

Supplementary Agenda Ordinary (Planning) Meeting

Thursday, 13 March 2025



BYRON
SHIRE
COUNCIL

Supplementary Agenda Ordinary (Planning) Meeting

held at Council Chambers, Station Street, Mullumbimby
commencing at 3:00 PM

Public access relating to items on this agenda can be made between 3:00pm and 4:00pm 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

17. LATE REPORTS

Infrastructure Services

17.1 Response to the "No Traffic Lights in Suffolk Park" Petition & Project Update .. 7

This Agenda supplements the 13 March 2025 Ordinary (Planning) Meeting Agenda published on 4 March 2025 available at [Agenda of Ordinary \(Planning\) Meeting - Thursday, 13 March 2025](#)

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. 17.1 Response to the "No Traffic Lights in Suffolk Park" Petition & Project Update

5 **Directorate:** Infrastructure Services

Report Author: Euan Rose, Infrastructure Planning Coordinator
 Samuel Frumpui, Manager Works

File No: I2025/308

Summary:

10 This report provides an update regarding Council Resolution **25-035** (shown below) concerning the intersection of Broken Head Road / Clifford Street in Suffolk Park, specifically addressing the community's preference for a roundabout instead of traffic signals and the next steps based on discussions with Transport for NSW (TfNSW).

15 In summary, due to the reasons outlined in the body of this report, it is recommended that Council either proceed with traffic lights and the actions identified in Council Resolution **24-533** (shown below) OR terminate the current funding agreement and commence investigation into a roundabout and land acquisition with appropriate budget allocation.

25-035

Resolved that Council:

1. Notes the petition 'No Traffic Lights in Suffolk Park' and the 1091 signatures submitted and thanks the community for their input and acknowledges a preference for a roundabout.
2. Urgently writes to TfNSW:
 - a) Seeking advice on the requirements and criteria required for a grant variation, as per Road Safety Program Guidelines section 4.3 Variation;
 - b) Seek advice on whether including a roundabout could be considered in this instance on the basis of safety, and as per Road Safety Program Guidelines section 4.3 Variation;
 - c) Notifying an intent to seek a variation to the grant by altering the means by which community safety is delivered for the Broken Head Road / Clifford Street intersection, a preferred long term treatment as identified in RES 24-533, a roundabout, noting that a compact roundabout could be considered under the Austroad guidelines for New and Emerging Treatments Part 7 and the NSW Road Safety Action Plan;
 - d) To explore a speed reduction to 40k if it could influence the design by reducing the inner circle requirements and other design features, which could reduce or eliminate the need for land acquisition;
 - e) To find out if the intersection may be better serviced by a low, traversable inner circle to assist with bus, truck and caravan movements;
 - f) Noting that these facets of design could be quickly and easily modelled for implementation as the data is already available and that the construction and completion would be both cost efficient and able to be constructed relatively quickly to meet the grant deadline of March 2026 - or seek an extension if that is not possible; and
 - g) To officially seek an extension for the grant.
3. Seeks an urgent estimate for land acquisition from the two relevant properties.
4. Receives a report as soon as information regarding Points 2 and 3 are available, including the potential to receive a late report or have an extraordinary meeting if required.
5. Establishes a mechanism for community members to register their interest in this project to be involved in further consultation. (Ndiaye/Hauge)

24-533	<p>Resolved that Council:</p> <ol style="list-style-type: none">1. Acknowledges the successful grant funding for the Clifford Street/Broken Head Road Intersection Improvement project under the TfNSW Road Safety Program and authorises the General Manager to sign the Funding Deed for the Road Safety Program funding and return to TfNSW by 13 December 2024.2. Adopts traffic signals as an interim intersection option for the Broken Head Road / Clifford Street intersection; and<ol style="list-style-type: none">a) Acknowledges the Metis Options Report (November 2024) states that a signalised option will have a worse level of service than a roundabout in 2034b) That the detailed design of the signalised intersection be reported back to Council for approval following a Councillor Workshop3. Considers a roundabout as a long term intersection option for the Broken Head Rd / Clifford St intersection and that staff engage a quantity surveyor to cost the land acquisition and construction costs of the roundabout to report back to Council.4. Produces an options report for a 2nd northern entry to Beachside Suffolk Park, to future proof an alternative entry to Beachside Suffolk.5. Upgrades and widens the pedestrian refuge to the south leg of the Beech Dr roundabout as a matter of urgency to alleviate safety concerns.6. In future, where traffic signals are a preferred option, undertakes participatory, deliberative process with local residents to determine a way forward. <p style="text-align: right;">(Dods/Hauge)</p>
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5 RECOMMENDATION:

