

Notice of Meeting

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, 18 August 2022
Time	4.30pm

Phillip Holloway
Infrastructure Services

I2022/1022
Distributed 11/08/22



**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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

BYRON SHIRE COUNCIL

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting

Directorate: Infrastructure Services

5 **Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2022/1000

10 **RECOMMENDATION:**

That the minutes of the Moving Byron Advisory Committee Meeting held on 19 May 2022 be confirmed.

15 **Attachments:**

1 Minutes 19/05/2022 Moving Byron Advisory Committee, I2022/534 , page 8 [↓](#) 

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 19 May 2022 .

5

Report to Council

The minutes were reported to Council on

Comments

10

In accordance with the Committee Recommendations, Council resolved the following:

22-283 **Resolved** that Council adopts the following Committee Recommendation(s):

Report No. 3.1 Committee Constitution

Committee Recommendation 3.1.1

That Council support the Moving Byron Advisory Committee in ratifying the draft Committee Constitution.

22-284 **Resolved** that Council adopts the following Committee Recommendation(s):

Report No. 3.2 Delivery Program - Workshop Session

Committee Recommendation 3.2.1

That Council support the Moving Byron Advisory Committee in providing input into the development of the draft Delivery Program

2022-26.

22-285 Resolved:

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

Committee Recommendation 3.3.1

That the Committee recommends that Council note:

1. The report and the comments received from the exhibition period.
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
 - c) an updated Moving Byron document for consideration
 - d) details on the resourcing requirements in relation to the Moving Byron Action Plan
3. An invitation will be extended to Transport for NSW to attend the next Moving Byron Advisory Committee meeting or to nominate a time prior when they are able to attend.

Minutes

Moving Byron Advisory Committee Meeting

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

Phillip Holloway
[Director Infrastructure Services](#)

I2022/534



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES

19 MAY 2022

Minutes of the Moving Byron Advisory Committee Meeting held on Thursday, 19 May 2022

File No: I2022/534

PRESENT: Cr M Swivel, Cr D Dey, Cr P Westheimer

Staff: Phil Holloway (Director Infrastructure Services)

Evan Elford (Manager Works)

James Flockton (Coordinator Infrastructure Planning)

Shelley Flower (Minute Taker)

Community Representatives: Annie Villeseche, Basil Cameron, Ian Pickles,
Margaret Robertson, Geoffrey Meers.

Cr Swivel (Chair) opened the meeting at 4.32pm and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Cr Coorey, Jack Dods

No. 1 Election of Chair

Committee Recommendation:

That Council note that Cr Swivel has been appointed as chairperson for the Moving Byron Advisory Committee until the May 2023 Committee meeting.

(Westheimer/Dey)

The recommendation was put to the vote and declared carried.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES

19 MAY 2022

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 3.1 Committee Constitution
File No: I2022/468

Committee Recommendation:

That Council support the Moving Byron Advisory Committee in ratifying the draft Committee Constitution.

(Dey/Cameron)

The recommendation was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 3.2 Delivery Program - Workshop Session
File No: I2022/518

Committee Recommendation:

That Council support the Moving Byron Advisory Committee in providing input into the development of the draft Delivery Program 2022-26 (Attachment 1 E2022/19411).

(Robertson/Westheimer)

The recommendation was put to the vote and declared carried.

STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 3.3 Moving Byron Integrated Transport Strategy 2022 to 2042 -
Results of Community Consultation**
File No: I2022/148

Committee Recommendation:

That the Committee recommends that Council note:

- 1. The report and the comments received from the exhibition period.**

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES

19 MAY 2022

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**
 - c. **an updated Moving Byron document for consideration**
 - d. **details on the resourcing requirements in relation to the Moving Byron Action Plan**
3. **An invitation will be extended to Transport for NSW to attend the next Moving Byron Advisory Committee meeting or to nominate a time prior when they are able to attend.(Westheimer/Villeseche)**

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 6.10pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Moving Byron Submissions Report

Directorate: Infrastructure Services

5 **Report Author:** Judd Cornwall, Traffic & Transport Engineer

File No: I2022/762

Summary:







10 The purpose of this report is to outline key issues, concerns and requests from the community and the State Government regarding the draft Moving Byron - Integrated Transport Study 2022-42.

