

NOTICE OF MEETING



TRANSPORT ADVISORY COMMITTEE MEETING

A Transport Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 12 March 2015
Time	9.00am

A handwritten signature in black ink, appearing to read 'Ken Gainger', is written over a light blue rectangular background.

Ken Gainger
General Manager

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
TRANSPORT ADVISORY COMMITTEE MEETING

BUSINESS OF MEETING

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
3. **ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**
4. **BUSINESS ARISING FROM PREVIOUS MINUTES**
5. **STAFF REPORTS**

Infrastructure Services

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STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 5.1 Proposed Transport Advisory Committee Meeting Dates for 2015

Directorate: Infrastructure Services

5 **Report Author:** Helen Waldron, EA Infrastructure Services

File No: I2015/19

Theme: Community Infrastructure
Infrastructure Services – Supervision and Administration

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Summary:

In accordance with Section 10 of the Transport Advisory Committee Constitution, meeting dates for 2015 need to be determined.

15

RECOMMENDATION:

That the Transport Advisory Committee meets on the following dates and times:

- **Thursday 25 June 2015 at 2.00pm**
- **Thursday 1 October 2015 at 9.00am**
- **Tuesday 1 December 2015 at 9.30am**

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Report

In accordance with Section 10 of the Constitution, Transport Advisory Committee, (adopted 10 December 2012, Res 12-769), meeting dates for 2015 need to be determined.

5 The selection of meeting dates has taken into account the Council and other advisory committee meeting dates scheduled in 2015.

Financial Implications

10 There are no financial implications.

Statutory and Policy Compliance Implications

15 Related legislation includes Section 355, Local Government Act (1993) and Section 377, Local Government Act (2003).

20 The Committee pursuant to section 377 of the Local Government Act (1993) has the following delegated functions but does not have the power to direct staff.

- 25 a) review, develop, endorse and forward submissions reflective of Council's adopted policy on matters falling within the jurisdiction of the committee.
- b) discuss and develop policy matters relating to the committee's jurisdiction and reflective of Council's strategic direction and forward recommendations to Council for consideration and adoption.
- 30 c) convene workshops on matters relevant to the committee's jurisdiction and make recommendations to Council arising from such workshops.
- d) receive delegations and presentations on behalf of Council relating to those matters within the jurisdiction of the committee.

Report No. 5.2 **Bike plan review and project prioritisation**
Directorate: Infrastructure Services
Report Author: Simon Bennett, Traffic and Transport Engineer
File No: I2015/186
5 **Theme:** Community Infrastructure
 Local Roads and Drainage

Summary:

10 Council has resolved to review the bike plan, which has commenced with discussions and reports at and to Council's Transport Advisory Committee (TrAC), with the latest resulting in Resolution 14-565 as reproduced in this report, as is Resolution 14-409, which provides direction on how to prioritise projects.

15 Accordingly an update on both resolutions, plus the status of the continuing staff review, will be provided at the Committee Meeting.

20 This will include a list of projects, both new and those outstanding from the 2008 plan and s94 plan (see Table 1), along with a proposal for prioritising works and identifying projects that may attract external funding, for example through the Roads and Maritime Services (RMS).

25 To this end, RMS criteria for ranking projects will need to be considered and now includes completion of their assessment spreadsheet when lodging funding submissions. As such, a copy of this RMS assessment criteria will also be tabled for discussion, with a view toward preparing projects to meet their lodgement deadline, which is typically December each year.

30 On this basis it is expected the priority (and cost estimates) given to projects with Council's adopted s94 plan (see Table 1) will need updating and therefore consultation with the community.

RECOMMENDATION:

Committee advice is sought on identifying priority bikeway projects for future budget considerations.

35

Report

On 26 February 2015 Council resolved as follows:

- 5 **15-059 Resolved** that progress on cycleways (item 4.13 on Agenda Page 119; Delivery Program reference number 48) be reported to the next meeting of Council's Transport Advisory Committee.

10 Other relevant resolutions of Council include the following and will assist with developing and prioritising both new projects and those that remain outstanding from the 2008 bike plan. A list of these projects, with proposed priority, will be provided at the meeting for discussion and in efforts to gain Committee advice and recommendation on projects for 2015/16 delivery and onwards.