That Council:

Proceed as per Council Resolution 24-533 and continue with the current signalised intersection upgrade project and make adequate plans and investigation for a long-term intersection option of a roundabout for the Broken Head Road/ Clifford Street intersection.

10

Report

1. Acknowledgement of the Petition

5 Council acknowledges receipt of the petition opposing traffic signals, with 1,091 signatures in support of a roundabout as the preferred intersection treatment. This feedback has been considered in ongoing discussions with TfNSW.

2. Urgent Engagement with TfNSW

a) Seeking advice on grant variation requirements under the Road Safety Program

10 As per Clause 10 (Variation) of the Funding Deed, Council has formally notified TfNSW of the intent to submit a Change Request Form and has sought confirmation on whether a roundabout meets the Road Safety Program funding criteria.

- TfNSW has advised that any scope change must demonstrate comparable or superior safety outcomes to the originally approved project scope and objectives.
 - TfNSW has advised that a scope change can be submitted but will need to be assessed under the current program funding criteria. Any scope change will need to be delivered by 31 March 2026.
- 15

The current program of delivery and completion for the signalised intersection is at jeopardy of meeting the completion date of 31 March 2026, if a decision is not made to proceed as per Res 24-533 and the engagement of civil designers to commence.

b) Exploring the feasibility of a roundabout for safety improvements

20 Council has sought confirmation from TfNSW on whether a single-lane roundabout at this regional road intersection can meet the program's safety objectives.

- A full-sized roundabout would require land acquisition, which would impact project timelines and funding requirements.
 - The 2016 TTM Traffic Analysis Report previously identified that designing a single-lane roundabout compliant with current applicable standards and specifications would likely require additional land acquisition.
- 25

c) Notifying TfNSW of Council's intent to seek a grant variation

A formal request has been submitted to TfNSW (5/03/2025), identifying a roundabout as the preferred long-term treatment (as per Council RES 24-533).

- Council's request references Austroads' New and Emerging Treatments Part 7 and the NSW Road Safety Action Plan as justification for considering a compact roundabout.
 - TfNSW has indicated that design constraints, vehicle movement assessments, and funding limitations must be carefully considered.
- 30

d) Exploring a speed reduction to 40 km/h

TfNSW has advised that a speed reduction to 40 km/h at this location is unlikely to be supported under the Speed Zoning Guidelines.

- 5 • Broken Head Road functions as a high-movement corridor, and existing traffic data indicates that the current 50 km/h speed limit is operating effectively, with an 85th percentile speed of 57 km/h.
- However, TfNSW has acknowledged that a roundabout itself could act as a speed-calming measure, reducing approach speeds.
- 10 • Council has requested further assessment of whether reducing the speed limit would:
 - Allow for a more compact roundabout design, potentially eliminating the need for land acquisition.
 - Enhance pedestrian and cyclist safety, addressing key concerns raised in the 2025 Traffic Modelling Supplementary Report and 2016 Road Safety Audit.

15 e) Assessing the suitability of a low, traversable mini roundabout

Council has sought TfNSW's technical input on the feasibility of a low, traversable mini roundabout as an alternative solution that may eliminate land acquisition requirements.

- This option would need to consider:
 - 20 ○ Accessibility for buses, trucks, and caravans through adjusted splitter island geometry.
 - Ensure compliance with heavy vehicle swept path requirements while maintaining safety outcomes.
 - Meet the safety objectives for vulnerable road users under the Road Safety Program.
- 25 • TfNSW has indicated that vehicle movement constraints and operational safety must be carefully assessed in any roundabout design.

f) Feasibility of rapid design and construction within grant timelines

Council has completed extensive traffic modelling and safety assessments, including:

- Metis Traffic Modelling Report (2024)
- 30 • TTM Traffic Analysis Report (2016)
- TTM Road Safety Audit (2016)

Council has asked TfNSW to confirm whether:

- Existing studies are sufficient for decision-making, or if additional detailed modelling is required.
- Additional TfNSW approvals or review processes would be needed before endorsing the change.

