



## BYRON SHIRE COUNCIL

### ORDINARY MEETING

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We support the proposal to improve safety and reduce the risk of accidents near Broken Head hall by lowering the speed limit on Broken Head Road to 50 kph along the section of road in front of the hall.

Name	Address	Signature
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Report No. 0.0

**Speed Review - Broken Head Road, Broken Head - 50km/hr Zone at Midgen Flat Road and Blackbutt Lane**

File No:

I2016/772

**Background**

On the 1 June 2016 a representative of the Broken Head Hall Committee submitted a petition, with 160 signatures, requesting a speed review of a 500m section of Broken Head Road, Broken Head; between St Oswald's Anglican Church and 50m south of Blackbutt Road, including the 50m approaches to Midgen Flat Road and Blackbutt Lane intersections. The letter has suggested a 50km/hr zone to cater for pedestrian and school buses.

The petition and correspondence was tabled at Council's Ordinary Meeting held on 4 August 2016 and subsequently a report on this matter will be presented to Council at its Ordinary Meeting to be held 29 September 2016.

The petition has requested signage for "Village of Broken Head". This is not a Local Traffic Committee matter and will be considered separately by Council and advice provided to the Broken Head Hall Committee.

**Investigation**

On the 7 June 2016 an inspection was carried out by Roads and Maritime Services and Council Officers after a request for a speed review was received from the St Oswald's Anglican Church.

As a result of the inspection, it is proposed that clearing of vegetation, to improve the line of site, and improving the driveway access for the Church would improve the situation. Therefore, a speed reduction in this area was not warranted and the sign posted 80km/hr speed limit is acceptable.

The road adjacent to 521 Broken Head Road will be reconstructed in 2015/16 and 2016/17 and both of these issues will be incorporated into the project design.

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**RECOMMENDATION:**

- 1. That a speed review be undertaken by RMS on Broken Head Road to investigate the request by the Hall Committee in conjunction with the request by the Church.**

**Attachments:**

- 1 Traffic - Broken Head Rd 536 - Speed Review - Petition 160, S2016/7897
- 2 Traffic - Broken Head Rd 521 - Speed Review - St Oswalds Anglican Church, S2016/7115



**Minutes of the Byron Shire Council Public Art Assessment Panel Meeting held on Thursday 18 August 2016**

E2016/77690

PRESENT: Cr P Spooner, Cr S Richardson

Staff: Joanne McMurtry (Community Policy Officer)  
Sarah Ford (Manager Community Development)

Community: Denise Napier (Community member)  
Rick Molloy (Practising Artists Network)  
Suvira McDonald (Community Artist member)  
Tracey Whittaker (Community Artist member)

Invitees: Jane Fullerton (Item 5.1)

*Paul Spooner opened the meeting at 11.04am and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES: Peter Wood (Arts Northern Rivers), Gavin Brown (Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Paula Cordeiro (Community Artist member)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

- Simon Richardson declared a non-pecuniary interest in item 5.4 as Jane Fullerton is his wife and he elected to leave the room for the discussion.
- Tracey Whittaker declared a non-pecuniary interest in item 5.4 as she was involved in the Elyssium project in the early days.
- Paul Spooner declared a non-pecuniary interest in item 5.4 as he was one of the members of the Placemaking Seed Fund assessment panel.

CONFIRMATION OF A QUORUM:

There are ten people on the Panel. Quorum numbers were met.

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BUSINESS ARISING FROM PREVIOUS MINUTES (Verbal updates)

5.4 Elyssium presentation

*Present for this item were Jane Laverty, Sarah Workman and Chris Larkin (Council staff). Simon Richardson left the room for this item.*

Sarah Workman outlined the Placemaking Seed Fund project where Expressions of Interest were called for local creative people to provide proposals to revitalise, reactivate and beautify spaces in Byron Bay, arising from the Byron Bay Town Centre Masterplan. Elyssium is one of the successful projects and they will be provided with \$20,000 from the Placemaking Seed Fund to implement the project.

Jane Fullerton presented the Elyssium proposal which is to beautify Lawson Lane in Byron Bay with painted patterns on building facades and pavements, living plantings and art and sculpture throughout the laneway, including light installations for night-time activation. Concept designs were tabled, although are confidential at this stage (until tabled with building owners). The Elyssium team will now be working with the building owners and stakeholders in the laneway to devise an implementation plan for the project. It is planned that implementation will begin in March 2017.

**Action:**

The Elyssium concepts were well received by the Public Art Assessment Panel and they are happy to endorse them.

**5.1 Public Art on Byron Shire Water and Sewer Infrastructure**

A brief written update was tabled at the meeting from Kelly Reiffer re the Sewer project (attached to the minutes).

The water infrastructure project is still in the planning phase and timeframes, availability of artists and work, health and safety matters are still being worked through.

**5.2 Mullumbimby Sculpture Walk**

Suvira provided an update on the Sculpture Walk:

- The group have been working on a curatorial policy
- Put in an Arts NSW grant application for \$60,000 to commission works
- Plan to commission works and hold another event to launch the works when ready.

Suvira also mentioned there are some discussions in the arts community about holding a Shire-wide sculpture event including the Bangalow Sculpture area, Brunswick Nature Sculpture Walk, Ocean Shores areas, Federal Park and Byron Bay.

**5.3 Pelican Sculpture**

Andy Erskine provide an update. There was an article in The Echo not long ago about the Pelican Sculpture and Andy contacted the person who was involved in erecting the original sculpture and even made a film about it. They are now interested in making a film about the renovation of the sculpture and being involved. The land around the sculpture was quite wet recently (a truck was bogged) so they have been waiting for that to dry out.

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**PUBLIC ART PROPOSALS****6.1 Mullum Loves Refugees Proposal**

No recommendation was made.

**Action:**

Cr Paul Spooner will contact the proponent to discuss.

