

Notice of Meeting

Infrastructure Advisory Committee Meeting

An Infrastructure Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 16 February 2023
Time	4.30pm

Phil Holloway
Director Infrastructure Services

I2023/200
Distributed 13/02/23

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

- 3.1 Adoption of Minutes from Previous Meeting 6

4. STAFF REPORTS

Infrastructure Services

- 4.1 Pedestrian Access & Movement Plan and Bike Plan Review 15

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: I2023/177

10 **RECOMMENDATION:**

That the minutes of the Infrastructure Advisory Committee Meeting held on 7 October 2022 be confirmed.

15 **Attachments:**

1 Minutes 07/10/2022 Infrastructure Advisory Committee, I2022/1423 , page 9 [↓](#) 

Report

The attachment to this report provides the minutes of the Infrastructure Advisory Committee Meeting of 7 October 2022 .

5

Report to Council

The minutes were reported to Council on 27 October 2022.

Comments

10

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

22-591 Resolved that with respect to Committee Recommendation 4.1.1, Council moves as follows:

Report No. 4.1 Mullum Traffic Investigation

1. Notes the Draft Mullumbimby Traffic and Transport Report (E2022/90532) as tabled at the Infrastructure Advisory Committee on 7 October 2022;
2. Defers consideration of the recommendations of the report and asks for a spot at the next available Councillor Workshop to consider matters raised by the community in relation to the Draft Report; and
3. Receives a further report following the Workshop.

22-592 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Application of Road Access and Safety Principles

Committee Recommendation 4.2.1

The Infrastructure Advisory Committee recommend that Council:

1. Places the Draft Road Access and Safety Principles Policy (attachment 1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

of Report 4.2 to Floodplain Management Advisory Committee Agenda E2021/47301) on public exhibition in accordance with Council policy.

2. Supports development of the Road Access and Safety Principles through a Road Safety Plan that is prepared once the Byron Integrated Transport Strategy (Moving Byron) is formally adopted

22-593 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.3 Paterson Street Road Safety Concerns Petition

Committee Recommendation 4.3.1

That Council investigates a footpath linking the existing BB022 shared footpath on Massinger Street, between Lawson Street and Marvel Street extending to Bangalow Road via Paterson Street as part of a future review of footpaths and priorities in Council's Pedestrian Access and Mobility Plan.

22-594 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.4 Belongil Parking Scheme Review - New Parking limits

Committee Recommendation 4.4.1

That Council supports, subject to Local Traffic Committee approval, the proposed short and long term actions for Belongil Beach on Childe Street, Kendall Street and Border Street included in the attached drawings (attachment 1 of Report 4.4 to Floodplain Management Advisory Committee Agenda - E2022/89910).

Minutes of Meeting
Infrastructure Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Friday, 7 October 2022
Time	12.30pm



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

INFRASTRUCTURE ADVISORY COMMITTEE MEETING MINUTES
2022

7 OCTOBER

**Minutes of the Infrastructure Advisory Committee Meeting held on Friday, 7
October 2022**

File No: I2022/1423

PRESENT: Cr Michael Lyon (Mayor), Cr Duncan Dey,

Staff: Phil Holloway (Director Infrastructure Services)

Judd Cornwall (Traffic & Transport Engineer)

Cesar Giraldo (Project Engineer)

Dominika Tomanek (Minute Taker)

Community Representatives: Gareth James, Anthony Pangallo, Genevieve
Lee, Andrew Winton-Brown

*Cr Lyon (Chair) opened the meeting at 12:34 pm and acknowledged that the meeting
was being held on Bundjalung Country.*

ATTENDANCE VIA AUDIO-VISUAL LINK:

APOLOGIES:

Cr Mark Swivel

Kellie O'Brien

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

Cr Dey declared a pecuniary/non-pecuniary interest in Report 4.1. The nature of the
interest being that he is a member of Mullumbimby Rural Residence Association.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

INFRASTRUCTURE ADVISORY COMMITTEE MEETING MINUTES
2022

7 OCTOBER

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 **Adoption of Minutes from Previous Meeting**
File No: I2022/1334

Committee Recommendation:

That the minutes of the Infrastructure Advisory Committee Meeting held on 16 June 2022 be confirmed.