RECOMMENDATION:

15 **That the Moving Byron Committee recommends Council support:**

1. **Staff commencing detailed conversations with Transport for NSW on how both levels of government can partner together to achieve a fully comprehensive and endorsed Action Plan from the Moving Byron document (attachment 3 / E2021/149220)**
- 20 2. **The Moving Byron Committee receive further reporting regarding a proposed way forward that is supported by Transport for NSW and allows for the Moving Byron documents to be adopted.**

Attachments:

- 25 1 Moving Byron_TfNSW comments (Letter), E2022/65163 , page 20  
- 2 Community Feedback Summary (report attachment), E2022/74112 , page 22  
- 3 Draft Moving Byron 2022 to 2042 - Integrated Transport Strategy - Parts 1 to 3, E2021/149220 , page 60  

30

Report

On the 23 June 2022, the Moving Byron Committee recommended that Council note (resolution number: 22-285)

1. *The report and the comments received from the exhibition period.*
- 5 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*
 - 10 c) *an updated Moving Byron document for consideration*
 - d) *details on the resourcing requirements in relation to the Moving Byron Action Plan*
- 15 3. *An invitation will be extended to Transport for NSW to attend the next Moving Byron Advisory Committee meeting or to nominate a time prior when they are able to attend. (Lyon/Ndiaye)*

Item 1 is noted and item 2 is discussed below:

a) Community comments from the exhibition –

Commentary on each submission has been added to the comments table and this is provided at attachment 2.

20 The Moving Byron community feedback was primarily focused on the Rail-Trail and Public Transport. For the purpose of this report the key issues from the community have been broken into “support and against” and tabled in attachment 2, the comments have also been summarised/graphed in figures 1 and 2. As the community feedback was generally consistent, staff have kept the commentary in attachment 2 simple and short.

25 The community were very supportive of the re-establishment of heavy rail to the region. Some comments opposing the heavy rail referred to the Tweed Shire’s business case around heavy rail, and how it was not viable due to a single rail line corridor. Comments were also made about the lack of interregional adoption.

30 Light-rail/Hi-rail was also popular with the community, however there were comments/concerns regarding noise, based on the existing solar train.

Some form of bus service was generally accepted. There was also a reasonable amount of support for park and ride provision on the outskirts of the village/town centres where a Public Transport (PT) or active (e.g., E-bike share scheme) service could be provided for visitors to get around town.

The active link along the rail-corridor was broadly accepted, the only opposing comments were that it would not be a user pays scenario (for bikes). This was seen as a penalty for private car users who contribute financially to the transport network.

5 There was also well thought out commentary around smart materials (active matter) and early Artificial Intelligence adoption, the author recommended we take inspiration from:

- The Australian Centre for Field Robotics
- Collaboration with future technology industry (future technology seminar)
- Active matter design and infrastructure
- Partnerships with other industry research organisations