**6.2 Public Art Proposal – Brunswick Nature Sculpture Walk re permanent sculpture****RECOMMENDATION 6.2:**

1. **That the Public Art Assessment Panel recommend to Council that the 15 proposed sites for permanent sculpture in Brunswick Heads be approved in principle pending final approval from the Public Art Assessment Panel for design and placement of final art works.**
2. **That the artwork by David Walsh 'Oh My Cod' be accepted as a donation and installed in the location identified by Brunswick Nature Sculpture Walk in South Beach Park Brunswick Heads.**

(Spooner/Napier)

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6.3 Public Art Decommissioning/Proposal – Beach Shower Screens, Byron Bay

**RECOMMENDATION 6.3:**

**That the Public Art Assessment Panel recommend to Council to dismantle the existing screens which are in poor condition and refer to Open Spaces staff team to provide more practical park furniture.**

(Richardson/Spooner)

6.4 Public Art Proposal – 'Let's Connect' Bangalow

**RECOMMENDATION 6.4:**

**That the Public Art Assessment Panel recommend to Council to wait for the outcome of the Bangalow Place Activation Masterplan before assessing the request.**

(Richardson/Molloy)

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**7. DEBRIEF/ FUTURE OF PUBLIC ART ASSESSMENT PANEL**

A discussion was held about how the PAAP have been operating and any learnings from the last four years of operation.

**8. DATE AND TIME OF NEXT MEETING**

The panel members were thanked for their time and dedication to public art in the Byron Shire. The committee will disband at the end of the term of the current council. (Note local government elections will be held on 10<sup>th</sup> September 2016).

Whilst there is a meeting scheduled for 10th November (11am to 1pm), it will need to be confirmed following the election of the new council.

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*There being no further business the meeting concluded at 12.50pm.*

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**Attachment 1 – Brief written update on Artistic Treatment of Sewer Infrastructure project (Item 5.1) #E2016/77156**

**Update on Byron Bay sewer pump station public commission**

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**Project update**

The art project is on track to be completed by the end of October 2016.

**Wategos pump station**

Completed work by Berlin artist, Danny Gretscher during his visit to Australia in the first half of 2016.



*Ancestral Sea*, Danny Gretscher, Wategos sewer pump station, 2016  
Commissioned by Byron Shire Council

**Rec ground sites**

Living wall artist met with Peter Rees on site to discuss living wall concept; interest to utilise recycled water in design. The work will reference the local environment and include coastal shallow rooted plants & subtropical plants and water from recycled lines.

Both works at the recreation grounds will commence in mid-September.

**Bayshore Drive pump station**

Revised concept following the public art panel feedback on unsuitability of work proposed by local artist Steve Waller and change in availability of international artist ROA - to a collaborative approach by the 3 artists involved.

Artists met with Peter Rees on site to discuss revised concept; interested to extend work beyond walls and utilise recycled water in design.

The first wall has been completed by Danny Gretscher. The work will be completed in October.



*Tropical Bird*, Danny Gretscher, Bayshore Drive sewer pump station, 2016  
Commissioned by Byron Shire Council

Kelly would like to consider ROA's work for a possible future commission on a large prominent wall as he is keen to visit the Shire at a future date.

**Protection of works**

Protection of the three painted surfaces with a specialised anti-graffiti, low sheen coating will be done if possible within budget (c \$1k+ cost depending on application).

**Plaques**

Text for plaques/ signs at each artwork site will be provided, including artist name, title of work and a few words.

**Media to date**

Byron Arts Magazine covered the first work on their blog, instagram, and will include a mention on their next print edition in September,

## 8) BYRON SHIRE COUNCIL

### 10.2015.412.3 MODIFIED CONDITIONS OF CONSENT:

**A. Where S96 application 10.2015.214.3 is approved (i.e. Condition 15 deleted); modify the Consent in the following manner:**

- Insert immediately following Condition 6:

**7) Staging of the Development**

The development is to be carried out in two stages, as described below:

**Stage 1** – The construction of the proposed Bayshore Drive platform, including new train shed, new platform, toilet facilities, tree clearing and associated access.

**Stage 2** – Byron Town Centre platform comprising train platform and associated access.

**8) Section 94A levy to be paid**

Prior to the issue of a construction certificate for either stage, the section 94A levy required by the Byron Developer Contributions Plan 2012 shall be paid to Council.

The levy will be calculated as follows:

**Levy payable = %C x \$C**

Where: %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 94E.

\$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development shall be calculated in accordance with clause 25J of the regulation and shall be set out in schedule 1. A copy of Schedule 1 shall be submitted with the payment to Council.

- Delete the heading:

**The following conditions are to be complied with prior to issue of a Construction Certificate for building works**

- Insert the heading:

## **8) BYRON SHIRE COUNCIL**

**The following conditions are to be complied with prior to issue of a Construction Certificate for Stage 1 building works**

- Delete conditions 7 to 16a (inclusive) and replace with the following:

**9) Water and Sewerage – Section 68 approval required**

An Approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

**10) Certificate of Compliance – Water Management Act 2000**

A Certificate of Compliance will be issued upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.

Note: Copies of the application forms for Certificates of Compliance are available on Council's website

[http://www.byron.nsw.gov.au/files/Forms/Section\\_305\\_Certificate.pdf](http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf) or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website:

<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Payment by Personal or Company Cheque will not be accepted.

**11) Trade Waste - Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to discharge trade waste into Council's sewer must be obtained.

**12) Site Waste Minimisation and Management Plan**

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation of the development. The SWMMP must specify the proposed method of recycling/disposal and provide details of the waste management service provider.

Plans and specifications must be provided as part of the Construction Certificate showing details of both waste and recycling bin storage facilities at each platform, consistent with the design of existing facilities within the

## **8) BYRON SHIRE COUNCIL**

### **STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY** **ATTACHMENT 1**

**13.10 -**

Byron Bay town centre. Such must be installed and serviced as part of the development.

#### **13) Access and facilities for disabled**

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

Such plans and specifications must be approved as part of the Construction Certificate.

#### **14) Stormwater drainage – Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works must be obtained.

#### **15) Bond required to guarantee against damage to public land**

A bond of \$4000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

#### **16) Provision of bicycle parking spaces**

The application for a Construction Certificate is to include plans and specifications for the provision of five (20) x Class 3 bicycle parking spaces (bicycle rails) at each train platform. The layout, design and security of the bicycle parking facilities must comply with Australian Standard AS 2890.3-1993, Parking facilities - Bicycle parking facilities. The facilities must be provided at ground level within the railway corridor adjacent to the proposed platforms and must be accessible from the paths leading to the platforms from the road reserve.

#### **17) Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2010.

Species identified in Part B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must provide for screen plantings within the railway corridor on the eastern side of Bayshore Drive to screen the platform and shed from the residential area to the south of the railway corridor, and must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted

## **8) BYRON SHIRE COUNCIL**

- c) mature height of trees to be planted
- d) location of trees identified for retention in the development application plans.
- e) The plan is to be prepared by a suitably qualified landscape architect/architect /ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate. Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

### **The following conditions are to be complied with prior to issue of a Construction Certificate for Stage 2 building works**

#### **18) Site Waste Minimisation and Management Plan**

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation of the development. The SWMMP must specify the proposed method of recycling/disposal and provide details of the waste management service provider.

