

Supplementary Agenda Ordinary Meeting

Thursday, 24 November 2022



BYRON
SHIRE
COUNCIL

Supplementary Agenda

Ordinary Meeting

held at the Conference Room, Station Street, Mullumbimby
commencing at 9.00am

Public access relating to items on this agenda can be made between 9:00 and 10:30 am on the day of the meeting. Requests for public access should be made to the General Manager or Mayor no later than 12:00 midday on the day prior to the meeting.

A handwritten signature in black ink, appearing to read "Mark Arnold".

Mark Arnold
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 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 ORDINARY MEETING

16. LATE REPORTS

16.1 Report of the Local Traffic Committee Meeting held on 15 November 2022 7

Questions with Notice: A response to Questions with Notice will be provided at the meeting if possible, that response will be included in the meeting minutes. If a response is unable to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Councils website www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice

Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Director prior to the meeting. Any suggested amendments to the recommendations should be provided to Councillor Support prior to the meeting to allow the changes to be typed and presented on the overhead projector at the meeting.

LATE REPORTS

Report No. 16.1 Report of the Local Traffic Committee Meeting held on 15 November 2022

5 **Directorate:** Infrastructure Services

Report Author: Shelley Flower, Traffic and Parking Systems Officer

File No: I2022/1698

10 **Summary:**

The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 15 November 2022 for determination by Council.

Council's action on the LTC advice will be:

- 15 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform TfNSW or the NSW Police representatives of the decision.
- b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 20 c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform TfNSW or the NSW Police representatives of the decision.
- 25 d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the TfNSW and the NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 30 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the TfNSW and NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the RTC.

Due to the fact that the TfNSW and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both TfNSW and the NSW Police have provided their vote on the issue.

RECOMMENDATION:

- 5 1. That Council notes the minutes of the Local Traffic Committee Meeting held on 15 November 2022.

2. That Council adopts the following Committee Recommendations:

Report No. 6.1 Additional information regarding Byron Bay Traffic and Pedestrian Management Strategy for the Christmas & New Years eve Period 2022

File No: I2022/1524

Committee Recommendation 6.1.1

That the Local Traffic Committee notes:

1. The type of regulatory signage used in the TCP's is the appropriate signage endorsed by a qualified authority, and
2. That updated TCP's are provided for the information of the Committee showing altered traffic control arrangements, including the addition of Traffic Controllers in key areas over the event period.

3. That Council adopts the following Committee Recommendation:

Report No. 6.3 Additional parking restrictions on Short Street, Byron Bay (Road safety)

File No: I2022/1540

Committee Recommendation 6.3.1

It is recommended that the parking restrictions contained within figure 2 and attached within this report be implemented to increase road safety.

4. That Council adopts the following Committee Recommendation:

Report No. 6.4 Byron Bay Sleep Bus

File No: I2022/1559

Committee Recommendation 6.4.1

It is recommended that Local traffic Committee support the installation of the signage shown in figure 1 of report at the intersection of Somerset Street and Wordsworth Street, Byron Bay.

5. That Council adopts the following Committee Recommendation:

Report No. 6.5 Centennial Circuit One Way System, Byron Bay

File No: I2022/1614

Committee Recommendation 6.5.1

That the Local Traffic Committee supports the permanent one-way installation and regulatory signage proposed for Byron Bay Industrial Estate on Centennial Circuit, Brigantine Street, Tasman Way and Wollongbar Street included in Attachment 1 (E2022/107955).

(Miller/Kehoe)

7. That Council adopts the following Committee Recommendation:

Report No. 6.6 Mobile Library Suffolk Park, Beech Drive, Suffolk Park

File No: I2022/1619

Committee Recommendation 6.6.1

That the Local Traffic Committee endorse the installation of the no parking signage shown in figure 1.

8. That Council adopts the following Committee Recommendation:

**Report No. 6.7 Intersection Reprioritisation - Tincogan Street at Dalley Street
and Stuart Street**

File No: I2022/1632

Committee Recommendation 6.7.1

That the Local Traffic Committee endorse the reprioritisation of the intersections of Stuart / Tincogan Street and Dalley / Tincogan Street based on the layout contained within attachment 1 (E2022/108371) and 2 (E2022/108372) of this report.

9. That Council adopts the following Committee Recommendation

Report No. 6.8 Station Street, Bangalow - Accessible Parking Space

File No: I2022/1637

Committee Recommendation 6.8.1

That the Local traffic Committee support the provision for an accessible parking space adjacent 19 Station Street, Bangalow.

5 **Attachments:**

- 1 Minutes 15/11/2022 Local Traffic Committee, I2022/1671 , page 12  

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 15 November 2022 for determination by Council. The agenda for this meeting can be located on Council's website at:

- 5 https://byron.infocouncil.biz/Open/2022/11/LTC_15112022_AGN_1526_AT.PDF

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 15 November 2022.

