

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	Friday, 2 December 2022
Time	2:00PM

Phil Holloway
Director Infrastructure Services

I2022/1737
Distributed 25/11/22

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)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

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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4. STAFF REPORTS

Infrastructure Services

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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: I2022/1460

10 **RECOMMENDATION:**

That the minutes of the Moving Byron Advisory Committee Meeting held on 18 August 2022 be confirmed.

15 **Attachments:**

1 Minutes 18/08/2022 Moving Byron Advisory Committee, I2022/1023 , page 9 [↓](#) 

Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 18 August 2022 .

5

Report to Council

The minutes were reported to Council on

Comments

10

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

22-503 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Moving Byron Submissions Report

Committee Recommendation 4.1.1

That the Moving Byron Committee recommend Council:

1. Revise and expand the Submissions Summary Report as follows.
 - a) Amend heading for Figure 1 to read 'Rail Corridor options' and display levels of support for 'multi use', 'rail' and 'trains' as referenced in the submissions.
 - b) Amend commentary in the report and submissions table to refer to either 'multi use', 'rail' and 'trains' as referenced in each submission acknowledging that a 'rail trail' is understood by the community to be infrastructure that excludes provision for any type of rail activation or services.
 - c) Expand summary commentary in the report to include a fuller description of references to 'public transport' to include inter town and regional references the benefits discussed.
 - d) Expand summary commentary in the report to include a fuller description of submissions referring to 'rail' and 'trains' that is not limited to the 'heavy' or 'light' rail and that summarises the benefits,

- not just critical comments.
- e) Include summary of key strategic themes referenced in submissions including but not limited to 'car dependence', the 'big picture challenge' to 'diversify' infrastructure and services, submissions referencing costed and technical assessments for multi use and or rail, submissions from prospective operators, safe hinterland road network access issues and other key themes.
 - f) otherwise amend the summary to ensure that it capture the flavour and nuance of the community submissions.
2. Support Staff and at least two Councillors 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 to the Report 4.1 of Moving Byron Committee Meeting of 18 August 2022 Agenda / E2021/149220).
 3. Support the work of the committee by allocating time at the next meeting for a discussion of the key strategic themes and objectives of the Strategy.
 4. 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.

22-504 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.2 Additional Discussion Items

Committee Recommendation 4.2.1

That Council, when next reviewing the Bike Plan, reconsider the priority for the Brunswick-Byron Coastal Cycleway Project IT005.

Minutes of Meeting
Moving Byron Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 18 August 2022
Time	4.30pm



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 18 AUGUST 2022

Minutes of the Moving Byron Advisory Committee Meeting held on Thursday, 18 August 2022

File No: I2022/1023

PRESENT: Cr Cate Coorey, Cr Mark Swivel, Cr Duncan Dey, Cr Peter Westheimer

Staff: Phil Holloway (Director Infrastructure Services)

Evan Elford (Manager Works)

Judd Cornwall (Traffic and Transport Engineer)

Dominika Tomanek (Minute Taker)

Community Representatives: Basil Cameron, Ian Pickles, Margaret Robertson,
Annie Villeseche, Jack Dods

Cr Swivel (Chair) opened the meeting at :4:35 pm and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Geoffrey Meers

Glen Bailey (Social Futures) - Non-Voting Representative

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 4.1 Moving Byron Strategy - Revised
Submission Summary and Transport for
New South Wales Feedback**

5

Directorate: Infrastructure Services
Report Author: Judd Cornwall, Traffic & Transport Engineer
File No: I2022/1410

Summary:

10 The purpose of this report is to detail and expand on the community submissions received for the Moving Byron Integrated Transport Plan. The report will also cover the NSW integrated transport planning strategic framework and how it relates to the Moving Byron Integrated Transport Plan.