Plans and specifications must be provided as part of the Construction Certificate showing details of both waste and recycling bin storage facilities at each platform, consistent with the design of existing facilities within the Byron Bay town centre. Such must be installed and serviced as part of the development.

#### **19) Access and facilities for disabled**

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

Such plans and specifications must be approved as part of the Construction Certificate.

#### **20) Stormwater drainage – Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works must be obtained.

#### **21) Bond required to guarantee against damage to public land**

A bond of \$4000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.



## 8) BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY ATTACHMENT 1

13.10 -

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

#### 22) Provision of bicycle parking spaces

The application for a Construction Certificate is to include plans and specifications for the provision of five (20) x Class 3 bicycle parking spaces (bicycle rails) at each train platform. The layout, design and security of the bicycle parking facilities must comply with Australian Standard AS 2890.3-1993, Parking facilities - Bicycle parking facilities. The facilities must be provided at ground level within the railway corridor adjacent to the proposed platforms and must be accessible from the paths leading to the platforms from the road reserve.

#### 23) Landscaping plan required

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2010.

Species identified in Part B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must provide for screen plantings within the railway corridor on the eastern side of Bayshore Drive to screen the platform and shed from the residential area to the south of the railway corridor, and must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted
- c) mature height of trees to be planted
- d) location of trees identified for retention in the development application plans.
- e) The plan is to be prepared by a suitably qualified landscape architect/architect/ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate. Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

- Renumber all remaining conditions, beginning immediately following the heading "The following conditions are to be complied with prior to any building or construction works commencing", starting from 24.

#### **B. Where S96 application 10.2015.214.3 is refused (i.e. Condition 15 not deleted); modify the Consent in the following manner:**

- Insert immediately following Condition 6:

#### **7) Staging of the Development**

The development is to be carried out in two stages, as described below:

**Stage 1** – The construction of the proposed Bayshore Drive platform, including new train shed, new platform, toilet facilities, tree clearing and associated access.

## 8) BYRON SHIRE COUNCIL

**Stage 2** – Byron Town Centre platform comprising train platform and associated access.

### 8) Section 94A levy to be paid

Prior to the issue of a construction certificate for either stage, the section 94A levy required by the Byron Developer Contributions Plan 2012 shall be paid to Council.

The levy will be calculated as follows:

**Levy payable = %C x \$C**

Where: %C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 94E.

\$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	2.0 percent

The cost of development shall be calculated in accordance with clause 25J of the regulation and shall be set out in schedule 1. A copy of Schedule 1 shall be submitted with the payment to Council.

- Delete the heading:

**The following conditions are to be complied with prior to issue of a Construction Certificate for building works**

- Insert the heading:

**The following conditions are to be complied with prior to issue of a Construction Certificate for Stage 1 building works**

- Delete conditions 7 to 16a (inclusive) and replace with the following:

### 9) Water and Sewerage – Section 68 approval required

An Approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

### 10) Certificate of Compliance – Water Management Act 2000

A Certificate of Compliance will be issued upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.

## **8) BYRON SHIRE COUNCIL**

### **STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY ATTACHMENT 1**

13.10 -

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Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website:

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The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Payment by Personal or Company Cheque will not be accepted.

#### **11) Trade Waste - Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to discharge trade waste into Council's sewer must be obtained.

#### **12) Site Waste Minimisation and Management Plan**

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation of the development. The SWMMP must specify the proposed method of recycling/disposal and provide details of the waste management service provider.

Plans and specifications must be provided as part of the Construction Certificate showing details of both waste and recycling bin storage facilities at each platform, consistent with the design of existing facilities within the Byron Bay town centre. Such must be installed and serviced as part of the development.

#### **13) Access and facilities for disabled**

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

Such plans and specifications must be approved as part of the Construction Certificate.

#### **14) Stormwater drainage – Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works must be obtained.

#### **15) Bond required to guarantee against damage to public land**

## **8) BYRON SHIRE COUNCIL**

### **STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY** **ATTACHMENT 1**

**13.10 -**

A bond of \$4000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

#### **16) Provision of bicycle parking spaces**

The application for a Construction Certificate is to include plans and specifications for the provision of five (20) x Class 3 bicycle parking spaces (bicycle rails) at each train platform. The layout, design and security of the bicycle parking facilities must comply with Australian Standard AS 2890.3-1993, Parking facilities - Bicycle parking facilities. The facilities must be provided at ground level within the railway corridor adjacent to the proposed platforms and must be accessible from the paths leading to the platforms from the road reserve.

#### **17) Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2010.

Species identified in Part B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must provide for screen plantings within the railway corridor on the eastern side of Bayshore Drive to screen the platform and shed from the residential area to the south of the railway corridor, and must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted
- c) mature height of trees to be planted
- d) location of trees identified for retention in the development application plans.
- e) The plan is to be prepared by a suitably qualified landscape architect/architect /ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate. Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

#### **The following conditions are to be complied with prior to issue of a Construction Certificate for Stage 2 building works**

#### **18) Site Waste Minimisation and Management Plan**

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the

## **8) BYRON SHIRE COUNCIL**

### **STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY ATTACHMENT 1**

13.10 -

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Plans and specifications must be provided as part of the Construction Certificate showing details of both waste and recycling bin storage facilities at each platform, consistent with the design of existing facilities within the Byron Bay town centre. Such must be installed and serviced as part of the development.

#### **19) Access and facilities for disabled**

The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - Design for Access and Mobility and Part D3 of the Building Code of Australia.

Such plans and specifications must be approved as part of the Construction Certificate.

#### **20) Stormwater drainage – Section 68 approval required**

An approval under Section 68 of the Local Government Act 1993 to carry out stormwater drainage works must be obtained.

#### **21) Bond required to guarantee against damage to public land**

A bond of \$4000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repared to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

#### **22) S.88E Restriction to be placed on title – Coastal erosion**

Documentary evidence is to be provided to the Principal Certifying Authority that a restriction-as-to-user, pursuant to the provisions of S.88E of the Conveyancing Act, 1919, has been placed on the title to the land, the subject of this consent, stating:-

*The development granted via development consent number 10.2015.214 must cease if at any time the coastal erosion escarpment comes within 50 metres of the building subject of the consent. The development the subject of this consent must be demolished and removed immediately. Further the landowner must suitably revegetate the land.*

*In this restriction coastal erosion escarpment means the landward limit of erosion in the dune system caused by storm waves.*

## 8) BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY ATTACHMENT 1

13.10 -

**Please note:** Documents requiring the endorsement of Council associated with the creation or cancellation of easements, restrictions, covenants are subject to fees listed within Council's Fees & Charges.

