Lot 1 DP 445771 and Lot 7 DP 591828, is wholly contained within a legal right of carriageway. Any redundant rights of carriageway/easements to be extinguished.

Such evidence must include:

- a) an updated survey of the access road that shows the access road and any further widening wholly within suitable rights of carriageway under the Conveyancing Act 1919.
- b) A copy of the registered rights of carriageway and a title search for all affected lots.

The evidence to be provided to Council within 5 years of this date. (Hunter/Lyon)