

# NOTICE OF MEETING



## TRANSPORT ADVISORY COMMITTEE MEETING

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

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Tuesday, 1 December 2015</b>
Time	<b>9.30am</b>

A handwritten signature in black ink, appearing to read 'Phillip Holloway', is located below the meeting details.

Phillip Holloway  
Director Infrastructure Services

I2015/1480  
Distributed 24/11/15

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## 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)

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## 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**
  - 3.1 Transport Advisory Committee Meeting held on 1 September 2015
- 4. BUSINESS ARISING FROM PREVIOUS MINUTES**
- 5. STAFF REPORTS**

**Infrastructure Services**

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 5.1                      Update on Byron Bay Town Centre Master Plan**

**Directorate:**                      Infrastructure Services

**Report Author:**                Mary Kerr, Traffic and Transport Assistant

**File No:**                          I2015/1425

**Theme:**                          Community Infrastructure  
   Roads and Maritime Services

**Summary:**

Jane Laverty, Economic Development and Tourism, Byron Bay Shire Council is presenting to the Committee an update of the Byron Bay Town Centre Master Plan.

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**RECOMMENDATION:**

**That Council note the Transport Advisory Committee was provided with an update on the Byron Bay Town Centre Master Planning process, development and progress.**

**Report**

5 Jane Lavery, Economic Development and Tourism, Byron Bay Shire Council will update the Transport Advisory Committee on the latest developments with regard to the Byron Bay Town Centre Master Plan.

Details of Jane's report will be tabled at the meeting.

**Financial Implications**

10 Nil

**Statutory and Policy Compliance Implications**

15 Nil

**Report No. 5.2**                      **Transport for NSW proposal, Byron Bay bus/coach interchange**  
**Directorate:**                      Infrastructure Services  
**Report Author:**                  Mary Kerr, Traffic and Transport Assistant  
**File No:**                            I2015/1426  
5    **Theme:**                            Community Infrastructure  
   Roads and Maritime Services

**Summary:**

Jane Lavery is to provide an update on the proposal by Transport for NSW on plans for the Byron Bay bus/coach interchange.

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**RECOMMENDATION:**

**That Council note the Transport Advisory Committee was provided with an update on the proposal by Transport for NSW for the development of the Byron Bay bus/coach interchange.**

**Attachments:**

- 1      Letter to the Minister, E2015/43114 , page 8
- 2      Letter from the Minister, S2015/11247 , page 10

**Report**

Jane Lavery to provide an update on the proposal by Transport for NSW on plans for the Byron Bay bus/coach interchange.

5

**Financial Implications**

10 Nil

**Statutory and Policy Compliance Implications**

15 Nil



17 July 2015

The Hon. Andrew Constance, MP  
Minister for Transport and Infrastructure

Submitted via <https://www.nsw.gov.au/contacttransportminister>

Dear Minister

### **Request for information – TfNSW funding and proposal for Byron Bay bus interchange upgrade**

On the 18 June 2015 an online (Skype) meeting was held between Council staff and two personnel of Transport for NSW (TfNSW), Ms. Kerry Walters and Mr. Damian Ottaviano. The meeting was in regard to the March 2015 State election funding announcement as per the media coverage on this web link:

<http://www.byronnews.com.au/news/multi-million-dollar-upgrade-byron-bay-bus-interch/2546562/>

The Council welcomes the government's announcement and is committed to working with TfNSW in delivering this critical project which we understand includes improved access, security and passengers facilities including access ramps, lighting, CCTV and accessible toilets.

Council however are aware of site visits and investigations already undertaken as part of the scoping phase of the project so as to inform the project design stage which we believe has progressed at least to concept, if not preliminary or final design. The Council is also not aware of existing timelines for the delivery of this project.

During the meeting and via e-mail since, the above mentioned TfNSW personnel advised while they welcome and are willing to work with Council they were unable to provide details of the project without Ministerial approval. This approval is now sought as Council are undertaking significant projects which impact upon the suitability of the designated location for the bus interchange such as a new Master Plan for the Byron Bay Town Centre with associated proposals for the redevelopment of Railway Park (the proposed location for the TfNSW bus interchange), a \$12.5m state funded town bypass, and the upgrade of the adjacent Butler Street Reserve. All of these initiatives have a focus of removing traffic and parking from the town centre and activating these spaces as pedestrian friendly precincts. The removal/relocation of the existing bus terminus in Jonson Street is integral to these proposals which have universal community support.

Both projects indicate potential alternative sites for the bus interchange with investigation of its relocation also supported by Council and community members and stakeholders engaged through the extensive consultation undertaken thus far in regard to the master plan.