#### **23) Provision of bicycle parking spaces**

The application for a Construction Certificate is to include plans and specifications for the provision of five (20) x Class 3 bicycle parking spaces (bicycle rails) at each train platform. The layout, design and security of the bicycle parking facilities must comply with Australian Standard AS 2890.3-1993, Parking facilities - Bicycle parking facilities. The facilities must be provided at ground level within the railway corridor adjacent to the proposed platforms and must be accessible from the paths leading to the platforms from the road reserve.

#### **24) Landscaping plan required**

The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site. Such landscaping plan must incorporate adequate detail to demonstrate compliance with the provisions of Part H of Development Control Plan 2010.

Species identified in Part B9 of Development Control Plan 2014 are to be planted wherever possible. The landscaping plan must provide for screen plantings within the railway corridor on the eastern side of Bayshore Drive to screen the platform and shed from the residential area to the south of the railway corridor, and must indicate:

- a) proposed location for planted shrubs and trees
- b) botanical name of shrubs and trees to be planted
- c) mature height of trees to be planted
- d) location of trees identified for retention in the development application plans.
- e) The plan is to be prepared by a suitably qualified landscape architect/architect /ecologist who has appropriate experience and competence in landscaping.

Such plans and specifications must be approved as part of the Construction Certificate. Note: Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

- Renumber all remaining conditions, beginning immediately following the heading "The following conditions are to be complied with prior to any building or construction works commencing", starting from 25.

16 December 2015

Mr D O Thompson & Ms M L Plowman  
722 Main Arm Road  
Mullumbimby NSW 2482

Dear Mr Thompson & Ms Plowman

**Interest in Potential Part Road Reserve Closure Durrumbul Road**

Council is currently looking at surplus land in the shire and after inspection has determined that the Council owned road reserve that adjoins your property (as outlined in red as per image below), may have the potential for closure and sale.



Council is writing to you as the adjoining land owner to ascertain if you are interested in adding to your existing land parcel. We realise there are costs associated with this proposal that need to be considered so if you are interested we are happy to go through the process and fee structure with you.

If you have any further questions, or would like to look further into this proposal please do not hesitate to contact Deanna Savage on 02 6626 7304.

Yours sincerely

Phillip Holloway  
Director  
Infrastructure Services



To Byron Shire Council



I am writing to you about the proposed sale and closure of Lot A  
DP389649 Durrumbul Rd, Main Arm.

For a long time this has been the only useable access to the property of  
Sally Wagg and family who we known for many years. The entrance  
from Main Arm Rd is usually too wet and boggy with deep ruts so it is  
unable to used.

I have heard that the of closing the road was to stop a few cars from  
passing a nearby residence, which if true, I find very disturbing with  
little or no regard for the welfare of their neighbour.

I would like to ask, if the land needs to be sold, that a right of access be  
given to the Wagg family to use.

Yours Sincerely

Stephen Phelps

Lot 4 Durrumbul Rd.

Main Arm

A handwritten signature in blue ink, appearing to be 'S. Phelps'.



Regards to the sale and road closure


Lot A DP389649 Durrumbul Rd

This access road needs to be kept open as it is a vital entry point to a  
100 acres grassed paddock to be used as a safe area in the event of a  
bush fire coming from the west and travelling along the ridge  
through to Mullumbimby.

The entry on Main Arm Road is not suitable for large or small fire trucks  
to use. The paddock has also been used for training exercises in the  
past because of its ease of entry. We ask that you consider this  
in the process of sale.

Mark Standford

Main Arm Fire Captian

 13-4-2016

Stephen Phelps

Dept.Captian

Former Training officer

Instructor

 13-4-16

BYRON SHIRE COUNCIL
DOC NO: .....
REC'D: 15 APR 2016
FILE NO: F2888
ASSIGNEE: D. Savage

656 Main Arm Rd

14/4/16

Dear Mr Holloway,

I wish to voice my concerns about the sale of Lot A, DP 389649.

As a long time resident and a nearby neighbour to this submission, I have seen this piece of land which is part of the original Main Arm Road used by many residents.

People walk along the old Main Arm Road enjoying the natural beauty of the area.

Children walk or ride their bikes to their local school (Durrumbul Public School) safely without having to venture onto the extremely busy new Main Arm Road.

Please reconsider your decision about selling the land as it will effect too many people.

Yours sincerely,

M Phelps



13-4-2016.

The General Manager  
Byron Shire Council  
P.O. Box 219  
Mullumbimby  
N.S.W. 2482.



To whom it may concern,  
I am writing to the Byron Shire  
in response to a letter I  
received re: the closure of the  
end of Durrumbil Road, main  
arm adjoining Lot A. dp. 389649.

My name is Sally Anne Wagg  
and I am the owner of Lot 6  
dp. 775447.

We purchased this property in  
1993 through Sun Coast Realty  
Mullumbimby. When we viewed  
the property we were informed  
and shown our main entrance/  
access is where you propose  
to close the road.

It is my understanding that this  
is our land and our access  
since 1993 when we purchased  
the property.

It is also my understanding this  
piece of land which was part of  
the old Main Arm Rd. was  
purchased by Jack Scott and  
A. Maslen on 28.7.1972. I have a  
document to prove this. Jack  
Scott sold this land to Rowley  
Johnson and we purchased the  
land from Rowley in 1993. 2016  
Our address up until Jan 2016  
has always been Lot 6 Durrumbil Rd.

Main Arm Road Mullumbimby NSW.  
all our correspondence including  
from the Byron Shire has been  
to this address.

In Jan 2016 Byron Shire changed  
our address to 130 Durrumbil Rd  
Main Arm Mullumbimby then a  
month later changed it again to  
802 Main Arm Road Mullumbimby.  
This access / address is not  
accessible in wet weather  
and to my knowledge the local  
Fire Brigade would prefer to use  
the entrance you are proposing  
to close. There is no drive way  
at 802 Main Arm Road only  
4x4 wheel drive tracks and no  
one is able to access this track  
in a 2 wheel drive vehicle.