15

RECOMMENDATIONS:

That Council endorses:


20

- 1. Staff receiving an authorised draft of the TfNSW Integrated Transport Planning Framework (Planning and Strategy Development Initiation Document – Byron Shire).**
- 2. Staff developing the planning framework to incorporate the existing Moving Byron Transport Plan and present it to the Moving Byron Committee for discussion.**

25

Attachments:

30

- 1**  Moving Byron Community Comments for Committee and Council, E2022/97835 , page 23 [↓](#)

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

On 18 August 2022 the Moving Byron Advisory Committee resolved for Council staff to:

1. **Revise and expand on the Submissions Summary Report as follows.**

- 5
- a) **Amend heading for Figure 1 to read 'Rail Corridor options' and display levels of support for 'multi use', 'rail' and 'trains' as referenced in the submissions.**
- 10
- b) **Amend commentary in the report and submissions table to refer to either 'multi use', 'rail' and 'trains' as referenced in each submission acknowledging that a 'rail trail' is understood by the community to be infrastructure that excludes provision for any type of rail activation or services.**
- 15
- c) **Expand summary commentary in the report to include a fuller description of references to 'public transport' to include inter town and regional references the benefits discussed.**
- 20
- d) **Expand summary commentary in the report to include a fuller description of submissions referring to 'rail' and 'trains' that is not limited to the 'heavy' or 'light' rail and that summarises the benefits, not just critical comments.**
- 25
- e) **Include summary of key strategic themes referenced in submissions including but not limited to 'car dependence', the 'big picture challenge' to 'diversify' infrastructure and services, submissions referencing costed and technical assessments for multi use and or rail, submissions from prospective operators, safe hinterland road network access issues and other key themes.**
- 30
- f) **otherwise amend the summary to ensure that it capture the flavour and nuance of the community submissions.**
- 35
2. **Support Staff and at least two Councillors 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).**

3. **Support the work of the committee by allocating time at the next meeting for a discussion of the key strategic themes and objectives of the Strategy.**

5 4. **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.**

(Cameron/Westheimer)

Report

10 This report summarises community expectations and opinions in relation to gaps and improvements in the Shire's transport network. For the full list of responses from the community exhibition period please refer to Attachment 1.

Key strategic themes

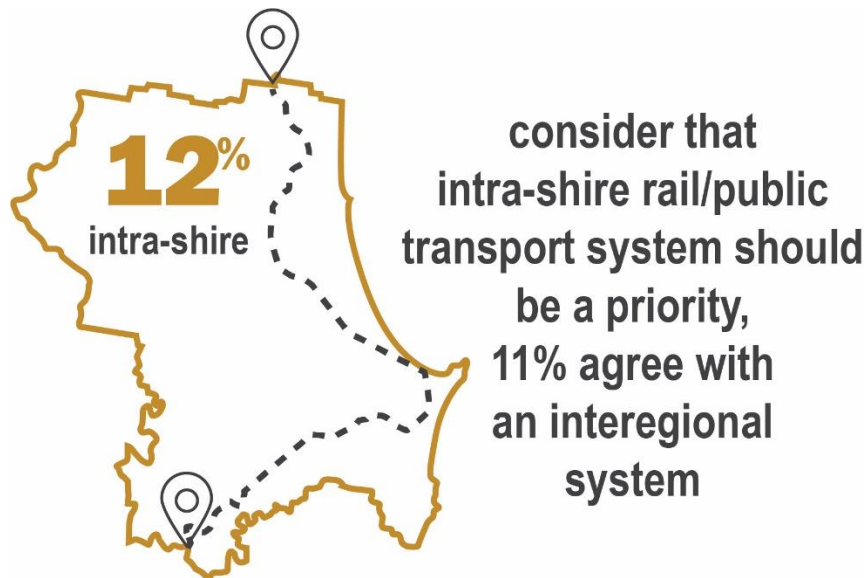
15 Members of the public have expressed some opinion on the strategic direction for the Shire's transport network. The key themes extracted from the submissions, in order of priority, are as follows:

- Use of rail corridor in some form (32%). More detail on this is provided in the Rail Corridor Activation section below.
- Reduction of car dependence / traffic congestion.
- 20 • Diversify infrastructure - Provide infrastructure that supports multi-modal transport options (linked shared paths, bus/train corridors, etc).
- Intra-shire connectivity – improving transport connections within Byron shire to support the community. This included transport modes such as bus, train, bicycle, etc. Refer Figure 1.
- 25 • Inter-shire connectivity – improving transport connections with other Local Government Areas. This included transport modes such as bus, train, bicycle, etc. Refer Figure 1.
- Environmental concerns - community concerns regarding climate change, reducing environmental impact, use of electric vehicles, etc.
- 30 • Impatient for action – submissions which supported Council taking action without delay.
- E-bike use – submission supporting the use of e-bikes as a transport method.
- Improve hinterland roads - safety improvements needed to rural roads.