(Pangallo/James)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 **Mullum Traffic Investigations**
File No: I2022/596

Committee Recommendation:

The Infrastructure Advisory Committee recommend that Council:

1. Notes the Draft Mullumbimby Traffic and Transport Report (attachment 1 of Report 4.1 to Floodplain Management Advisory Committee Agenda-E2022/90532).
2. Endorses the preferred Heavy Vehicle routes proposed in attachment 1.
3. Supports the Station Street/ Fern Street upgrade and Station Street/ Tincogan Street upgrade designs being finalised with allowance for Heavy Vehicle movements.
4. Receives a report in relation to intersection layouts for the designs in point 3 above
5. Supports options around the Tincogan Street Intersection priority changes being drafted and brought back to next meeting Infrastructure Advisory Committee for

IAC Infrastructure Advisory Committee Meeting

page 4

BYRON SHIRE COUNCIL

INFRASTRUCTURE ADVISORY COMMITTEE MEETING MINUTES 7 OCTOBER
2022

approval, with options including pedestrian refuges and a dedicated right-turn lane for vehicles travelling east on Tincogan Street towards Dalley Street.

6. Supports the concept layout to change the priority at the Burringbar / Station Street intersection and refer it to the Local Traffic Committee for advice.
7. Consults with the Mullumbimby Chamber of Commerce, Place Planning Committee, Mullumbimby Residents Association and Main Arm Rural Residents Association about the Mullumbimby Traffic and Transport Draft Report (attachment 1) and this recommendation.

(Lyon/Pangallo)

The recommendation was put to the vote and declared carried.

Report No. 4.2 Application of Road Access and Safety Principles
File No: I2022/865

Committee Recommendation:

The Infrastructure Advisory Committee recommend that Council:

1. Places the Draft Road Access and Safety Principles Policy (attachment 1 of Report 4.2 to Floodplain Management Advisory Committee Agenda E2021/47301) on public exhibition in accordance with Council policy.
2. Supports development of the Road Access and Safety Principles through a Road Safety Plan that is prepared once the Byron Integrated Transport Strategy (Moving Byron) is formally adopted.

(Dey/Winton-Brown)

The recommendation was put to the vote and declared carried.

Report No. 4.3 Paterson Street Road Safety Concerns Petition
File No: I2022/864

Committee Recommendation:

That Council investigates a footpath linking the existing BB022 shared footpath on Massinger Street, between Lawson Street and Marvel Street extending to Bangalow Road via Paterson Street as part of a future review of footpaths and priorities in Council's Pedestrian Access and Mobility Plan.

(Dey/Lyon)

The recommendation was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

INFRASTRUCTURE ADVISORY COMMITTEE MEETING MINUTES
2022

7 OCTOBER

Report No. 4.4 **Belongil Parking Scheme Review - New Parking limits**
File No: I2022/1222

Committee Recommendation:

That Council supports, subject to Local Traffic Committee approval, the proposed short and long term actions for Belongil Beach on Childe Street, Kendall Street and Border Street included in the attached drawings (attachment 1 of Report 4.4 to Floodplain Management Advisory Committee Agenda - E2022/89910).

(Dey/Pangallo)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 2:38 pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Pedestrian Access & Movement Plan and Bike Plan Review

5 **Directorate:** Infrastructure Services
Report Author: James Flockton, Infrastructure Planning Coordinator
File No: I2023/186

Summary:

10 Staff and Councillors are under pressure to consider prioritising active transport paths in the Ocean Shores area. Staff have already proposed to review priorities in the 2023/24 Financial Years. This report discussed this review and what is proposed.