I have also just had a quote to put  
a driveway constructed coming  
in off the Durrumbil Rd. entrance.  
This entrance is not only used  
by me and my family it is also  
used by the people that adjust  
cattle on my property and for the  
cattle trucks moving livestock.

I am concerned that the letter  
advising me of the proposed  
closure was dated 21.3.2016  
and I received the letter on  
31.3.2016 the same day it was  
advertized in the Byron Shire News.  
Once I received the letter I have  
been trying to contact Phillip Holloway  
and Deanna Savage. I spoke with  
Deb Galven and she emailed  
Deanna Savage to call me once  
back from Leave. I still have not  
been contacted.



As you can see I am very concerned about this proposed closure and if it is found that this area is not my land on my entrance then I propose that I have first option to buy this driveway section.

In view of this time lapse in getting the correspondence and unable to talk to anyone at the Shire in the appropriate area I am requesting an extension of time so I am able to speak with the appropriate people in the shire and also obtain more information.

I look forward to hearing from you

yours sincerely

Sallyawaga.

Page 1 of 2



BSC File No: #E2016/17113  
Contact: Deanna Savage  
Email: Deanna.Savage@byron.nsw.gov.au

21 March 2016

Mrs S A Wagg  
PO Box 257  
NHULUNBUY NT 0881

Dear Mrs Wagg

**Closure of Road Reserve adjoining Lot A DP 389649 at the end of Durrumbul Road**

Byron Shire Council and NSW Department of Primary Industries – Lands are currently considering the closure of public roads in the general locality of your property. Your property/s and adjoining landholders are displayed on the attached diagram. The public road applied for closure is displayed by blue fill with the corresponding road closure legend labelled for your reference.

Similar letters have been forwarded to all landholders adjoining the roads indicated on the diagram.

Government Agencies are being consulted to ensure that they have no issues with the closing of the roads.

The proposal to close the road will be advertised in the Byron Shire News, on 31 March 2016, calling for general comment from interested parties.

Please forward any comments you may have on the proposed road closings within 28 days. Once the period of 28 days is up Byron Shire Council and NSW Department of Primary Industries - Lands will consider all comments relating to the proposed road closure.

If you have any further enquiries on this matter please contact Byron Shire Council on 6626 7304.

Yours sincerely

Phillip Holloway  
Director Infrastructure Services

*Shire email**council@byron.nsw.gov.au*

TRADITIONAL HOME OF  
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE  
ADDRESSED TO THE GENERAL MANAGER  
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)  
DX20007 Mullumbimby E: council@byron.nsw.gov.au  
P: 02 6626 7000 F: 02 6684 3018  
www.byron.nsw.gov.au ABN: 14 472 131 473  
Printed on 100% recycled paper



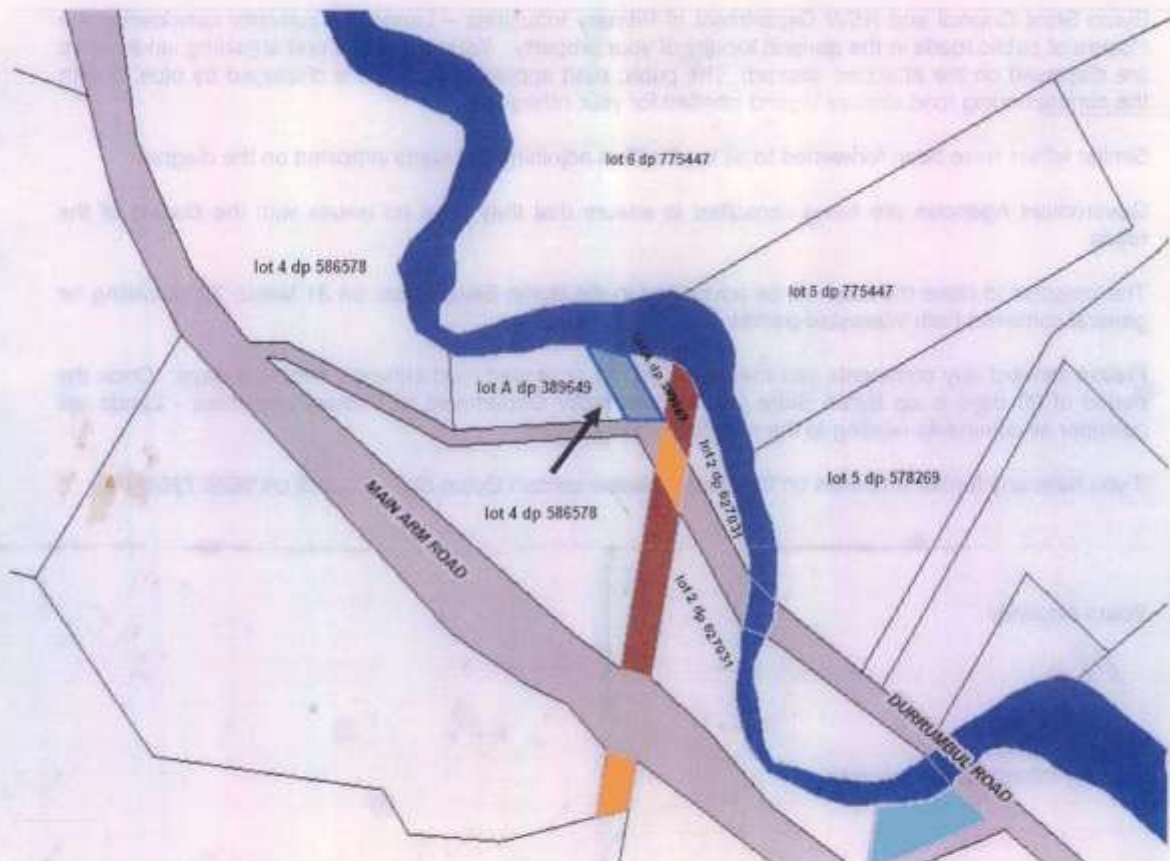
Page 2 of 2

## Proposed Closure of Public Road

LGA: Byron  
Locality: Main Arm  
Parish: Mullumbimby

### Legend

- Proposed Road under Application
- Additional Road Reserves
- Crown Tenure
- Crown Road



**Proposed Closure of Public Road****ADJOINING LOT A DP 389649, 722 Main Arm Road Mullumbimby**

Under *Section 35 of the Roads Act 1993*, notice is given that the Minister for Lands and Water will consider the closing of a road in connection with a road closing application proposed by Council.