As such I earnestly seek your support in facilitating a cooperative working arrangement between the Council and the state on this important and critical infrastructure project to determine a preferred alternative location for the new bus interchange. The significance of which is underlined by its role as a



## BYRON SHIRE COUNCIL

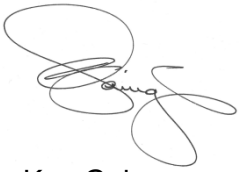
### STAFF REPORTS - INFRASTRUCTURE SERVICES

### 5.2 - ATTACHMENT 1

point of entry and welcome to Byron Bay which attracts over 1.5m visitors each year, many of them arriving by bus and a destination constantly cited and sought by international and domestic visitors alike.

Yours sincerely

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A handwritten signature in black ink, appearing to read 'Ken Gainger', with a large, stylized loop at the end.

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Ken Gainger  
General Manager

**Transport  
for NSW**

BYRON SHIRE COUNCIL
DOC NO: .....
REC'D: 31 AUG 2015
FILE NO: F1050
ASSIGNEE: S. BENNETT

Your ref: #E2015/43114  
ML15/07639

Mr Ken Gainger  
General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Dear Mr Gainger

Thank you for your correspondence to the Minister for Transport and Infrastructure about the proposed Byron Bay bus interchange upgrade. The Minister has requested I respond to you.

As you are aware, planning is currently underway to ensure public transport customers who use the Byron Bay bus interchange receive accessible, modern, secure and integrated transport infrastructure that best meets their needs.

Transport for NSW will continue to work closely with Byron Shire Council throughout the planning process. To discuss the project further, Mr Adrian Garner, Acting Principal Manager, Precinct, Planning and Development, Transport for NSW would be pleased to take your call on (02) 8202 2474.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'TR'.

**Tim Reardon**  
**Secretary**

24 AUG 2015

18 Lee Street Chippendale NSW 2008  
PO Box K659 Haymarket NSW 1240  
T 8202 2200 F 8202 2209  
[www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)  
ABN 18 804 239 602

**Report No. 5.3**                      **Outstanding Resolutions - Transport Advisory Committee**  
**Directorate:**                      Infrastructure Services  
**Report Author:**                  Mary Kerr, Traffic and Transport Assistant  
**File No:**                              I2015/1427  
5    **Theme:**                            Community Infrastructure  
   Roads and Maritime Services

**Summary:**

Council Staff are to provide an update on outstanding resolutions from the Transport Advisory Committee.

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**RECOMMENDATION:**

**That Council note the Transport Advisory Committee was given an update on outstanding Council Resolutions, relating to the Committee.**

**Report**

Council Staff will provide an update on outstanding resolutions from the Transport Advisory Committee.

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Documents will be tabled at the meeting.

**Financial Implications**

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Nil

**Statutory and Policy Compliance Implications**

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Nil

**Report No. 5.4            Update on parking schemes, Byron Bay**

**Directorate:**            Infrastructure Services  
**Report Author:**       Mary Kerr, Traffic and Transport Assistant  
**File No:**                I2015/1428  
**Theme:**                Community Infrastructure  
                              Roads and Maritime Services

**Summary:**

Simon Bennett is to provide the Transport Advisory Committee with an update on the progress of the implementation of new paid parking arrangements in Byron Bay.

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**RECOMMENDATION:**

**That Council note that the Transport Advisory Committee was provided with an update on the progress of paid parking in Byron Bay.**

### Report

Committee advice and endorsement is sought on several previously discussed and e-mailed matters including:

- RMS concurrence (as received 6 October) for the parking schemes and meters;
- the time limits and signage proposed;
- the physical resident and resident guest permit and the electronic permit known as the pay parking exemption;
- that permit holders need not print and display a ticket.

### RMS Concurrence

On the 6 October 2015 Manager Network & Safety Services of the RMS Northern Region provided e-mail concurrence as follows

RMS concurrence is given to implement the proposed parking scheme with approved meters and time limits. This also includes RMS concurrence for resident permit zones

The extent of the pay parking is shown in Figure 1. As this shows most are local streets and Council car parks with some changes as follows. However as part of the regional road network is included RMS concurrence was required.

Figure 1: pay parking area (as used in local newspaper advertising)



As advised to the RMS, Council has resolved to accept the tender of Australian Parking and Revenue Control Pty Ltd (APARC) and their “Strada” model, including 123 x Strada PAL (black and white screen) and 12 x Strada Evolution (full colour). The Strada model is on the RMS “Approved pay parking devices and systems” as per this web link:

5 <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/guidelines/parking-device-list.html>

RMS concurrence was required (as received) for the use of such meters and their installation on the following streets which are part of the regional classified (MR545) road network:

- 10 - Shirley Street, east of Milton Street; and  
- full length of Jonson Street.