15 **14-565 Resolved:**

1. That Council note the minutes of the Transport Advisory Committee Meeting held on 23 September 2014.
- 20 2. That in relation to Report No. 4.1 – Proposed Pedestrian and Cycleway projects for RMS funding 2015-16 (#E2014/61678), Council adopt:

25 Committee Recommendation TrAC 4.1

- a) That Council support the nomination of the following projects for RMS cycleway and pedestrian funding, which if successful will be delivered in 2015/16 and require 50% contribution from Council:
- 30 i) a predominantly on-road cycleway along Bangalow Road, Byron Bay from Browning Street to Old Bangalow Road, which is to be consulted upon, constructed and costed as per Council design plan number 2045 and is undertaken as stage one of a three staged Suffolk Park-Byron Bay cycleway
- 35 ii) stage one of a three staged project for shared path on New Brighton Road, Ocean Shores extending approximately 130m north of the existing shared path at Redgate Road
- 40 iii) improved path on east side of Tweed Street, Brunswick Heads connecting to new kerb ramps at Fingal Street; and
- iv) removal of steps on Ashton Street, Bangalow at Byron Street and replacing with new path and ramp
- b) That Council nominate the shared path on Lismore Road, Bangalow, from Reading Bridge to Rifle Range Road for RMS cycleway and pedestrian planning funding for 2015/16, with the view of applying for construction funding for 2016/17 (based on 100% contribution from RMS).
- 45 c) That the projects be nominated to meet RMS 30 September 2014 deadline, on the proviso they remain subject to a further report to Council in 2014 seeking Council endorsement and providing costings for the 2015/16 budget
- 50 d) That the other projects listed within this report (#E2014/61678) be further developed for future funding consideration and report to Council, namely those in Table 2 and stages two and three of the Suffolk Park-Byron Bay cycleway project

3. *That, in relation to NSW Transport CPTIGS Funding Round, Council:*

- a) *note that the application for funding for the 2014/15 CPTIGS funding for the Beaches Caravan Park (5 – 37 Broken Head Road) was unsuccessful.*
- b) *complete the map project which was the reason for non-success; and*
- c) *resubmit an application for the 2014/2015 round of CPTIGS funding.*

4. *That in relation to item 6.2 Local Government Safety Infrastructure Program 2015/16 Funding – Road Safety, Council:*

- a) *adopt the Committee recommendation TrAC 6.2, that is Council note that the applications for the Local Government Safety Infrastructure Program 2015/16 Funding are due 31/10/14 and that staff will report eligible projects to Council for concurrence; and*
- b) *support the Management Recommendation that, as based on the staff review provided in this report (E2014/67424) submit the following for 100% funding, that is:*
 - i) *\$3m for the construction of a roundabout on Ewingsdale Road at Bayshore Drive, Byron Bay;*
 - ii) *\$3m for the construction of a roundabout at Kendall Street and the modification of the roundabout at Butler Street/Lawson Street to accommodate the creation of a second inbound lane on Shirley Street between both; and*
 - iii) *\$30,000 for delineation improvements on Coolamon Scenic Drive, Ocean Shores for an approximate 2km length from Mudges Road southward.*

On 28 August 2014:

14-409 Resolved (in part):

1. *That Council note the minutes of the Transport Advisory Committee Meeting held on 24 June 2014.*

2. *That in relation to Report No. 4.1 - Proposed Bike Plan Project Prioritisation (#E2014/40547), Council adopt:*

Committee Recommendation TrAC 4.1

1. *That Council note the work being undertaken by the Transport Advisory Committee in regard to reviewing the bike plan.*

2. *That the Bike Plan be reviewed with the following strategic considerations:*

a) *Support commuters on key strategic routes, including:*

i) *inter-town routes Suffolk - Byron, Byron – Sunrise/Ewingsdale and Mullumbimby – Brunswick Heads.*

ii) *intra-town routes Tallowood to Mullumbimby town centre and Bangalow outskirts to Bangalow town centre*

b) *the need for flexibility to allow for changing priorities as grant funding or Section 94 – Infrastructure Renewal funding opportunities arise.*

c) *clear performance indicators to be included.*

- 5
4. *That the potential use of Railway corridor lands be incorporated into consideration of the bike plan.*
- 10
5. *That resolution (10-142) of 11 March 2010 continue to be considered within the bike plan review.*

On Resolution 10-142, Parts 2, 4 and 5 are specifically relevant to the bike plan as follows:

15 **10-142 Resolved:**

1. *That Council note the information provided by other councils in regards to their respective cycleway programs.*
- 20
2. *That Council prepares a report on the costs and particulars of the creation of road shoulders on Ewingsdale Road, from McGettigans to Woodford Lane and Gulgun Road between the Brunswick Heads highway roundabout and Mullumbimby Road. Included in this should be individual costing of each side of the roads concerned.*
- 25
3. *That Council endorse the submission of a grant application to the Department of Sport and Recreation for the sum of \$12,500, to be matched by funds allocated to Council's bikeways program in 2010/11 (total project cost \$25,000) for the provision of bike racks.*
- 30
4. *That Council retain references to the use of the rail corridor in the adopted "Byron Shire Bike Strategy and Action Plan (Bike Plan)" on the following conditions.*
- 35
- i use of the rail corridor for cycleways is limited to shared use of the corridor*
ii cycleways not to be built on railway tracks
iii railway tracks not to be removed for the purpose of cycleway construction or use
iv cycleway development to be consistent with the return of rail to the corridor
v cycleway development within rail corridor to be undertaken only on the understanding that the return of rail is not compromised by such development.
- 40
5. *That council prepare complete designs and costing for potential bikeways as priority listed in the adopted Bike Plan.*

On the above:

- 45
- a) Part 2 vis-à-vis Gulgan Road, has been completed and a \$1,000 budget exists in 2014/15 to provide signage and pavement markings. The state government is being requested to deliver a shared path on the same section of Ewingsdale Road as part of their hospital development
- 50
- b) Part 3 was successful and completed
- c) Part 4 is to be considered as part of the bike plan review
- 55
- d) Part 5 is an ongoing matter, noting estimates of projects are within the s94 plan.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

5.2

Table 1: Proposed Priority List of Bike Projects Within S94 Plan

Total	Bike plan No. and Project	Cost Estimate
74	65 Shared path Browning Street from Bangalow Road to Jonson Street and to RSL 161.3m	\$ 32,260.00
63	58 Shared path Bayshore Drive from Ewingsdale Road to rail corridor 917.7m	\$183,540.00
59	72 Shared path Broken Head Road (western side) between Beech Drive (north) to "Byron at Byron Resort" 398.6m	\$79,720.00
59	76 Clifford St? Shared path From Broken Head Rd to Alcorn Street 683.9m	\$ 136,780.00
56	73 Shared path Broken Head Road (western side) between Beech Drive north and south roundabouts 654.9m	\$ 130,980.00
54	62 On-road advisory Along Cowper Street through to Browning Street 523.6m	\$ 2,094.40
50	38 Shared path From 7 Byron Bay Rd to Bangalow Bowling Club & extension on southern side to Ferros Village entry 168.4m	\$38,732.00
37	43 Shared path Raftons Road from Rifle Range Rd to Lismore Road via Leslie Street 649.4m	\$ 149,362.00
24	59 Shared path Sunrise Boulevard and Julian Rocks Drive to existing path 246.2m	\$49,240.00
22	64 On-road advisory Along Lighthouse Road from Brooke Drive (The Pass) to Lighthouse. 1018m	\$ 4,072.00
20	15 Shared path Balemo Drive from Orana Road to Brunswick Valley Way 2,373.80m	\$ 545,974.00
18	42 Shared path Rifle Range Road from viaduct on Lismore Road to existing at Samson Street 376.1m	\$ 86,503.00
16	40 Shared path Lismore Road from Rifle Range Road to Dudgeons Lane, Industrial Estate 1078m	\$ 277,547.00
14	46 Shared path Tristania Street from Rifle Range Road to Sansom Street 168.6m	\$ 30,134.00
0	New footpath from Broken Head Road to Kalemajere Drive 420m	\$ 79,800.00
Total		\$1,826,738.40

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Financial Implications

Council allocation of funding toward bike projects will be subject to internal budget and external funding bids. Actual costs will not be known until projects are identified and in some cases detailed design will be required.

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Statutory and Policy Compliance Implications

Nil at this time.

Report No. 5.3 Pedestrian Access and Mobility Plan (PAMP) review and project prioritisation

Directorate: Infrastructure Services
Report Author: Simon Bennett, Traffic and Transport Engineer
File No: I2015/187
Theme: Community Infrastructure
Local Roads and Drainage

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10 **Summary:**

Council is unlikely to receive RMS funding toward the projects nominated for 2015/16 due to a change in their assessment criteria and lack of resources to meet their requirements.