- Technical assessments – These submissions would include either technical advice regarding existing analysis or a gap analysis required to facilitate the action plan within the Moving Byron Transport Strategy.

5 Note - there were no submissions provided by parties with a commercial interest in transportation within the Shire (i.e. “prospective operators”).

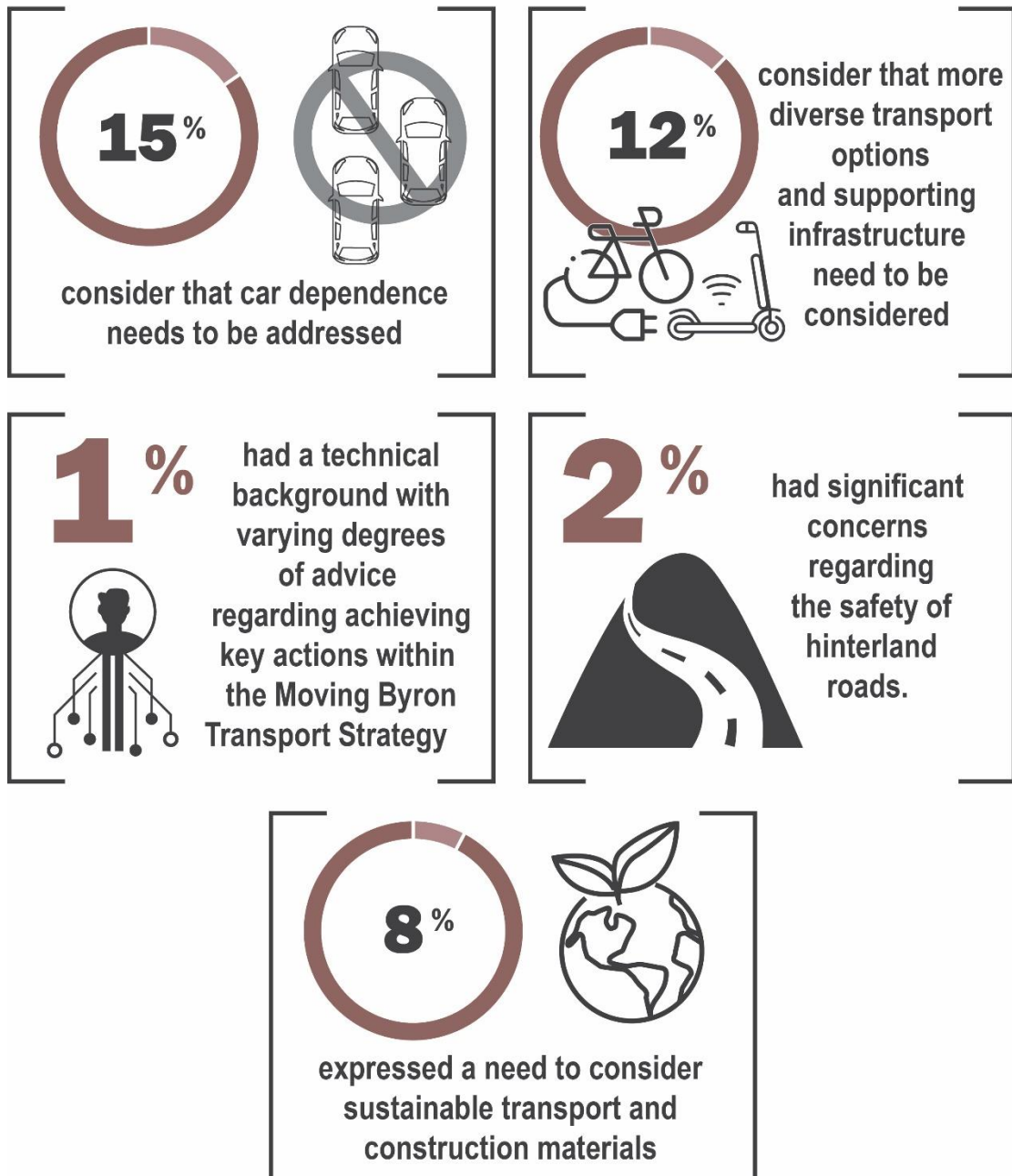
Figure 1: Intra-shire vs inter-shire connectivity “percentage mentioned”



The feedback received which relates to the strategic direction for the Shire’s transport network has been shown as “percentage mentioned” in Figure 2.

