

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, 15 June 2023
Time	2.00pm

Phil Holloway
Director Infrastructure Services

I2023/933
Distributed 09/06/23

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

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Queensland, Strategic Transport Model Shire Integration 18

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: I2023/799

10 **RECOMMENDATION:**

That the minutes of the Moving Byron Advisory Committee Meeting held on 30 March 2023 be confirmed.

15 **Attachments:**

1 Minutes 30/03/2023 Moving Byron Advisory Committee, I2023/435 , page 8 [↓](#) 

Report

The attachment to this report provides the minutes of the Moving Byron Advisory Committee Meeting of 30 March 2023 .

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Report to Council

The minutes were reported to Council on 27 April 2023.

Comments

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

23-122 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.1 Discussion Items

Committee Recommendation 4.1.1

1. That Council supports the Moving Byron Committee continuing discussions with Transport for New South Wales on the Integrated Transport Management Plan.
2. That the Committee endorses the choice of Mullumbimby CBD to the Industrial Estate and Suffolk Park from Clifford Street to Bangalow Road (High school) for assessment via the Heathy Streets Framework for completion by TfNSW within this financial year.

Minutes of Meeting
Moving Byron Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 30 March 2023
Time	2.00pm



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 30 MARCH 2023

Minutes of the Moving Byron Advisory Committee Meeting held on Thursday, 30 March 2023

File No: I2023/435

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

Staff: Phil Holloway (Director Infrastructure Services)

Samuel Frumpui (Manager Works)

James Flockton (Infrastructure Planning Coordinator)

Judd Cornwall (Traffic and Transport Engineer)

Dominika Tomanek (Minute Taker)

Community Representatives: Basil Cameron (online), Jack Dods, Geoffrey Meers (online), Margaret Robertson, Annie Villeseche

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

Cr Westheimer (Chair) opened the meeting at 2:05 pm and acknowledged that the meeting was being held on Bundjalung Country.

ATTENDANCE VIA AUDIO-VISUAL LINK:

APOLOGIES:

Ian Pickles

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 30 MARCH 2023

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 **Adoption of Minutes from Previous Meeting**
File No: I2023/421

Committee Recommendation:

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

(Coorey/Westheimer)

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 **Discussion Items**
File No: I2023/431

Committee Recommendation:

1. That Council support the Moving Byron Committee continuing discussions with Transport for New South Wales on the Integrated Transport Management Plan.
2. That the Committee endorses the choice of Mullumbimby CBD to the Industrial Estate and Suffolk Park from Clifford Street to Bangalow Road (High school) for assessment via the Heathy Streets Framework for completion by TfNSW within this financial year.

(Swivel/Westheimer)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 4:04 pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Bike Plan and Pedestrian Access and Movement Plan Progress Update

5 **Directorate:** Infrastructure Services
Report Author: Judd Cornwall, Traffic & Transport Engineer
File No: I2023/629

Summary:

Standing item of the Moving Byron Agenda requested by Cr Swivel.

10 The purpose of this report is to provide an update on the Shires Active Travel Plan (Integrated Bike and Pedestrian Access and Movement Plan) and the process being undertaken to develop a consolidated Active Travel Plan.

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RECOMMENDATION:

That the Moving Byron Committee notes the ongoing work by Council staff in reviewing the current active plans and the development of a combined Active Travel Plan.

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Report

5 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) 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.

10 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:

<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>

15 Copies of the PAMP and Bike Plan can be found at:

<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>

and

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

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

Key issues

25 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 review is completed at the 5-year mark.

30 Despite this progress, there are still gaps in the network that limit connectivity and compromise safety for pedestrians and cyclists. A connected shire-wide active transport network will provide appropriate pathway and bikeway links between activity centres, along regional routes and directly to key destinations.

Next steps

35 To guide the ongoing development and delivery of the active transport network, Council staff will map the active transport routes throughout the shire. Active transport routes will be classified as either 'principal', 'district' or 'local' to indicate the types of pathway and

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

bikeway infrastructure that should be delivered along an active transport route. A description of what each classification means is outlined in Table 1.