Council (acting on behalf of the Minister) will receive submissions regarding the proposal. All submissions received will be referred to the Minister's delegate for a decision regarding the proposed road closing.

The road under consideration comprises Council public road adjoining Lot A DP 389649, 722 Main Arm Road Mullumbimby. Upon closure of the road Council intends to sell the land to the adjoining land owners.

All interested persons are invited to make submissions concerning the proposal to the General Manager, within twenty-eight (28) days of the date of this advertisement.

Regarding the provisions of the *Government Information (Public Access) Act*, information contained in such submissions may, at the discretion of Byron Shire Council and NSW Department of Primary Industries – Lands, be referred to the person(s) who initiated the proposal for appropriate consideration.

Enquiries: Phillip Holloway Telephone: 6626 7103

Staff to note: If your advertisement allows for submissions, you don't need to add the following paragraph because it is listed in the block advertising under "Lodging a submission".

*Submissions should be in writing and addressed to the General Manager, Byron Shire Council, PO Box 219 Mullumbimby 2482 or sent by email to [submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au). Emailed submissions to this address only will be acknowledged.*

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Find out more about Byron Bay's town centre pay parking scheme at <http://www.byron.nsw.gov.au/byron-bay-pay-parking>

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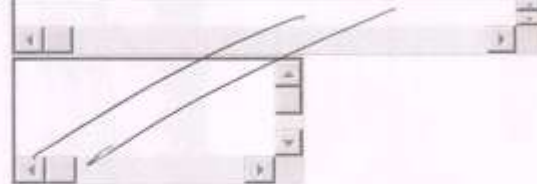
sally wagg

[sally.wagg@hotmail.com](mailto:sally.wagg@hotmail.com)

~~De:~~

~~De:~~

~~To:~~







To the Ministers Delegate,

This submission letter is in reference to the proposed road closure to 722 Main Arm Road as advertised in the Byron Shire News march 31<sup>st</sup>.

I Jarrod Zillwood with my wife Samara Zillwood (nee Wagg) and our 3 school aged children reside at lot 6 Durrumbul Road (also known as 130 Durrumbul Road).

We are the only property serviced by the road in question which in turn is the only all-weather access to the property (lot 6) providing access for my wife's small two wheel drive car, stock trucks and visitors.

It also provides emergency vehicle access to the property in all weather extremes except major flooding of the Main Arm River.

The argument that the entrance from Main Arm Road (802) is accessible for emergency vehicles is absolutely not valid as it is simply a dirt track in a wet paddock that becomes impassable after half an inch of rain.

It certainly makes sense to be able to be reached by emergency services 95% of the time opposed to the 15% when the Main Arm Road entrance is navigable still only to 4WD vehicles.

The public road reserve in question that services lot 6 was left in commission in 1964 for the sole purpose of servicing the property at lot 6 Durrumbul Road.

I will now list some of the direct and secondary impact to my family if the road is closed and sold to the adjoining land owners (722 Main Arm Road)

- Access to the property will be limited to 4WD only.
- My wife will lose her job in town as she cannot leave the property in her small 2WD car.
- Emergency services cannot reach us on the property.
- We will not be able to agistment stock or carry our own stock as there will be no access for trucks.
- It will have a negative effect on the historical value to the old Main Arm Road.
- It will devalue the property itself.
- The walk to school option for our children will be taken away forcing them to rely on public transport.
- It's a safe access point to and from the property for children, horse riders and fishermen on the river away from the main road.
- We will travel an average of 8760kms per year on Main Arm Road therefore contributing to the damage on Main Arm Road substantially.
- I will have no access to the rest of Durrumbul Road to maintain it at my own cost as I have been for the past 6 months with the direct consent of Dave Carney.
- The construction of a drive way at 802 Main Arm Road has been quoted between \$73,000 and \$87,000 therefore putting it safely out of our reach for a further 1 – 2 years.

When these reasons are taken into account and compared to the reasons pro closing the road I feel we have a very strong case backed up by other submissions from members of the community.

When the owners of 722 Main Arm Road purchased their property they were well aware of the public road reserve intersecting the two lots that make up 722 Main Arm Road.

With lot 6 having absentee owners for the past 23 years it was inevitable sooner or later the access would be used when the owners started residing on the property.

It's grossly unfair we have been squeezed into this position simply because we have been using a public road reserve to enter and exit our property.

We are very conscious of noise, dust etc... when entering and exiting the property, we do our best to minimise the effects of this to our neighbours.

As the full concept of this submission cannot be grasped from a few pages, we invite you the Minister's Delegate and any other parties especially the person(s) who initiated the proposal to visit us on the property via 802 Main Arm Road to gain firsthand knowledge of the entrance compared to 130 Durrumbul Road.

We find the letter sent by council in December 2015 proposing a change of address from 130 Durrumbul Road to 802 Main Arm Road extremely deceiving and inaccurate as it states that 802 is emergency vehicle accessible while saying nothing about the intention of closing the entrance at 130 Durrumbul Road.

The public road must remain open as an all-weather access point to the property for the owner, residents, visitors, trucks and emergency services.

The financial impact on your family is much greater than just the construction of the entrance at 802 as my wife will lose her job forcing us to become a single income family.

We will also lose financially on agistment at the property as it cannot be reached by the agistee's.

In summary we ask that your decision on the road closure be made logically after careful consideration of all points for and against.

As stated we do believe that to make an informed decision you will have to visit property in person via both entrances.

Thanks for your time,

Jarrold and Samara Zillwood







BYRON BAY PORK

**JP & K SINGH T/A PUNJAB STU & BYRON BAY PORK**

PO Box 450, Bangalow, NSW, 2479

[punjab@byronbaypork.com.au](mailto:punjab@byronbaypork.com.au)

0418 662 781

ABN:



6th April 2016

To: The Ministers Delegate

This submission is in reference to the proposed closure of a public road adjoining Lot A DP389649 722 Main Arm Road, Mullumbimby, as advertised in the Byron Shire News on 31st March 2016.

I, John Singh, agist cattle on the property serviced by the road in question.

As it is the only road accessible for stock trucks to enter the property, Lot 6 DP775447, it is imperative to our business needs for the road to remain as a public road reserve. However, if closure is confirmed, it is also in our interest that the road reserve is offered for sale, not to the adjoining landowners but to the property that is actually serviced by the road, so that we are still able to move the livestock as necessary.

I thank you for your time and consideration in this matter, and ask that you do not hesitate to call me if you are requiring any further information or documentation.