10 Figure 2: Moving Byron feedback key themes “percentage mentioned”

Of those that submitted feedback to the Moving Byron Transport Strategy...



Rail corridor activation

5 Reactivating the rail corridor was the primary focus contained within the community submissions. The support for the different types of activation were categorised as follows:

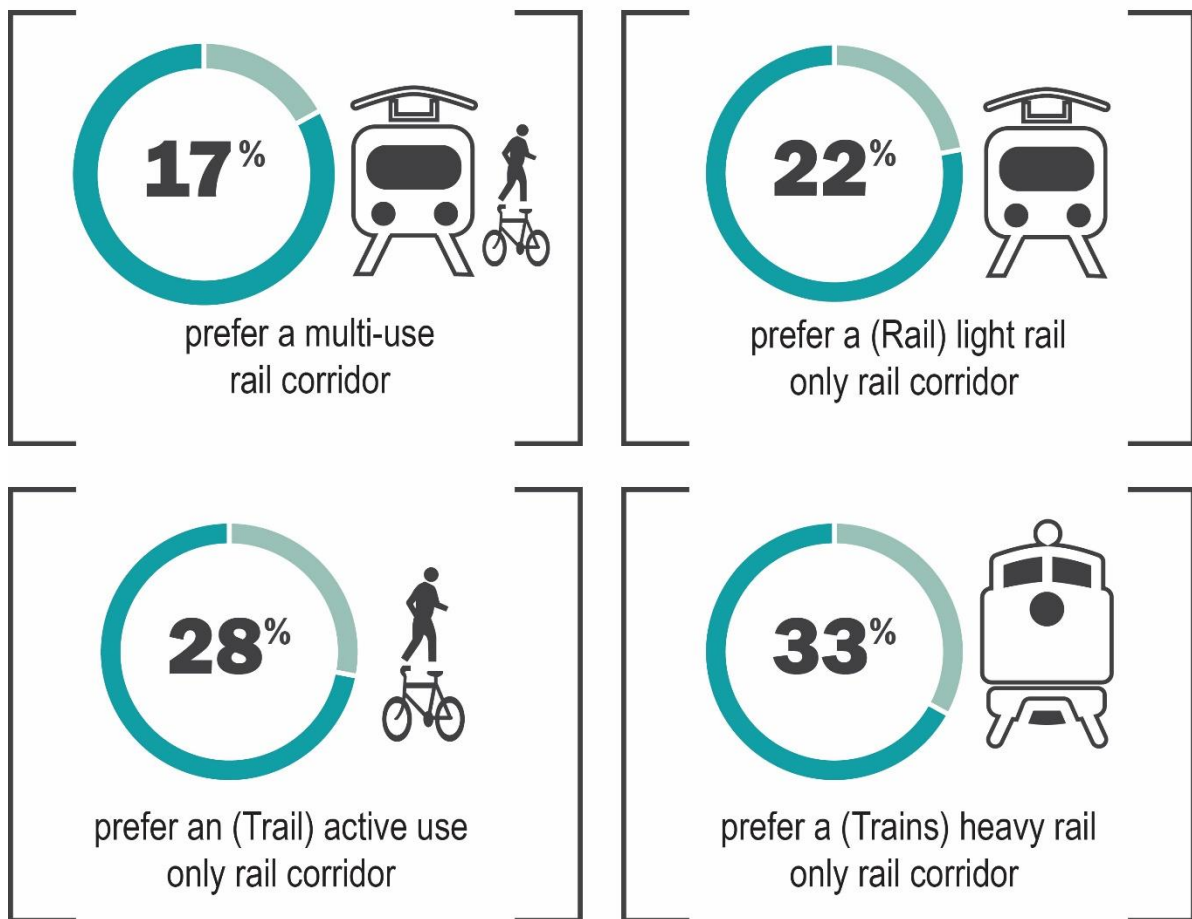
- Multi use - rail corridor to be used for rail and/or trains as well as pedestrian access

- Rail - rail corridor to be used for light rail activities such as hi-rail, trams, etc
- Trains - rail corridor to be used for heavy rail activities such as commuter trains, freight, etc
- Trail - rail corridor to be used for pedestrian access only (e.g. cycling, walking, etc)

5 The responses from the community in relation to the different rail corridor uses (if mentioned) are shown in Figure 3.

Figure 3: Percentage of support for different rail corridor uses

Of those that submitted feedback regarding the use of the rail corridor in response to the Moving Byron Transport Strategy...



