

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, 30 March 2023
Time	2.00pm

Phillip Holloway
Director Infrastructure Services

I2023/433
Distributed 23/03/23



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

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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: I2023/421

10 **RECOMMENDATION:**

That the minutes of the Moving Byron Advisory Committee Meeting held on 2 December 2022 be confirmed.

15 **Attachments:**

1 Minutes 02/12/2022 Moving Byron Advisory Committee, I2022/1794 , page 9 [↓](#) 

Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 2 December 2022 .

5

Report to Council

The minutes were reported to Council on 15 December 2022.

Comments

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

22-748 Resolved that Council adopts the following Committee Recommendations, as amended:

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

Council Recommendation 4.1.1

1. That Council receives and considers via its Moving Byron Advisory Committee:
 - a) an authorised draft of the TfNSW Integrated Transport Planning Framework (Planning and Strategy Development Initiation Document – Byron Shire); and
 - b) the planning framework itself, incorporating the Moving Byron Transport Plan and recognising council's settlement strategies
2. That Council extends to TfNSW an open invitation to continue as part of Moving Byron Advisory Committee.
3. That Council adopts the Moving Byron Strategy.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

22-749 Resolved that Council adopts the following Committee Recommendation:

Report No. 4.2 E Bus Proposal

Committee Recommendation 4.2.1

That Council seeks support from Transport for NSW (TfNSW) to hold a workshop in early 2023 to explore ways of improving the current bus network in Byron Shire as discussed in Moving Byron Strategy.

Minutes of Meeting

Moving Byron Advisory Committee Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Friday, 2 December 2022
Time	2:00PM



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES 2 DECEMBER 2022

Minutes of the Moving Byron Advisory Committee Meeting held on Friday, 2 December 2022

File No: I2022/1794

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

Staff: Phil Holloway (Director Infrastructure Services)

Judd Cornwall (Traffic Engineer)

Dominika Tomanek (Minute Taker)

Community Representatives: Basil Cameron, Jack Dods, Geoffrey Meers, Ian Pickles, Margaret Robertson,

Visitors: Vicky Sisson (TfNSW) and Anthony Donohoe (TfNSW)

Cr Swivel (Chair) opened the meeting at 2:03 pm and acknowledged that the meeting was being held on Bundjalung Country.

ATTENDANCE VIA AUDIO-VISUAL LINK:

APOLOGIES:

Annie Villeseche

James Flockton (Infrastructure Planning Coordinator)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES 2 DECEMBER 2022

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting
File No: I2022/1460

Committee Recommendation:

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

(Cameron/Pickles)

The recommendation was put to the vote and declared carried

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES 2 DECEMBER 2022

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 **Moving Byron Strategy - Revised Submission Summary and Transport for New South Wales Feedback**
File No: I2022/1410

Committee Recommendation:

1. That Council receive and consider via its Moving Byron Advisory Committee:
 - a) an authorised draft of the TfNSW Integrated Transport Planning Framework (Planning and Strategy Development Initiation Document – Byron Shire); and
 - b) the planning framework itself, incorporating the Moving Byron Transport Plan and recognising council’s settlement strategies
2. That Council extend to TfNSW an open invitation to continue as part of Moving Byron Advisory Committee.
3. That Council adopts the Moving Byron Strategy with the following amendments:
 - a) state the number of submissions;
 - b) remove the reference to 32% as presented at page 16 of the committee Agenda;
 - c) In Figure 1 change the word ‘agree to ‘mention’;
 - d) Remove figure 2.

(Dey/Westheimer)

The recommendation was put to the vote and declared carried.

BYRON SHIRE COUNCIL

BYRON SHIRE COUNCIL

MOVING BYRON ADVISORY COMMITTEE MEETING MINUTES 2 DECEMBER 2022

Report No. 4.2 **E Bus Proposal**
File No: I2022/1721

Committee Recommendation:

That Council seek support from Transport for NSW (TfNSW) to hold a workshop in early 2023 to explore ways of improving the current bus network in Byron Shire as discussed in Moving Byron Strategy.

(Cameron/Coorey)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 4:07 pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Discussion Items

Directorate: Infrastructure Services

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

File No: I2023/431

Summary:

Three items will be discussed at today's meeting:

1. TfNSW Integrated Transport Management Plan
- 10 2. E-Bus Proposal
3. Tweed Rail Trail

15 **RECOMMENDATION:**

That Council support the Moving Byron Committee continuing discussions with Transport for New South Wales on the Integrated Transport Management Plan

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Report

Three items will be discussed at today's meeting:

1. TfNSW Integrated Transport Management Plan

- 5 The purpose of this discussion item is to update the committee on the Shires Integrated Transport Plan (ITP). As this plan is a partnered effort between TfNSW and Council staff, TfNSW have agreed to present their updates at the Moving Byron Committee, with allowances for discussion.

Items to be discussed within this meeting, include but not limited to:

- 10
- Whole network improvements
 - House hold travel data use
 - The South East Queensland Strategic transport model
 - Mass transit corridors and the utilisation of existing infrastructure.

15 2. E-Bus Proposal

At Council Meeting of 15 December 2022, Council resolved Committee Recommendation 4.2.1:

20 *That Council seeks support from Transport for NSW (TfNSW) to hold a workshop in early 2023 to explore ways of improving the current bus network in Byron Shire as discussed in Moving Byron Strategy.*

As resolved on 1st March 2023 Staff emailed TfNSW seeking support for a joint run workshop regarding improvements to our current Public Transport Network (bus) and opportunities to participate in the Zero Emmissions (E-Bus) program.

TfNSW are considering the request and will respond in due course.

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3. Tweed Rail Trail

Tweed Shire Council has recently opened their first Rail Trail, the first section in the Northern Rivers area to be opened.

Cr Swivel will be leading a discussion on the new movement corridor.

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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>
<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>5.2.2: Public transport - Advocate for public transport services across Byron Shire that are convenient, regular, and easy to access</p>	<p>5.2.2.1</p>	<p>Advocate and apply for grants that improve accessibility to various transport options across the shire</p>

Recent Resolutions

- 22-749

Legal/Statutory/Policy Considerations

Nil.

5 Financial Considerations

Nil.

Consultation and Engagement

Nil.