

Supplementary Agenda Ordinary (Planning) Meeting

Thursday, 13 June 2024



BYRON
SHIRE
COUNCIL

Supplementary Agenda Ordinary (Planning) Meeting

held at Council Chambers, Station Street, Mullumbimby
commencing at 11.00am

Public access relating to items on this agenda can be made between 11:00am and 11:30am 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 (PLANNING) MEETING

1. LATE REPORTS

14.2 Report of the Local Traffic Committee Meeting held on 11 June 2024 7

This Agenda supplements the 13 June 2024 Ordinary (Planning) Meeting Agenda published on 4 June 2024 available at [Agenda of Ordinary \(Planning\) Meeting - Thursday, 13 June 2024](#).

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 screen at the meeting.

LATE REPORTS

Report No. 14.2 Report of the Local Traffic Committee Meeting held on 11 June 2024

5 **Directorate:** Infrastructure Services

File No: I2024/918

Summary:

10 The attachment to this report provides the minutes of the Local Traffic Committee Meeting held on 11 June 2024 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.
- 20 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 25 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.
- 30 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).
- 35 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.

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RECOMMENDATION:

1. That Council notes the minutes of the Local Traffic Committee Meeting held on 11 June 2024.

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2. That Council adopts the following Committee Recommendations:

Report No. 6.1 Signage requests from Compliance Team – Linda Vidler Sports Field; Wallum Place Byron Bay; Sommerset Street Byron Bay; Burns Street Byron Bay; Alcorn Street Suffolk Park, William Flick Lane Ewingsdale, Brunswick Terrace Mullumbimby and Station Street Carpark Mullumbimby.

File No: I2024/762

Committee Recommendation 6.1.1

That Local Traffic Committee approve the following:-

1. **At Linda Vidler Sports Field, install regulatory “No Parking Area 1am – 6am” signs on the vehicle entrance to the sports field on Beech Drive, Suffolk Park;**
2. **At Wallum Place, Byron Bay, install regulatory “No Parking Area 1am – 6am” signs at the North-West of Gallagher Street on Wallum Place;**
3. **At Somerset Street, Byron Bay, install regulatory “No Parking 1am – 6am” signs along the Southern (residential) side of Somerset Street;**
4. **At Burns Street, Byron Bay, install regulatory “No Parking 1am – 6am” signs along the Southern side of Burns Street between Butler Street and Butler Lane;**
5. **At Alcorn Street, Suffolk Park, install regulatory “No Parking 1am – 6am” signs along the Eastern side of Alcorn Street between MacGregor Street and Clifford Street;**
6. **At William Flick Lane, Ewingsdale, install regulatory “No Parking Area 1am – 6am” signs at the entrance of William Flick Lane and past the entrance to Cuckoo Dove Place;**
7. **At Brunswick Terrace, Mullumbimby, install regulatory “No Parking 1am – 6am” signs along Brunswick Terrace from Murwillumbah Road to Tyagarah Street; and**
8. **At Station Street, Mullumbimby install regulatory “No Parking Area 1am – 6am” signs at the two vehicle entrances of the Council carpark on Station Street, Mullumbimby.**

3. That Council adopts the following Committee Recommendations:

Report No. 6.2 29 Shirley Street, Byron Bay - Temporary changes to existing regulatory signage due to major civil works, new regulatory signage with line marking and associated Traffic Guidance Schemes

File No: I2024/794

Committee Recommendation 6.2.1

That Local Traffic Committee support the temporary and new signage, line markings and traffic control devices associated with the 29 Shirley Street, Byron Bay development as shown in Attachment 1 (E2024/59382), subject to the following:

1. An amendment to diagram on page 35, to remove the detour line from Byron street, and to make Shirley lane no stopping during construction.
2. Existing line marking and signage to be reinstated upon completion of construction works.
3. Traffic management designer to confirm design vehicle respect to heavy vehicle network.
4. VMS Boards to be provided on approach of either end of project site, at a minimum 1 week prior to commencement of project.

4. That Council adopts the following Committee Recommendations:

Report No. 6.3 New parking signage for Wordsworth Street and Massinger Street, Byron Bay and Wilfred Street, Billinudgel

File No: I2024/804

Committee Recommendation 6.3.1

That the Local Traffic Committee support:

1. Installation of 'No Parking' signage on Massinger Street, Byron Bay, as detailed in the report.
2. Installation of 'No Parking Area' signage on the corner of Wordsworth and Gordon Streets, Byron Bay, as detailed in the report.
3. Installation of 15 minute parking signage to cover 3 parking spaces outside 2 Wilfred Street, Billinudgel as detailed in the report.

5. That Council adopts the following Committee Recommendations:

Report No. 6.4 Toni Childs - Filming Road Closure Secondary Proposal 12 or 19 August 2024

File No: I2024/861

Committee Recommendation 6.4.1

1. That the Local Traffic Committee (LTC) support the Toni Childs Music Video Production to be held in August 2024. 19th August and Weather Hold date, or a following Monday as agreed with staff.
2. That LTC support in Part 1 is subject to:
 - a) the event organiser providing council with an updated Traffic Management Plan and Traffic Guidance Scheme/s for the film shoot;
 - b) development and implementation of a Traffic Management Plan and Traffic Guidance Scheme/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
 - c) the impact of the film shoot be advertised, and charged at cost to the organisers, via a notice in the local weekly paper and Variable Message Signage near the site, a minimum of one week prior to the operational impacts taking effect, noting it must include the film shoot name, specifics of any traffic impacts or road closures and times, alternative route arrangements, Production Team, a personal contact name and a telephone number for all event related enquiries or complaints; and
 - d) the film shoot be notified on Council's web page with the event organiser supplying Council with the relevant information.
3. The Production Team to:
 - a) inform the community and businesses that are directly impacted (e.g. within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 - b) arranging for private property access and egress affected by the film shoot;
 - c) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the film shoot;
 - d) consulting with emergency services and any identified issues be addressed;
 - e) holding \$20m public liability insurance cover which is valid for the film shoot;

- f) paying Council's Road Event Application Fee prior to the film shoot;
- g) not place any signage on the road related area of the Pacific Highway.
- h) apply/receive consent by the relevant road authority under section 138 of the NSW road act (1993) and pay any associated fees and charges within this process.
- i) not prohibit pedestrians from walking on the sidewalks or entering shops.

6. That Council adopts the following Committee Recommendations:

Report No. 7.1 Proposed Implementation of Regulatory Signage on Cenotaph Lane



File No: I2024/705

Committee Recommendation 7.1.1

RECOMMENDATION:

That the Local Traffic Committee support the installation of new signage and traffic control devices associated with Cenotaph Laneway as shown in Figure 1 within the report.

Attachments:

- 5 1 Minutes 11/06/2024 Local Traffic Committee, I2024/911 
- 2 Alexie Miller (TfNSW) - Comments for LTC Agenda 11 June 2024, E2024/66614 

Report

5 The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 11 June 2024 for determination by Council. The agenda for this meeting can be located on Council's website at:

[Agenda of Local Traffic Committee Meeting - Tuesday, 11 June 2024 \(infocouncil.biz\)](https://infocouncil.biz)

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 11 June 2024.

Committee Recommendation

10 As per the Reports listed within the Local Traffic Committee Meeting of 11 June 2024.

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 11 June 2024.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 11 June 2024.