10 Members of the community have also reached out after the Moving Byron exhibition period by phone. It is noted that the community members spoken to were extremely passionate on bringing commuter/tourist (heavy) rail back to the region specifically between Casino and Murwillumbah.

Technical Feedback

Some of the more technical community feedback contained within attachment 1 are found to be in submission numbers:

- 5 • #13: This submission discusses problems with the ARCADIS Multi Use Byron Shire Rail Corridor feasibility study. This submission also discusses previous (unnamed) independent consulting that recommends a regular bus service.

- 10 • #57: This submission discusses the need to harmonise our draft with the Australian Transport Assessment and Planning Guidelines. The submission also discusses data gaps and issues with the ARCADIS Multi Use Byron Shire Rail Corridor feasibility study.

- 15 • #72: This submission discusses the reactivation of the rail corridor for multi-use, this includes extending the existing solar train line (Gold Coast – Lismore). Also discussed is the potential for east-west spur links and possible industrial benefits for the region.

These submissions are not the only well thought out contributions from the Moving Byron Transport Strategy exhibition but they stand-out as having extensive industry/planning knowledge and reference material.

Integration with Transport for NSW (TfNSW)

- 20 The purpose of this exhibition period was to give the community an opportunity to contribute to the planning of their transport network before it was influenced by outside stakeholders.

A meeting took place between Council staff and Transport for New South Wales (TfNSW) on 6 September 2022 to discuss a Byron integrated Transport Plan (BITP). Council staff had requested that two Councillors be present at the meeting, this request was declined. It was advised (by TfNSW) that this meeting was only a “kick-off” meeting which looked at:

- 25 • the initiation document for the project (Integrated Transport Plan)

- governance

- the make-up of the project team

- 30 • the expected output

At this meeting Council Staff insisted that, no matter the outcome for the BITP, it was important that the Shire’s unique community and transport interests were to be prioritised and that the Moving Byron document adequately reflected these characteristics and needed to be included.

The TfNSW project team agreed that the current Moving Byron document did capture community expectations and should be included within the BITP and could easily be adapted into the framework they are currently developing.

- 5 TfNSW provided an overview of the draft framework for ITP development which does align with the work that has been done within the moving Byron document. TfNSW advised that their main concern with the Moving Byron document are the gaps in the data. However, they noted that there may be funding opportunities to capture the data or data share with TfNSW, considering the data capture for Southeast Queensland Strategic Transport Model
- 10 which will be extending it's boundary into the Shire. The data collection for the model may include household travel (additional to census data), journey to work and travel behaviour change.

- 15 Once the draft document has been formalised, discussions can take place (with TfNSW) on how the Moving Byron Transport Strategy can be adopted into the framework.

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

20 **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, place, and transport. Accordingly, any new services requiring funding will need to be endorsed by the State.

25 **Financial Considerations**

State funding is required to facilitate many of the actions contained within the Moving Byron strategy. 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.

- 5 A meeting has taken place (6 September 2022), to discuss the TfNSW draft Integrated Transport Planning Framework (Planning and Strategy Development Initiation Document). This was a kick-off meeting in developing a State endorsed Integrated Transport Plan for the Byron Shire, no follow up meeting has been planned at this stage.

Report No. 4.2 E Bus Proposal

Directorate: Infrastructure Services

Report Author: Judd Cornwall, Traffic & Transport Engineer

File No: I2022/1721

5 **Summary:**

The report below has been prepared by Cr Swivel and discusses an Electric Bus Network (E Bus).

Two recommendations are provided for the committee's consideration, Cr Swivel's recommendation and an alternate staff recommendation.