Kind Regards

John Singh



## NSW RURAL FIRE SERVICE

BYRON SHIRE COUNCIL	
DOC NO:	.....
REC'D:	09 MAY 2016
FILE NO:	F2888
ASSIGNEE:	D. Swager



PN 117430

Regards to the sale and road closure

Lot A DP389649 Durrumbul Rd

This access road needs to be kept open as it is a vital entry point to a 100 acres grassed paddock to be used as a safe area in the event of a bush fire coming from the west and travelling along the ridge through to Mullumbimby.

The entry on Main Arm Road is not suitable for large or small fire trucks to use. The paddock has also been used for training exercises in the past because of its ease of entry. We ask that you consider this in the process of sale.

Mark Standford

Main Arm Fire Captian

*[Signature]* 13-4-16

Stephen Phelps

Dept. Captian

Former Training officer

Instructor

*[Signature]* 13-4-16

## Postal address

NSW Rural Fire Service  
Far North Coast Team  
PO Box 219  
MULLUMBIMBY NSW 2482  
Or  
PO Box 816  
MURWILLUMBAH NSW 2484

## Street address

NSW Rural Fire Service  
Far North Coast Team  
70-90 Station Street  
MULLUMBIMBY NSW 2482  
Or  
92 Lundberg Drive  
MURWILLUMBAH NSW 2484

T (02) 6671 5500  
F (02) 6684 3959  
T (02) 6671 5500  
F (02) 6672 7882

[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)





**Savage, Deanna**

---

**From:** Beckman <beckmanspad@gmail.com>  
**Sent:** Wednesday, 20 April 2016 1:56 PM  
**Subject:** Proposed Durrumbul rd closure

Good afternoon

I am wishing to express my horror at the thought of this idea , it will split our little community on that side of the river apart .

Emergency services will be unable to access the properties beyond the gate . It is access for stock trucks and feed trucks also .

I also fear that if council allows this then what's next ? Closure of the whole road leaving maintenance up to the residents? This is a bad decision and closing the road at that section is fraught with many issues including safety. I have lived on that road for 22years and in main arm since I was born in 1971 . I feel this decision is wrong and completely unwarranted.

Regards

Marc Beckman Mills

96 Durrumbul road Durrumbul 2482

Po box 7 billinudgel Nsw 2483

From Beckmans iPhone

**Savage, Deanna**

---

**From:** john lindsay <durrumbul@hotmail.com>  
**Sent:** Friday, 3 June 2016 1:15 PM  
**Subject:** RE: An objection to the proposed northern Durrumbul Rd (Wagg property) exit closure.

RE: An objection to the proposed northern Durrumbul Rd (Wagg property ) exit closure.

Dear General Manager,

I own the property to the immediate east of the Wagg property, that is Lot 5 DP578269.

I would like to object to the BSC proposal, to close the access from the Durrumbul road onto the southern end of the Wagg property.

This access point would be invaluable, in the event of fire on this property in general, and in particular to fire in the vegetation on the range at the back of both, of our properties.

Thank you for your consideration.

John Lindsay.

John Lindsay  
100 Durrumbul Rd.  
Main Arm. 2482.

PO Box 544,  
Mullumbimby.  
NSW 2482

**Savage, Deanna**

---

**From:** Stewart Dodd <stewspad@gmail.com>  
**Sent:** Wednesday, 27 April 2016 10:43 AM  
**Subject:** Closure of road reserve adjoining lot A dp 389649 at the end of Durrumbul road.

Attn: Phillip Holloway

As a resident of Durrumbul road I strongly object to the proposal of the closure of the end of our road , for the following reasons 1/ it divides our community by eliminating safe access for all neighbours 2/ it adds extra pressure on the main arm road by inhibiting the movement of, not only parents and their children to Durrumbul school and to the designated bus stop. But also inhibits the movement of stock from the stock/dip yards and the feed lots with the adgistment property at the end of Durrumbul road. Forcing more cattle movements onto the very dangerous main arm road and dead mans corner @ Durrumbul hall.

3/ it is wise to keep alternative accesses to the properties along the Brunswick river in case of fire and or flood and access of equipment to the ridge line for said fires as well as alternative access for ambulances 4/ the person with the written council approval to maintain Durrumbul road for all the above reasons and uses, is on the other side of the proposed closure . I do not believe that he will continue to keep our road drivable and with the sides slashed as to make it even safer to walk and ride along the road without the fear of snakes. This making it more expensive for council to maintain this road.

5/. The small community along Durrumbul road are mainly older people where we all talk share rides and help one another out during times of need. This is rare to find these days, I don't feel the closure of the road is going to help this community maintain this coherence, if a river has cut us off . Over the years of my residency I see the main arm road getting busier with traffic and Durrumbul road allows not only stock movement but is also a horse trail with agistments on the furthest property to the Durrumbul hall . This is a safe trail and would be of tremendous loss to our little community.

Stewart Dodd  
96 Durrumbul road  
0266845167

Sent from my iPhone



Byron Shire Council  
Po Box 219 Mullumbimby. 2482.

27 June 2016

Attention Deanna Savage.

**Re: Lot A DP389649 Durrumbul Rd, 722 Main Arm Road Mullumbimby.**

Dear Deanna,

The management of the Rural Fire Service has no objection to the proposal as long as suitable access can be maintained from Main Arm Road. The area is to be used as a safe refuge area in the event of a significant bushfire originating to the west and travelling along the ridge towards Mullumbimby. As long as entry can be gained via Main Arm Road we have no objections.

Regards

  
Superintendent David Cook.

Team Manager,  
Far North Coast.

**Postal address**

NSW Rural Fire Service  
PO Box 219  
MULLUMBIMBY NSW 2482

Or

PO Box 816  
MURWILLUMBAH NSW 2484

**Street address**

NSW Rural Fire Service  
70-90 Station Street  
MULLUMBIMBY NSW 2482

Or

92 Lundberg Drive  
MURWILLUMBAH NSW 2484

**T** (02) 6684 3662

**F** (02) 6684 3959

**E** [fnorthcoast.zone@rfs.nsw.gov.au](mailto:fnorthcoast.zone@rfs.nsw.gov.au)

Or

**T** (02) 6672 7888

**F** (02) 6672 7882

**Savage, Deanna**

---

**From:** john lindsay <durrumbul@hotmail.com>  
**Sent:** Tuesday, 2 August 2016 1:03 PM  
**Subject:** RE: Withdrawing a submission RE: 802 Main Arm Rd of the 3/06/2016

RE: Withdrawal of a submission that supported the access of 802 Main Arm Rd (the S.Wagg property) to the Durrumbul Rd.