Classification	Attributes
<p>Principal</p>	<ul style="list-style-type: none"> • Link the shire’s activity centres, major employment nodes, tertiary education institutions and the coastal corridor with the urban population. • Cater for higher-speed commuter cyclists but recognise a variety of users. • Are generally located on higher-order roads, e.g. arterial and sub-arterial roads, but can also be located through open space or parkland. • Separated, dedicated cycle facilities will be considered on principal routes.
<p>District</p>	<ul style="list-style-type: none"> • Provide a link between urbanised residential catchments and district-level facilities/ community focal points. • Major collector roads provide the primary opportunity for district routes to link residential catchments to adjoining district facilities; however, district routes can also be located through open space or parkland. • Cater for a wide range of users and provide connections to principal routes.
<p>Local</p>	<ul style="list-style-type: none"> • Usually traverse the shire’s road reserves and parks in residential areas. • Cater for shorter-length trips and provide connections to district and principal routes, expanding the reach

	<p>of the active transport network.</p> <ul style="list-style-type: none"> • Although pedestrians are important users of these links, they also cater to slower-speed cyclists.
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Table 1: Active Transport route classifications

Other considerations

Prioritising our active transport investment; one of our key priority criteria is demand, which is hard to determine without baseline data and can sometimes be artificially represented by a small vocal group.

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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
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Table 2: Extract from the current bike plan

Council staff are currently looking at a way to pick-up suppressed demand within the current prioritisation matrix by considering the following additional criteria –

- 10
 - Does the proposed link fall within a 5km radius of an activity centre?
 - Does the link fall within a 3km radius of an educational facility?
 - What is the residential population within 500m radius of the link?
 - Does the proposed link fall within a 5km radius of key public transport stations or stops?
- 15
 - Does the link include active transport crash black spots (safety currently contained within the criteria)?
 - Is active transport infrastructure already provided along this proposed link?

Transport for New South Wales (TfNSW) are currently undertaking a household travel study shire wide for their modelling purposes which will also be useful in determining the current demand.

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STAFF REPORTS - INFRASTRUCTURE SERVICES

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It is worth noting that from the most recent census data shows a reduction in commuter cyclists across the whole of Shire from 2016 – 2021. However, Byron Bay itself does overrepresent people who are willing to cycle to work (refer to data samples below, Byron to whole of shire respectively). There are numerous factors why Byron Bay dominates this space, particularly considering the infrastructure and the natural features.

- A larger percentage of persons who walked only (7.6% compared to 3.8%)
- A larger percentage of persons who travelled by bicycle (4.9% compared to 2.0%)
- A larger percentage of persons who did not go to work (15.7% compared to 13.8%)
- A smaller percentage of persons who travelled by car (as driver) (40.2% compared to 47.9%)

Method of travel to work							
Byron Bay - Employed persons (Usual residence)	2021			2016			Change
Main method of travel	Number	Byron Bay %	Byron Shire %	Number	Byron Bay %	Byron Shire %	2016 to 2021
Bicycle	155	4.9	2.0	171	7.2	2.5	-16
Walked only	240	7.6	3.8	192	8.1	4.2	+47
Total employed all modes of travel persons aged 15+	3,161	100.0	100.0	2,376	100.0	100.0	+785

Source: Australian Bureau of Statistics, Census of Population and Housing 2016 and 2021. Compiled and presented by .id (informed decisions).

Table 2: Whole of shire method of travel to work

Growth in active users

Strategic Considerations

Action is proposed for 2023/24 Operational Plan

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	5.3: Invest in renewable energy and emerging technologies	5.3.1: Future needs - Plan for the infrastructure needs of the current and future population	5.3.1.4	Review and update 10 year Active Transport Renewal and Upgrade program

Recent Resolutions

- 5 • 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.

Financial Considerations

- 10 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.

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

Consultation and Engagement

Proposed as part of proposed action in 2023/24

**Report No. 4.2 Transport for New South Wales - Local
Transport Update, South East Queensland,
Strategic Transport Model Shire Integration**

Directorate: Infrastructure Services

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

File No: I2023/902

Summary:

Transport for New South Wales has been developing a Strategic Transport Model, that builds upon the existing Southeast Queensland Strategic Transport Model (SEQSTM).

10 The purpose of this report is to introduce the TfNSW, Moving Byron, Integrated Transport Planning Working Group members update for the development of this model and to discuss the benefits it will bring for future Shire transport planning (from a data perspective).

TfNSW will present the model at the committee meeting.

15

RECOMMENDATION:

20 **That the Moving Byron Committee note the information regarding the SEQSTM expansion (TfNSW update).**

25