15 **RECOMMENDATION:**

20 **That the Infrastructure Advisory Committee supports the Pedestrian Access and Mobility Plan and Bike Plan being reviewed, combined into an Active Transport Action Plan and consulted to the community as part of the 2023/34 Operational Plan actions.**

Report

5 Staff and Councillors are currently under pressure to consider prioritising active transport paths in the Ocean Shores area. This is following a community led QR code campaign that has been inundating Councillors and staff with the same request regarding active transport in Ocean Shores.

Staff have also been discussing the need for additional paths in the Pedestrian Access and Mobility Plan and Bike Plan with the Tallwood Estate community through 2022.

10 Staff developed their Operational Plan action list in November 2022 for the 2023/24 Financial Years. The list is currently under management review before Councillor review and community consultation. One of the proposed actions is as follows:

	<p>5 - Connected Infrastructure 5.1 - Provide a safe, reliable, and accessible transport network 5.1.3 - Active transport - pedestrians and cycleways - Deliver the actions identified in the Pedestrian Access and Mobility Plan and in the Bike Plan</p>	 Active Transport Action Plan
---	---	--

The proposed Operational Plan action output measure is as follows:

Pedestrian Access and Mobility Plan and Bike Plan combined into Active Transport Action Plan, consult with community and draft presented to Council.

15 It is proposed that staff will combine the two plans into one single Active Transport Action Plan, this is because both the Pedestrian Access and Mobility Plan and Bike Plan (PAMP) and Bike Plan have the same paths in places making them confusing when looking at them separately. To make planning easier and more efficient moving forward it will be easier to have all paths in one plan.

20 As part of this process it is proposed to use the mapping already available on Councils website to consult with the community to understand if any priorities need to change, if any paths should be removed and if any paths should be added.

The mapping can be found at:

25 <https://www.byron.nsw.gov.au/Services/Footpaths-and-cycleways/Pedestrian-footpath-and-cycleway-plans/Pedestrian-Access-and-Mobility-Plan/Map-of-existing-and-proposed-pedestrian-infrastructure>

Copies of the PAMP and Bike Plan can be found at

30 <https://www.byron.nsw.gov.au/Services/Footpaths-and-cycleways/Pedestrian-footpath-and-cycleway-plans/Pedestrian-Access-and-Mobility-Plan/Pedestrian-Access-and-Mobility-Plan>

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

and

<https://www.byron.nsw.gov.au/Services/Footpaths-and-cycleways/Pedestrian-footpath-and-cycleway-plans/Byron-Shire-Bike-Plan/Byron-Shire-Bike-Plan>

5 The proposal will need to be supported and adopted by Council before commencement in July 2023.

Key issues

The PAMP and Bike Plan are 4 years old this year. Council planned to review them both every 5 years. The proposed action will ensure the 5 review is completed at the 5 year mark.

10 **Options**

1. Review PAMP and Bike Plan separately
2. Review PAMP and Bike Plan and combine into one Active Transport Action Plan
3. Don't review the PAMP and Bike Plan

Next steps

15 Support the proposed action and Council adopts as part of the 2023/24 Operational Plan in the June 2023 Council meeting

Strategic Considerations

Community Strategic Plan and Operational Plan

Action is proposed for 2023/24 Operational Plan

20 **Recent Resolutions**

N/A

Legal/Statutory/Policy Considerations

Provision of Active Transport facilities is a core function of Council. Council should provide these facilities in a prioritised way within its funding abilities.

25 **Financial Considerations**

The proposed action will be completed by salary staff and does not require funding.

Council has limited budget for the construction of Active Transport Facilities; therefore, staff aim to fund designs using Council funds and use these designs to attract annual active transport grant funding from Transport for NSW.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

Transport for NSW also fund designs. Staff are currently working on three TfNSW funded designs. Two in Bangalow and One in Byron Bay.

Applications for construction projects were not successful this year.

Consultation and Engagement

- 5 Proposed as part of proposed action in 2023/24