### *Pay Parking and Resident Permit Areas – extent and time limits*

15 A copy of 8 October 2015 Council report (I2015/1188) is provided; it was also provided to RMS when the above concurrence was received. Council however made minor changes to some limits as per Resolution 15-519, a copy of which will also be provided and Committee endorsement sought. It included time limits for both schemes, with the typical signage layout shown at Figure 2.

20 It should be noted that most time limits in the pay parking area remain the same and where changes have occurred it has been to increase the time limit, namely in some Council car parks (from 4P to all day) and on-street parking outside the town centre core, for example Jonson Street south of Kingsley St changes from 1P to all day. The streets east of Middleton Street remain all day parking as does north side Shirley Street with further additional all day parking to be provided  
25 on Butler Street Reserve which is anticipated to provide 250 new car spaces operating 6am-6pm.

Figure 2: proposed signage layout (typical)



### *Resident Permit versus Pay Parking Exemption*

As per Resolution 15-519 and several previous of Council, it has been resolved that the Resident Parking Permit be provided free permits of two (2) per household. As RMS *Permit Parking*  
35 guidelines must be adhered in such a matter two permit types will be issued to each household, one being for the resident (2 of, as per Figure 3) and the other being for their guest (2 of). A copy of the relevant section of the RMS guidelines (Section 10) will be available at the meeting.



Figure 3: proposed resident parking permit – to be displayed on dashboard



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The pay parking exemption will be electronic (as allowed by RMS guidelines) and Council has resolved the e-permit apply to the licence plate which must be entered at the meter which will recognise the exception, which applies to paying the meter only, not the time limits.

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*E-permit holders need not print and display a ticket*

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While the RMS guidelines suggest tickets be printed and displayed, namely for enforcement, it is understood this is not necessary for those with permits, including Council's electronic permit being the pay parking exemption. Thus Committee advice/concurrence for such approach is sought noting that those that do not hold an exemption will be required to print and display a ticket with such advice to be detailed at the meter.

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### Financial Implications

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Nil

### Statutory and Policy Compliance Implications

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Nil



# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

5.5

**Report No. 5.5**      **Transport Strategy update**  
**Directorate:**      Infrastructure Services  
**Report Author:**      Mary Kerr, Traffic and Transport Assistant  
**File No:**      I2015/1429  
5 **Theme:**      Community Infrastructure  
                 Roads and Maritime Services

### **Summary:**

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Council Staff are to provide an update on the Byron Bay Shire Council Transport Strategy.

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### **RECOMMENDATION:**

15 **That Council note the Transport Advisory Committee was provided with an update on the Transport Strategy of Council.**

**Report**

Council Staff will provide the Transport Advisory Committee with an update on the Byron Bay Shire Council Transport Strategy.

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Documents will be tabled at the meeting.

**Financial Implications**

10 Nil

**Statutory and Policy Compliance Implications**

15 Nil

**Report No. 5.6**                      **Pacific Highway T2E Upgrade update**  
**Directorate:**                      Infrastructure Services  
**Report Author:**                  Mary Kerr, Traffic and Transport Assistant  
**File No:**                              I2015/1430  
5    **Theme:**                            Community Infrastructure  
   Roads and Maritime Services

**Summary:**

10    The Director Infrastructure Services to provide a report on the progress of the T2E Upgrade of the Pacific Highway.