Committee Recommendation

- 10 As per the Reports listed within the Local Traffic Committee Meeting of 15 November 2022.

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 15 November 2022.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Local Traffic Committee Meeting of 15 November 2022.

Minutes of Meeting Local Traffic Committee Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 15 November 2022
Time	2.00pm



BYRON SHIRE COUNCIL

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

15 NOVEMBER 2022

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 15 NOVEMBER 2022

File No: I2022/1671

MEETING COMMENCED: 2.07pm

PRESENT:

Transport for NSW: Alexie Miller, Greg Aitken

Byron Shire Council : James Flockton on behalf of Cr Michael Lyon

Staff: Judd Cornwall (Traffic Engineer), Shelley Flower, Richard Bradbury.

Online attendees:

NSW Police: Detective Chief Inspector Matt Kehoe

Siobhan Foley on behalf of Tamara Smith MP

APOLOGIES:

Councillor: Michael Lyon

John Carey (TfNSW)

DECLARATIONS OF INTEREST

There were no declarations of interest raised.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

RECOMMENDATION:

That the minutes of the Local Traffic Committee Meeting held on 11 October 2022 be confirmed.

BYRON SHIRE COUNCIL

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

15 NOVEMBER 2022

MATTERS ARISING

None.

OUTSTANDING ISSUES/RESOLUTIONS

None.

REGULATORY MATTERS

Report No. 6.1 **Additional information regarding Byron Bay Traffic and Pedestrian Management Strategy for the Christmas & New Years eve Period 2022**
File No: I2022/1524

Initial planning for the management of Byron Bay traffic and pedestrian safety over the Christmas and New Year period 2022 was presented to the LTC in October 2022.

Transport for NSW requested clarification on the use of the following regulatory signage included in the Traffic Control Plans:

- "No Entry" signs (at Byron St / Jonson St and in Lateen La)
- "No Parking" signs in Bay St
- the "All Traffic Right" sign in Fletcher St at Bay St

This report presents the LTC with details of the signage used in the TCP's and assurance they conform to regulatory requirements and are endorsed by a qualified authority.

Traffic Control Plans have also been updated to include additional Traffic Controllers in specific places. In consultation with NSW Police there will now be 5 traffic controllers placed on Jonson Street to help manage pedestrian and vehicle movements. The dates for which this will apply are Wednesday 21 December 2022 to Wednesday 4 January 2023 until 8pm each day.

To clarify some of the signage on the plans:

- "No Entry" signs (at Byron St / Jonson St and in Lateen Lane): These signs are existing signs already in place and being permanent they abide by all regulations.
- "No Parking" signs in Bay St – These are supplied and installed by council and meet regulations. Council has authority to install them and they were requested by Police NSW as they are useful in minimising the amount of traffic parked and flowing through this area.
- The "All Traffic Right" sign in Fletcher St at Bay St – These have been removed from the TCPs as this is another spot with an existing "No Entry" sign so the "All traffic

BYRON SHIRE COUNCIL

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

15 NOVEMBER 2022

right” sign is unnecessary. The permanent “No Entry” sign has been added to the plan. The blue arrows in the TCP show the path that vehicles have to take as per the “No Entry” requirement.

Committee Comments

TfNSW: Suggest Council investigate use of aggressive vehicle barriers for events.

Management Comments

None.

Committee Recommendation:

That the Local Traffic Committee notes:

- 1. The type of regulatory signage used in the TCP’s is the appropriate signage endorsed by a qualified authority, and**
- 2. That updated TCP’s are provided for the information of the Committee showing altered traffic control arrangements, including the addition of Traffic Controllers in key areas over the event period.**

(Kehoe/Miller)

The recommendation was put to the vote and declared carried.

Report No. 6.2 **Belongil Parking Scheme Review - New parking limits**
File No: I2022/1537

Council advises that this Report has been removed from the Agenda as there are errors in the parking layouts which require further work. This will be reported to a future Local Traffic Committee meeting.

Report No. 6.3 **Additional parking restrictions on Short Street, Byron Bay (Road safety)**
File No: I2022/1540

Short Street is a short (≈80m) residential street in Byron Bay that runs between two minor residential collector streets Massinger Street and Paterson Street. When vehicles are parked on each side of the road there is not insufficient space for two-way traffic to pass (refer to figure 1).

Residents have advised there has been numerous near misses (head-on) and a recent crash. There has only been one recorded crash in the last 5 years (minor injury) which was from a vehicle turning left onto Massinger Street, from Short Street and not giving way resulting in a side swipe crash type in the near side lane.