5 Design and Implementation Timeframes & Costs

Mini roundabout

- Concept design will take approximately three weeks from consultant engagement, with an estimated cost of \$8,500.
- 10 • Detailed design to IFC (Issued for Construction) will take approximately four (4) months.
- Delivery will take approximately six (6) months.
- Depending on TfNSW approval timeframe under the current funding program, this option would be tight, with no float, to deliver by 31 March 2026.

Full-size roundabout

- 15 • Concept design will take approximately three (3) weeks from consultant engagement, with an estimated cost of \$11,500.
- Detailed design to IFC will take approximately seven (7) months, considering:
 - Significant service relocation works to accommodate the increased footprint, leading to extended design and delivery lead times and additional costs.
 - 20 ○ Likely requirement for a Part 5 DA under the SEPP due to its expanded scope and potential environmental impacts.
- Delivery could take up to ten (10) months, contingent on a detailed design
- This option could not be delivered by 31 March 2026.

g) Officially requesting a grant extension

- 25 TfNSW has confirmed that no extensions will be granted beyond 31 March 2026.
 - The Australian Government Road Safety Program Guidelines clearly state that risks such as extreme weather, unexpected delays, and other disruptions must be incorporated into project planning.
 - Any change request must ensure the project remains fully delivered by this
 - 30 deadline, including submission of the Project Completion Report by 15 April 2026.
 - If the project cannot be delivered within this timeframe, it must be withdrawn.

BYRON SHIRE COUNCIL

LATE REPORTS

17.1

TfNSW has also advised that any funding increase request exceeding the original P90 value (\$2,329,912) will be assessed at the time of the change request and subject to remaining Road Safety Program funding.

5 Additionally, a TfNSW Road Safety Program Change Request review period for a variation of this nature could take up to 10 weeks for TfNSW to review and approve.

3. Urgent Land Acquisition Estimate

Council has prioritized obtaining land acquisition estimates to assess the financial and spatial feasibility of a full-sized roundabout.

- 10
- Land acquisition will be dependent on developing a compliant concept design to determine the required acquisition extents (as noted in the 2016 TTM Traffic Analysis Report).
 - If a mini roundabout is deemed feasible, land acquisition may not be required.
 - The property valuation process for land acquisition, should owners agree to terms, is expected to take approximately 4-6 weeks to complete.

15 Current Project Considerations

20 The current program of delivery and completion for the signalised intersection is already at jeopardy of meeting the completion date of 31 March 2026' if a decision is not made to proceed as per Res 24-533. The current program of works detail engagement of designers this week to commence on detailed design scopes, and to allow staff to meet critical milestones.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	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	5.3.1.11	Traffic, Transport and Active Transport Capital Works Business Cases Development

Recent Resolutions

- 24-533
 - 25-035
- 25

Legal/Statutory/Policy Considerations

Not applicable.

Financial Considerations

As noted in body of report.

- 5 Furthermore, Council has committed to date \$147,000 towards the project, which would be at cost to Council should the Grant Funding be terminated. Consideration towards all the current investigative works (e.g. survey, pavement design, service locations) and other planning works should be relevant for a period, before further works are required to ascertain any changes.

Consultation and Engagement

- 10 A mechanism will be established to allow community members to register their interest and participate in further consultation.

Regular project updates will be provided as Council works through technical and funding considerations.

Options

- 15 1. That Council proceed as per Council Resolution 24-533 and continue with the current signalised intersection upgrade project and adequately plan for a long-term intersection option of a roundabout for the Broken Head Road/ Clifford Street intersection.
- 20 Or
2. Terminate the current TfNSW Road Safety Program grant funding agreement, acknowledging the funding implications that will impact Council.
- 25 Authorise staff to commence land acquisition processes and other pre planning investigations into the roundabout treatment options with an appropriate funding source identified and report back to Council.
- 30 That funding for the expenditure incurred to date on the intersection project and for future planning be considered at the next Quarterly Budget Review