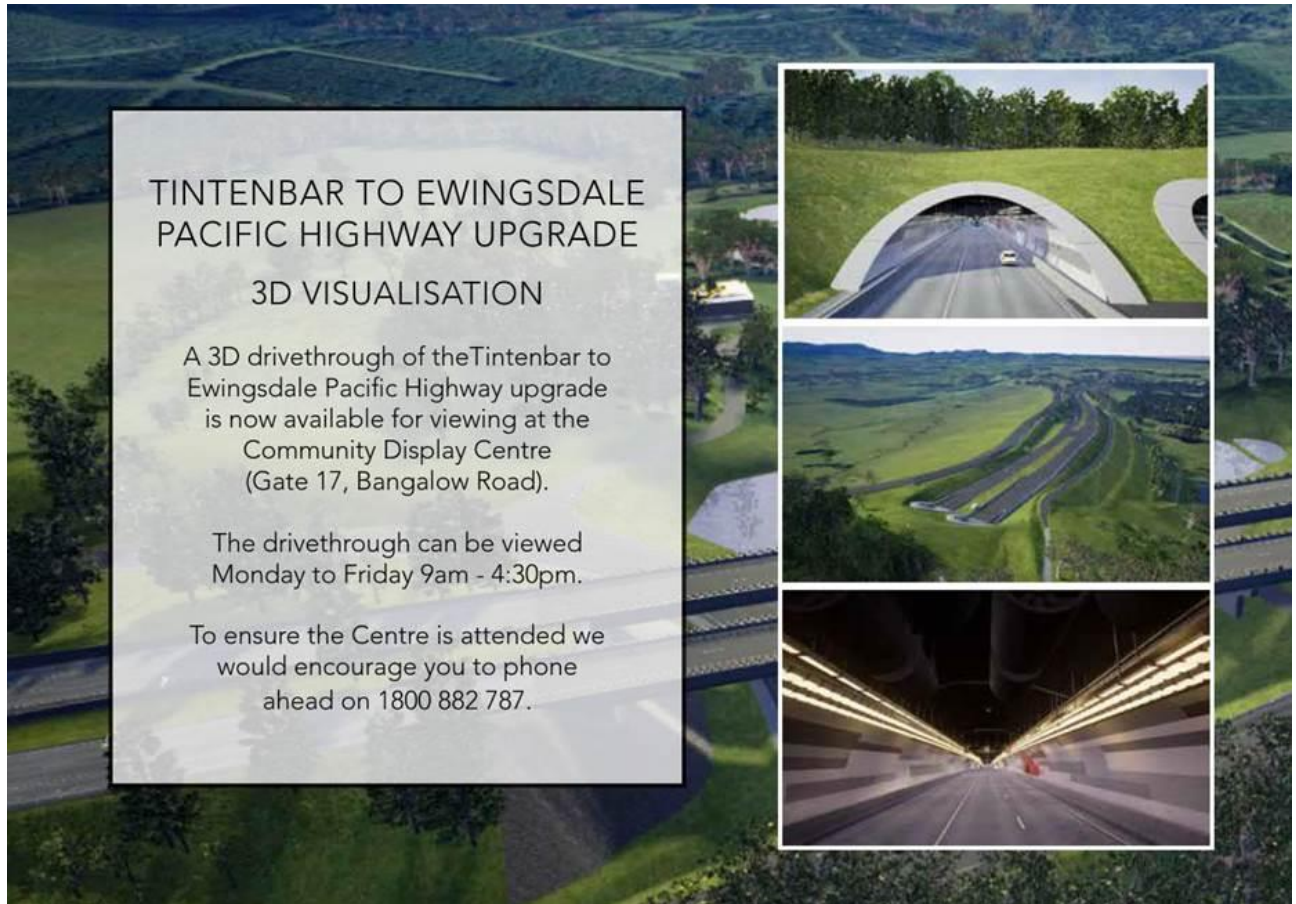
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**RECOMMENDATION:**

15    **That Council notes that the Transport Advisory Committee was provided with an update on the progress of the T2E Pacific Highway upgrade.**

**Report**

For the information of the Transport Advisory Committee, Director infrastructure Services will provide a verbal update on NSW Roads and Maritime Services progress in relation to the upgrade of the Pacific Highway T2E.

**Financial Implications**

Nil

**Statutory and Policy Compliance Implications**

Nil

**Report No. 5.7**                      **Proposed Committee Meeting Dates for 2016**  
**Directorate:**                      Infrastructure Services  
**Report Author:**                  Susan Sulcs, Administration Officer  
**File No:**                              I2015/1432  
5    **Theme:**                            Community Infrastructure  
   Local Roads and Drainage

**Summary:**

The following proposed dates will be tabled at 10<sup>th</sup> December Council Meeting to be adopted for the Transport Advisory Committee's meetings for 2016, keeping the same commencement time of 9.00am.

- **Thursday, 10 March 2016**
- **Tuesday, 14 June 2016**
- **Tuesday, 16 August 2016**
- **Thursday, 3 November 2016**

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**RECOMMENDATION:**

**That the Committee accept and note the proposed dates tabled prior to being adopted by Council at the next meeting scheduled for 10 December 2015.**

**Report**

The following proposed dates will be going to 10<sup>th</sup> December Council Meeting to be adopted for the Transport Advisory Committee's meetings for 2016, keeping the same commencement time of 9.00am.

**Financial Implications**

Nil

**Statutory and Policy Compliance Implications**

The Transport Advisory Committee's Constitution states:

- At section 10 that "At least quarterly meetings will be held."