

Moving Byron Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 19 May 2022
Time	4.30pm

Phillip Holloway
[Director Infrastructure Services](#)

I2022/541
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**BYRON
SHIRE**

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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

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.

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 of the provisions in the Code of Conduct (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 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
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. STAFF REPORTS

Infrastructure Services

3.1	Committee Constitution	5
3.2	Delivery Program - Workshop Session	14
3.3	Moving Byron Integrated Transport Strategy 2022 to 2042 - Results of Community Consultation.....	68

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 3.1 Committee Constitution

Directorate: Infrastructure Services

5 **Report Author:** Shelley Flower, Executive Assistant IS

File No: I2022/468

Summary:

Draft Committee Constitution to be ratified by Committee.

10

RECOMMENDATION:

That the Moving Byron Advisory Committee ratify the draft Committee Constitution.

Attachments:

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1 Moving Byron Advisory Committee Constitution 2022, E2021/148654 , page 7 [↓](#)

Report

That the Moving Byron Advisory Committee ratify the draft Committee Constitution attached to this Report.

5 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.4: Support Councillors to carry out their civic duties	5.2.4.3	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

Recent Resolutions

10 This is a new advisory Committee as per Council resolution 22-026. Prior to creation of this advisory Committee, similar subject matter was covered by the Transport and Infrastructure Advisory Committee.

Legal/Statutory/Policy Considerations

The Constitution has been prepared with reference to Council’s Code of Conduct and Code of Meeting Practice.

15 The Committee is an advisory Committee of the Council. The objectives of the Committee are outlined in the Constitution. The role of the Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to the Constitution.

Financial Considerations

Not applicable.

Consultation and Engagement

20 Not applicable.

Report No. 3.2 Delivery Program - Workshop Session

Directorate: Infrastructure Services

Report Author: Heather Sills, Corporate Planning and Improvement
Coordinator

5 **File No:** I2022/518

Summary:

The draft *Delivery Program 2022-26* and *Operational Plan 2022/23* is currently on public exhibition. Council is seeking feedback from community and stakeholders.

10 Advisory committees are asked to contribute to this process, specifically addressing the Community Objectives and Strategies related to their areas of interest and expertise.

RECOMMENDATION:

15 **That the Moving Byron Advisory Committee provide input into the development of the draft Delivery Program 2022-26 (Attachment 1 E2022/19411).**

Attachments:

20 1 Draft Delivery Program 2022-26, E2022/19411 , page 19 [↓](#)

Report

5 The draft Community Strategic Plan (CSP) has been developed to guide long term future planning to meet the needs and aspirations of the community. This review was an opportunity for Council to consider the objectives and strategies which sit at the highest level of Council's planning hierarchy to set the framework for the Delivery Program.

Outcomes

The review of the Community Strategic Plan is an evolution of the 2028 Community Strategic Plan. The review has led to a revised 'vision' and redefined the five community objectives.

10 **Vision - *Our Byron Shire is a 'meeting place': Where all people can come together to connect, share, grow, inspire, and create positive change.***

The *community objectives*, while retaining the five original themes, have been refreshed to ensure continuing relevance, based on feedback from the community.

15 The inclusion of values-based terminology at the heading level seeks to better reflect community values and aspirations: Effective, Inclusive, Nurtured, Ethical, and Connected.

The associated *strategies* have also been redefined and realigned with the community objectives to more clearly articulate the intended priorities and aspirations of the community. A summary is below:

20 **Community Objective 1: Effective Leadership** – We have effective decision making and community leadership that is open and informed.

Strategies:

- 1.1 Enhance trust and accountability through open and transparent leadership
- 1.2 Engage and involve community in decision making
- 1.3 Ethical and efficient management of resources

25 1.4 Enhance organisation capability through innovative practices and regional partnerships

- 1.5 Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives

30 **Community Objective 2: Inclusive Community** – We have an inclusive and active community where diversity is embraced, and everyone is valued.

Strategies:

- 2.1 Foster opportunities to express, celebrate and participate in arts and cultural activity
- 2.2 Enhance safety and contribute to the physical, mental, and spiritual health and wellbeing of our people

35 2.3 Respect Aboriginal culture, value cultural knowledge, and acknowledge history

- 2.4 Enrich lifelong learning and education and support services to help young people thrive
- 2.5 Create social impact and initiatives that address disadvantage

Community Objective 3: Nurtured Environment – We nurture and enhance our natural environment.