10

CR SWIVEL RECOMMENDATION:

15

1. That Council explores options for supporting the development of an electric bus network in the shire, consistent with the objectives of the Moving Byron Strategy (see section 4.2) and considering the following:

20

a) identifying the current unmet demands for public transport across the shire;

25

b) establishing the role electric buses can play in meeting public transport demand;

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c) collaborating with existing bus transport service providers to develop a strategy;

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d) collaborating with existing community / club transport service providers to complement the strategy;

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e) exploring the 'driverless option' leveraging lessons from pilots in other LGAs around the country;

45

f) liaising with Transport for NSW to establish the regulatory, approval and funding framework for an electric bus network or service;

50

g) identifying the funding sources from government, the corporate sector and the community to develop an electric bus network;

55

h) outlining the operating and governance model for the network or organisation delivering the electric bus network.

- 2. That Council conduct a workshop with relevant stakeholders in Q1 2023 to explore the development of an electric bus network in Byron Shire.**

5

STAFF RECOMMENDATION

That Council seek support from Transport for NSW (TfNSW) to hold a workshop with relevant stakeholders in early 2023 to explore the priority to upgrade the existing bus network to an electric bus network in Byron Shire as soon as practical.

Report

The Draft 'Moving Byron 2022 to 2042 - Integrated Transport Strategy' highlights the role of public transport at section 4.2 to delivering the vision of the Council. See Desired Outcomes at 4.2.1 and 4.2.2.

Specifically, at page 25 the Strategy commits to 'Proactive public transport development in the near term'. Under this heading, the Strategy says: 'Council will partner with agencies to investigate, fund and trial innovative services in Byron Shire such as on demand, shuttle buses, automated buses'.

In the wake of the floods, BSC and the community implemented and saw the benefit of shuttle bus services operating for example between Mullum and Huonbrook, and Ocean Shores and Mullum.

The community has long identified the excess capacity in the large school-bus system. At the same time the community bus network including the buses run by licensed clubs also appear to have excess capacity.

Although the Strategy remains in draft form, the community need is self-evident. Moreover, unlike many council projects, the obstacles to delivery are relatively low given that the resources and investment are focussed on vehicles rather than infrastructure.

30

Staff Comment

Staff have provided an alternate recommendation at the top of this report for the following reasons.

Transport for New South Wales has an existing program to transition 8,000 plus diesel and CNG public transport buses to zero emissions technology. This transition delivers on NSW Government's commitment to achieve net zero emissions by 2050.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.2

The NSW Government will stagger the transition of the bus fleet to allow local industry time to prepare and technology advancements to be assessed and adopted along the way.

5 Transport for New South Wales will also be conducting household travel surveys within the Shire which will assist in picking up Public Transport demand. This data will be collected as part of the extension of the Southeast Queensland Strategic Transport Model.

Autonomous vehicle trials have been conducted in numerous LGA's, City of Gold Coast has just completed a trial in August. Council staff have reached out to City of Gold Coast regarding outcomes from this trial (23 November 2022).

10 It is noted that Council do not run a fleet of buses at present and that the current bus services are run by state government. Council do not currently have the staff resources or budget allocation to investigate options to run a fleet of buses or justify why the state government should change Byron Shire buses before others.

Supporting Documentation:

Victoria - Zero Emissions Bus Trial -

15 <https://transport.vic.gov.au/about/transport-news/news-archive/electric-buses-en-route-to-regional-victoria>

Queensland - Zero Emissions Fleet -

<https://www.racq.com.au/articles/evs/2022/4/queensland-adds-to-electric-bus-network>

Armidale Regional Driverless Initiative -

20 <https://www.transport.nsw.gov.au/data-and-research/future-mobility/our-projects/automated-shuttle-trials/armidale-regional>

Kinetic Electric Fleet (includes Tweed) -

<https://www.surfside.com.au/surfside-news/new-energy-for-queensland-buses-under-kinetic-rebrand>

25 GHD Report on Electric Buses in Noosa - 2014

<https://www.noosa.qld.gov.au/downloads/file/128/2015-04-07-item-2-attachment-1-pre-feasibility-study-of-electric-bus-routes-pdf>

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable</p>	<p>5.2: Connect the Shire through integrated transport services</p>	<p>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</p>	<p>5.2.1.1</p>	<p>Moving Byron</p>

Recent Resolutions

- Resolution 22-503

5 Consultation and Engagement

Primary stakeholders to be engaged

- Transport for New South Wales (Funding opportunities)
- LGA (E-Bus/Autonomous Vehicle trial outcomes)