10

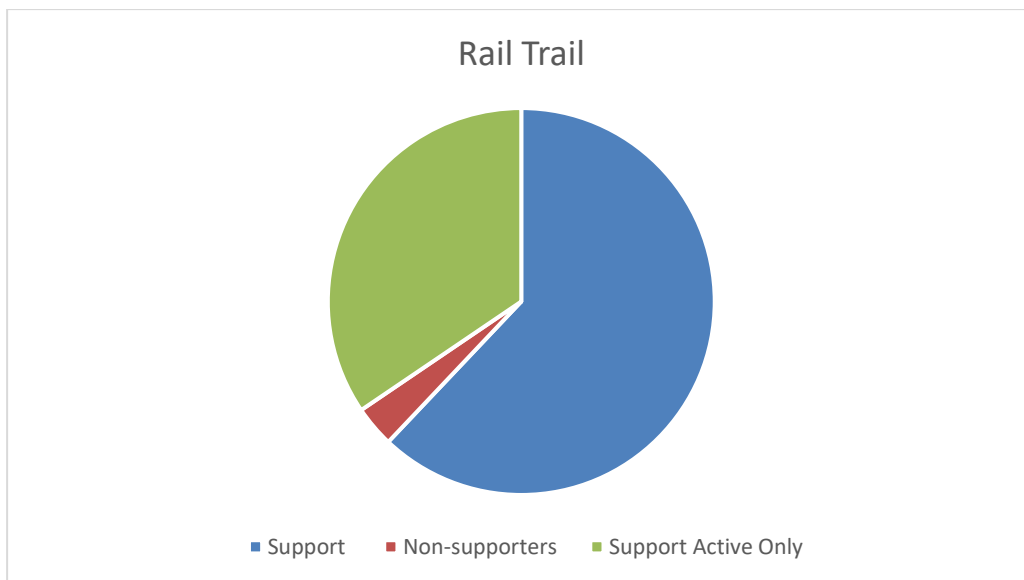


Figure 1: Community response regarding the proposed multi - modal rail trail

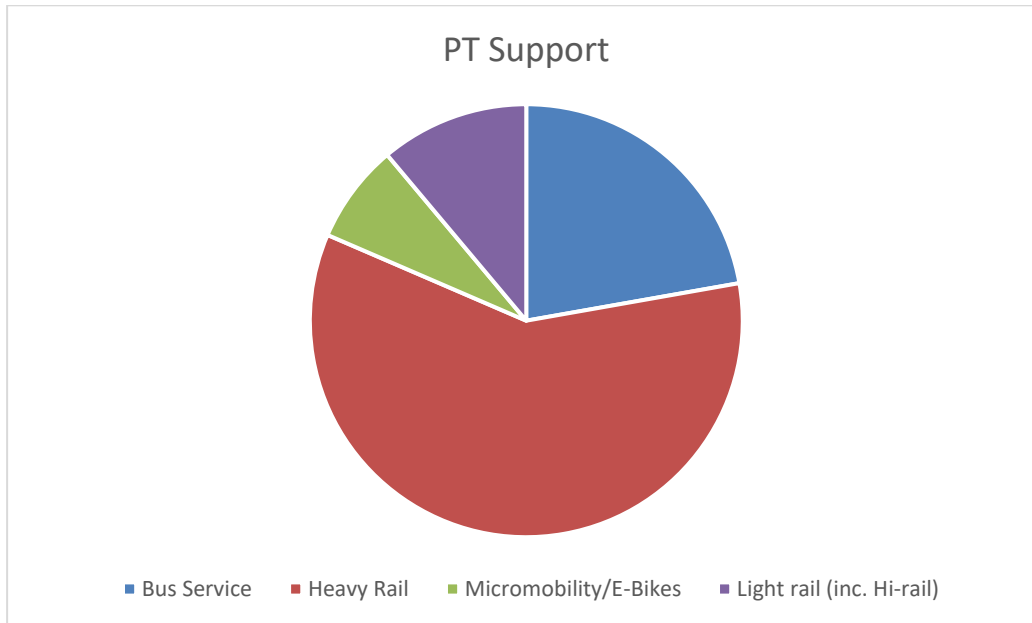


Figure 2: Community response regarding Public Transport requirements

b) TfNSW Comments

5 Transport for NSW supports the initiatives contained within the plan. However, they have expressed some concerns regarding:

- Lack of data regarding and to support mode shift estimates
- Action plan timelines
- Road Network Planning, addressing extreme weather and Movement and Place

10 Transport for NSW have advised that the Draft Moving Byron - Integrated Transport Strategy Document forms the basis for the development of a fully comprehensive Integrated Transport Plan (ITP). They would also like to restart the conversation with Council on how both levels of government can partner together to achieve this outcome. TfNSW comments are provided at attachment 1.

c) Updates to the document

No updates have been completed to date. It is proposed to update attachment 3 to reflect the findings of the consultation process to ensure the community opinion is well documented.

- 5 Staff are considering options for adoption of the document. At this time staff are considering the option of adopting Sections 1 and 3 of the document, i.e the Moving Byron Strategy and the back ground information. Given TfNSW have shown support and the document can act like a scoping document for an ITP. The Action Plan needs to be discussed further with TfNSW and then further developed into an Action Plan that can be endorsed by TfNSW. These options can be discussed with the committee at the meeting.
- 10

d) Resourcing to progress the Moving Byron Action Plan

Resourcing will be discussed once a meeting with TfNSW, to discuss a way forward has taken place and an Action Plan agreed.

- 15 A meeting has been proposed by TfNSW, the date for this meeting to take place has not been decided.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.2: Connect the Shire through integrated transport services	5.2.1: Regional transport links - Lead, engage and partner to develop a sustainable regional transport network that supports local roads to deliver services to our community	5.2.1.1	Moving Byron

Recent Resolutions

Resolution number - 22-285

5 Legal/Statutory/Policy Considerations

Most of the services contained within the Moving Byron Transport Strategy will need to be implemented and funded by the State. TfNSW has existing strategic framework around movement and place, and transport. Accordingly, any new services requiring funding will need to be endorsed by the State. The Council has been informed that more work is required to align the Moving Byron with the States own strategy (refer to attachment 1)

Financial Considerations

State funding is required to facilitate many of the actions contained within the Moving Byron. The State have requested further data in relation to mode shift and corridor planning before they would consider supporting and funding programs towards new services for the Shire.

Consultation and Engagement

Moving Byron was on community exhibition for 8 weeks from the beginning of March to the end of April 2022. Prior to exhibition the document received numerous reviews from the members of the previous Transport Infrastructure Advisory Committee.

A meeting will take place with TfNSW targeted for the last week of August 2022 to discuss recommendations for how to proceed with the Shires integrated transport strategy.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

Transport for NSW



Our Ref: SF2021/071984

Mr Mark Arnold
The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Via email: council@byron.nsw.gov.au

Subject: Feedback on draft Moving Byron 2022 – 2042 document and future transport planning

Dear Mr Arnold

Transport for NSW acknowledges the work Byron Shire Council has completed to date in developing the Draft Moving Byron 2022 and appreciates the opportunity to provide feedback.