15 Council however has within its s94 plan earmarked near \$52,000 for the purpose of auditing pedestrian facilities which in turn will help inform prioritisation and revision of PAMP projects. Not all these funds however are currently available, with near \$40,000 in the 2014/15 budget able to be directly funded from s94 funds while the near \$12,000 balance requires Council to nominate another funding source.

20

Therefore in lieu of finding such a source, and considering this a substantial expenditure in light of existing work completed, it is proposed the available s94 funds instead be used to undertake physical works outlined in this report prior to 30 June 2015.

25 Meanwhile the audit be undertaken using existing resources and based upon and guided by work already completed, such as footpath and hazard inspections undertaken by staff and referral of the proposed works to Council's new Access Advisory working group (ex Advisory Committee) who are scheduled to meet in April.

30 Regardless of the approach taken however, the same deadline for completing a revised PAMP is proposed; i.e. before December when funding bids are typically due to the Roads and Maritime Services (RMS) and that the new PAMP consider RMS criteria which will be tabled at the meeting.

35

RECOMMENDATION:

1. **That the revision of the PAMP document be undertaken in the first instance with a review by staff and report back to Council via this Committee.**
2. **That the funds within the adopted s94 plan for the purpose of pedestrian audit instead be used to implement projects detailed in this report, subject to priority being allocated.**
3. **That the PAMP review which has commenced with staff and Access Advisory Committee input be continued with a draft document to be tabled to the Committee prior to consultation being undertaken.**

40

Report

Council resolved 14-565, relevant sections copied below; i.e. nominated several projects for delivery based on RMS funding being secured for 2015/16.

5 As this funding is unlikely (at least in its entirety) it is proposed the existing near \$40,000 available within s94 plan earmarked for audit purposes instead be used to undertake priority pedestrian projects from those tabled below (Tables 1 and 2). To this end Committee advice on the projects is sought.

10 **14-565 Resolved (in part 2):**

15 a) *That Council support the nomination of the following projects for RMS cycleway and pedestrian funding, which if successful will be delivered in 2015/16 and require 50% contribution from Council:*




20 ii) *stage one of a three staged project for shared path on New Brighton Road, Ocean Shores extending approximately 130m north of the existing shared path at Redgate Road*

25 iii) *improved path on east side of Tweed Street, Brunswick Heads connecting to new kerb ramps at Fingal Street; and*

iv) *removal of steps on Ashton Street, Bangalow at Byron Street and replacing with new path and ramp*

These projects are shown respectively in Table 1, while Table 2 offers other projects for Committee consideration.






30 Table 1: resolved (14-565) pedestrian projects for 2015/16

<p>Ocean Shores</p> <p>Location: New Brighton Road (refer bike plan - project no. 12)</p> <p>Project: staged project Kolora Way-New Brighton Rd, year 1 pink line 127m shared path, year 2 blue line 90m shared path, year 3 bridge widening with shared path 85m</p>		
<p>Brunswick Heads</p> <p>Location: Fingal Street</p> <p>Project: upgrade kerb ramps on Fingal St and path east side of Tweed St, Provide cut in median.</p>		

<p>Bangalow</p> <p>Location: see Figure 3, site 7</p> <p>Project: remove steps, provide path, kerb ramps on Ashton St at Byron St. Topography difficult. Link to north side of Byron St</p>		
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Table 2: other projects for consideration

<p>Brunswick Heads</p> <p>Location: Tweed Street</p> <p>Project: construct kerb ramps on Mullumbimbi St at, and path east side of, Tweed St. Provide cut in median or as shown divert crossing due to topography.</p>		
<p>Brunswick Heads</p> <p>Location: Fingal Street</p> <p>Project: construct kerb ramp and extend path (approx 45m length) to connect with existing on south side of Fingal St</p>		
<p>Bangalow</p> <p>Location: refer bike plan project no. 43.</p> <p>Project: staged project - connect Granuaille Rd and Rifle Range Rd via a 300m long path along Leslie St (pink line) and 330m long path along Raftons Rd (green line). Connect with child care (red circle) and provide kerb extensions at child care (reduce road width, increase off-road space)</p>		
		
<p>Byron Bay</p> <p>Location: Lawson Street</p>		

Project: 20m of path to connect existing paths either side



Financial Implications

5 Will be advised at the committee meeting.

Statutory and Policy Compliance Implications

10 Nil at this time.