Strategies:

- 3.1 Partner to nurture and enhance our biodiversity, ecosystems, and ecology
- 5 3.2 Deliver initiatives and education programs to encourage protection of our environment
- 3.3 Protect the health of our coastlines, estuaries, waterways, and catchments
- 3.4 Support and empower our community to adapt to, and mitigate our impact on climate change
- 10 3.5 Minimise waste and encourage recycling and resource recovery practices

Community Objective 4: Ethical Growth – We manage growth and change responsibly

Strategies:

- 15 4.1 Manage responsible development through effective place and space planning
- 4.2 Enable housing diversity and support people experiencing housing insecurity
- 4.3 Promote and support our local economy
- 4.4 Foster sustainable visitation and the impacts of tourism on the Shire
- 20 4.5 Support a resilient community that can adapt and respond to change

Community Objective 5: Connected Infrastructure – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

Strategies:

- 25 5.1 Provide a safe, reliable, and accessible transport network
- 5.2 Connect the Shire through integrated transport services
- 5.3 Invest in renewable energy and emerging technologies
- 5.4 Provide accessible community facilities and open spaces
- 5.5 Provide continuous and sustainable water and sewerage management

30 **Delivery Program and Operational Plan**

Cascading out of the ten year strategies of the CSP come the four year actions in the Delivery Program. The Delivery Program outlines Council's commitment to the community on how it will work towards the CSP strategies during its term. The annual activities in the Operational Plan detail how Council works towards the Delivery Program year by year.

- 35 The Biodiversity Advisory Committee is asked to consider and inform the development of the Delivery Program actions that contribute to the following strategies:

Community Objective 5: Connected Infrastructure – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

Delivery Program:

5.1 Provide a safe, reliable, and accessible transport network



Delivery Program Priorities:

5.1.1 Road maintenance	5.1.2 Road renewal and upgrades	5.1.3 Active transport - pedestrians and cycleways	5.1.4 Multi-Use Rail Corridor	5.1.5 Restore road network
Undertake road and transport network maintenance to meet the standards identified in the Asset Management Plan	Deliver road renewal and upgrade capital works program	Deliver the actions identified in the Pedestrian Access and Mobility Plan and Bike Plan	Activate the rail corridor for multi-use that provides expanded active and shared transport options catering to visitors and residents	Restore the affected parts of the road network that were impacted by the 2022 flood events

5.2 Connect the Shire through integrated transport services



Delivery Program Priorities:

5.2.1 Regional transport links	5.2.2 Public Transport	5.2.3 Traffic management & reduced car dependence	5.2.4 Parking
Lead, engage and partner to develop a sustainable regional transport network that supports local roads to deliver services to our community	Advocate for public transport services across Byron Shire that are convenient, regular, and easy to access	Develop transport infrastructure and services that are accessible to all and meet a diverse range of needs and community expectations	Manage parking through effective controls that support Movement and Place Plans and are coordinated with other initiatives such as park and ride

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A brief workshop session will be held as part of the meeting to provide opportunities for input and discussion.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.2	Undertake a community engagement program to review and develop Council's Integrated Planning and Reporting framework documents

10 **Legal/Statutory/Policy Considerations**

The requirements for the Community Strategic Plan are governed by [Section 402](#) of the Local Government Act 1993.

Further requirements are outlined in sections 403-406 and in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

5 Financial Considerations

Not applicable.

Consultation and Engagement

This discussion forms part of the community engagement program, as outlined in the [Community Engagement Strategy](#) for the Community Strategic Plan.

**Report No. 3.3 Moving Byron Integrated Transport Strategy
2022 to 2042 - Results of Community
Consultation**

Directorate: Infrastructure Services

5 **Report Author:** James Flockton, Infrastructure Planning Coordinator

File No: I2022/148

Summary:

The draft Moving Byron document has been through a Community Consultation process as previously supported by Council.

10 This report provides a copy of the draft document and the comments received.

Further discussion and comment will be received from Transport for NSW at the committee meeting.