Council's goal to achieve a modal shift from private car use within the Shire to other forms of transport is supported by Transport for NSW, noting this is consistent with Future Transport 2056.

In general, the document would benefit from being more succinct with clearer consistency throughout. Further refinements and comments on the Draft Moving Byron 2022 document include:

- Whilst Transport for NSW is supportive of the initiatives proposed by Council, it is acknowledged further work is required in respect to a Movement and Place assessment and Integrated Transport Plan, including for the Ewingsdale Road corridor. Transport for NSW would like to work with Council to undertake actual mode shift estimates for the initiatives identified in the plan which will enable the development of costings for increased transport services. This work would assist in developing future business cases to seek potential funding sources.
- The Action Plan is more focussed on immediate needs up to two years, noting there are some inconsistencies in how these might be addressed. It is suggested Council could also plan for more strategic outcomes in line with the 20 year time horizon for the strategy.
- As a 20 year strategy, opportunities to include initiatives and outcomes around the resilience of the transport network in response to hazards (floods, fire, climate change) would be beneficial, particularly in light of occurrences over the last 6 months.
- The opening paragraphs are heavily focused on movement and the function of roads in moving people and goods. Transport for NSW suggests incorporating some discussion on the ability of movement corridors to enable places, noting the Byron community values their places, and well planned, integrated transport networks are an essential part of successful place making.
- The desire for improving active transport networks and public transport services around the Shire has many positives for the community. This vision is fully supported by Transport for NSW, and it also clearly aligns with the direction provided from Future Transport 2056.

Report No. 4.2 Additional Discussion Items

Directorate: Infrastructure Services

Report Author: Judd Cornwall, Traffic & Transport Engineer

File No: I2022/1044

5 **Summary:**

Two additional discussion items have been requested. The following items will be provided time to discuss at the committee meeting:-

- 10
1. If the Bike Plan Project ID: IT005 (Brunswick to Byron Coastal Cycleway) can be investigated and designed in parallel with the Mullumbimby – Brunswick Cycleway.
 2. The likelihood and particulars of funding lines for different uses of the rail corridor, based on interim feedback received from TfNSW.

15

RECOMMENDATION:

- 20
1. **That Council staff review the priority (low priority) assessment for the Brunswick-Byron Coastal Cycleway following the completion of the Mullumbimby-Brunswick Cycleway optioneering.**
 2. **That the Moving Byron Committee notes TfNSW comments regarding requirements for their endorsement and funding support.**

25

Report

- 5 1. The Mullumbimby-Brunswick Cycleway is already grant funded, consequently it may be difficult to add any additional works to the study given the size of the potential variation for the inclusion of the Brunswick-Byron Coastal Cycleway and also considering how far we are into the project (Mullumbimby-Brunswick Cycleway).

10 The Brunswick-Byron Coastal Cycleway is currently prioritised as priority C/low priority. Following outcomes from the Mullumbimby-Brunswick Cycleway investigations this priority may change.

Table 1: Priority components by category

PRIORITY COMPONENT	PRIORITY CATEGORY		
	A	B	C
Safety	<ul style="list-style-type: none"> addresses an identified and significant safety issue reduces the need to cross roads 	<ul style="list-style-type: none"> addresses an identified and moderate safety issue 	<ul style="list-style-type: none"> addresses an identified safety concern
Accessibility	<ul style="list-style-type: none"> significantly improves cycle access or is a component of a broader connection that significantly improves cycling access 	<ul style="list-style-type: none"> moderately improves cycling access or is a component of a broader connection that significantly improves cycling access 	<ul style="list-style-type: none"> improves cycling access

PRIORITY COMPONENT	PRIORITY CATEGORY		
	A	B	C
Connectivity	<ul style="list-style-type: none"> connects a diverse number of residential areas, key attractors 	<ul style="list-style-type: none"> connects a variety of residential areas, key attractors 	<ul style="list-style-type: none"> connects residential areas, key attractors
Demand	<ul style="list-style-type: none"> responds to existing/ demonstrated high cycle demand facilitates significant growth in cycle volumes in the future 	<ul style="list-style-type: none"> responds to existing/ demonstrated moderate cycle demand facilitates moderate growth in cycle volumes in the future 	<ul style="list-style-type: none"> responds to existing/ demonstrated minor cycle demand

2. There is no specific TfNSW grant pool that is specifically aimed at rail trail or multi use rail corridors, however there are TfNSW and other Government Grant funding options that can fund Rail Trail or multi use rail corridor projects.

5 Prior to applying for any grant funding Council will need to support a preferred corridor option.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.2: Connect the Shire through integrated transport services	5.2.1: Regional transport links - Lead, engage and partner to develop a sustainable regional transport network that supports local roads to deliver services to our community	5.2.1.1	Moving Byron

Recent Resolutions

- Resolution number - 22-285

Consultation and Engagement

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