15

RECOMMENDATION:

That Council note:

1. **The report and the comments received from the exhibition period**
- 20 2. **The Moving Byron Committee will receive a further detailed report that provides:**
 - a. **commentary on each of the comments received during the exhibition period**
 - b. **commentary on comments received from TfNSW at the committee meeting**
 - c. **an updated Moving Byron document for consideration**
 - 25 d. **details on the resourcing requirements in relation to the Moving Byron Action Plan**

Attachments:

- 1 Draft Moving Byron 2022 to 2042 - Integrated Transport Strategy - Parts 1 to 3, E2021/149220 , page 73 [↓](#)
- 30 2 Draft Moving Byron 2022 to 2042 - Integrated Transport Strategy – Part 4 Background Information, E2021/149218 , page 135 [↓](#)

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

3.3

- 3 Summary Report - Your Say Byron Shire 01 Jan 2022 to 03 May 2022, E2022/40336 , page 182 [↓](#)
- 4 Survey Response from Public - Moving Byron, E2022/40736 , page 188 [↓](#)

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Report

At Council Meeting of 25 November 2021 Council Resolved (21-551):

That Council:

- 5 1. *Adopts the Draft version of the Moving Byron Strategy (Attachments 1,2 &3) for the purpose of Public Exhibition with the follow amendments and invites submissions from the public.*
 - 10 a) *Addition of a foreword from the TIAC Chair to acknowledge the contributions of community representatives and stakeholders in the development of Moving Byron.*
 - 15 b) *Review of formatting and content of column 4 (stakeholders) of the Action Plan (Attachment 2) to ensure correct alignment and to complete the stakeholder list on page one.*
 - 15 c) *inclusion of additional photographs representative of the key themes.*
 - 15 d) *Include Case Study 4 at A5 of Attachment 3.*
 - 15 e) *Attachment 1 be named 'Moving Byron 2022-2042: Integrated Transport Strategy'.*
- 20 2. *Places the "Draft Moving Byron strategy" on Public Exhibition for a minimum of 28 days and the outcomes of the consultation be reported to Council for further consideration;*
- 25 3. *Undertakes consultation during the exhibition period with other government agencies and key stakeholders identified within the Draft Moving Byron Strategy to obtain their support, feedback and comments;*
- 30 4. *Receives a report on resourcing requirements in relation to the Draft Moving Byron Action Plan: and*
- 30 5. *Thanks members of the Transport and Infrastructure Advisory Committee (TIAC) for the extensive time and effort put into preparing the Draft Moving Byron Strategy.*

(Cameron/Coorey)

The amendments noted in item 1 above have been completed and the consultation noted in items 2 and 3 have been completed.

- 35 Moving Byron (attachments 1 & 2) was on exhibition for 8 weeks from the beginning of March to the end of April 2022. The adopted exhibition period was extended due to the recent floods to ensure the community had time to provide comment.

Item 4 will be addressed in a future report and item 5 is noted.

- 40 Unfortunately, the Infrastructure Planning team have been unable to address each of the comments between the exhibition closure and reporting deadlines due to flood recovery works taking priority and staff vacancies reducing the teams availability.

The statistics from the community consultation process is provided at attachment 3 and shows that the process received a high level of review and comment. The comments received have been provided at attachment 4 for the committee’s information.

5 Time will be provided at the committee meeting for committee members to raise and discuss any of the comments received. It is not proposed that we discuss each comment and request that members review the comments and raise any comments of concern at the meeting.

10 Transport for NSW (TfNSW) will also be in attendance at the committee meeting to discuss the report, any changes resulting from this discussion will be made before the next committee meeting.

Key issues

Staff need to review the comments received, provide commentary, and make suitable amendments to the Moving Byron document.

15 Further comments received from TfNSW at the committee meeting will need addressing in the updated document.

Next steps

Staff will complete a detailed feedback report and amend the Moving Byron document prior to reporting back to the committee.

20 When reporting the updated document to the committee a report on the resourcing requirements in relation to the Draft Moving Byron Action Plan will be provided.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity	
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.1 Finalise the Integrated Transport Management Strategy (ITMS)

Recent Resolutions

- 21-551
- 25 • 21-321

- 20-404
 - 20-329
 - 20-049
 - 20-045
- 5
- 19-537
 - 19-427
 - 19-315
 - 19-313

Legal/Statutory/Policy Considerations

- 10 There is no known legal, statutory or policy issues to consider.

Financial Considerations

The project is currently within budget and future budget concerns will be addressed in a future report to the committee.

Consultation and Engagement

- 15 As noted in the body of the report.