Byron Shire Council  
The General Manager,  
Dear Sir,

I wish to withdraw my submission mentioned above of the 3/06/2016.

I would like to alter my submission to, "As a result of recent community consultation we have concluded that in the event of fire, the RFS would have better access to this property from the western, Main Arm access ONLY. The southern access is not necessary.

John Lindsay  
100 Durrumbul Rd.  
Main Arm. 2482.

PO Box 544,  
Mullumbimby.  
NSW 2482

**Savage, Deanna**

---

**From:** sferguson@rpalaw.com.au  
**Sent:** Thursday, 2 June 2016 12:26 PM  
**Subject:** Negotiations and Submissions Re: Road Closure 20160113  
**Attachments:** Letter to Byron Shire Council.pdf

Please find attached.

*Neil Hendriks*

LAW CLERK

*Email:*



**ROBERT PARREY & ASSOCIATES PTY LTD T/AS  
HUNGERFORD LEHMANN SOLICITORS**  
64 McGoughans Lane (PO Box 20)  
MULLUMBIMBY 2482  
Ph: 02 6684 2477 Fax: 02 6684 2702

**ROBERT PARREY & ASSOCIATES PTY LTD T/AS  
McINTOSH BARR & GORDON SOLICITORS**  
11-13 Molesworth Street (PO Box 132)  
LISMORE 2480  
Ph: 02 6621 8433 Fax: 02 6621 3703

Liability limited by a scheme approved under professional Standards Legislation

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# HUNGERFORD LEHMANN

Our Ref: DG:20160113  
Your Ref: #2016/17157

2 June 2016

General Manager  
Byron Shire Council  
DX 20007  
MULLUMBIMBY

**By Email Only: [Deanna.Savage@byron.nsw.gov.au](mailto:Deanna.Savage@byron.nsw.gov.au)**

Dear Sir/Madam

**RE: ROAD CLOSURE – Land adjoining 722 Main Arm Road, Main Arm**

As you are aware, we act for Sally Ann Wagg the owner of Lot 6 in DP775447 previously known as 130 Durrumbal Road, Main Arm, now known as 802 Main Arm Road, Main Arm.

Council is proposing to close this road, and you have already received a submission by my client and from other parties objecting to the closure, on the basis that the road is used by my client and others.

As already submitted by my client and my previous correspondence, other than the effects of cutting off the main access to my client's property (the other access only being usable with a four wheel drive motor vehicle), my client has in the past attending to basic repairs of the road, and was intending to do a major upgrade of the road, to improve its condition at her expense, with Council approval, as it was her intention to lodge a development application for further development on her property.

We also note that from the writer's discussions with Deanna Savage of your office, that if Council approves the closure it will be selling this land to the adjoining owner being the owner of that land at Lot A in DP 389649. She advised that she believed that Council does not consider my client to be an adjoining owner. Given the relationship between my client and the adjoining owner, and the allegations that the adjoining owner has made to Council, it could be interpreted that Council may be preferring the position of that owner and disregarding my client and her rights.

Hungerford Lehmann  
☎ 02 6684 2477  
☎ 02 6684 2702  
✉ [admin@rpalaw.com.au](mailto:admin@rpalaw.com.au)  
64 McGoughans Lane,  
(PO Box 20),  
Mullumbimby, NSW, 2482

PRINCIPAL  
ROBERT PARREY  
ASSOCIATE  
KIRSTY MCKINLEY  
SOLICITORS  
DAVID WEBBER JOHN NORTON  
DEBRA GRUSZKA PETER PHILLIPS

McIntosh Barr & Gordon  
☎ 02 6621 8433  
☎ 02 6621 3703  
✉ [admin@mbglaw.com.au](mailto:admin@mbglaw.com.au)  
11-13 Molesworth Street,  
(PO Box 132),  
Lismore, NSW, 2480

*Liability limited by a scheme approved under Professional Standards Legislation.*

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.11 - ATTACHMENT 14

2

We do not agree with the viewpoint of Ms Savage, and submit that our client is an adjoining owner, under the doctrine of *ad medium filum aquae*, in that our client is entitled to half of the land from their lot to the road. This gives my client a presumptive title to the road. That issue was acknowledged by the Department of Lands in their letter to Council dated 20 April 2016.

My client's position is that she asks that Council not approve the closure of the road based on the various submissions made to Council by her and others.

If Council resolves to close the road and sell the property, then my client as an adjoining owner wishes to purchase the land to our client at the market value, and in such event, our client will pay all normal costs associated with such a sale.

If Council resolves to close the road and sell the property to the owner of Lot A in DP 389649, then such sale should be subject to the land being burdened by a right of carriageway in favour of my client's land.

We await the decision of Council in respect of this matter and ask that you advise us when it is due to get before Council for approval so that our client may attend the meeting.

Yours faithfully  
HUNGERFORD LEHMANN SOLICITORS

  
DEBRA GRUSZKA

54750



**Waldron, Helen**

---

**From:** Alderson Associates <[office@aldersonassociates.com.au](mailto:office@aldersonassociates.com.au)>  
**Sent:** Wednesday, 26 August 2015 2:02 PM  
**To:** Savage, Deanna  
**Subject:** 365 Booyong Road  
**Attachments:** 1091Short Survey.pdf

Hi Deanna,

Thanks for your time on the phone earlier this morning. As discussed our client Greg Short is looking at the possibility of purchasing a part of the road reserve that adjoins his property at 365 Booyong Road, Nashua (Lot 21 DP 596124). The part of the road reserve he is interested in is the triangular shaped area to the east of the property boundary - a survey of this is attached below.

We would appreciate any information you can provide as our client is keen to get the process started and we understand it could be take some time.

If you require any further information please let me know.

Many Thanks  
Jasmin

**Greg Alderson and Associates**

*Chartered Professional Engineers and Scientists*

133 Scarrabelottis Road, Nashua NSW 2479

T: 02 6629 1552 F: 02 6629 1566

E: [office@aldersonassociates.com.au](mailto:office@aldersonassociates.com.au)

W: [www.aldersonassociates.com.au](http://www.aldersonassociates.com.au)

**Civil Engineering**

Roads, Driveways, Stormwater, Flooding, Traffic, Earthworks

**Structural Engineering**

New Structures, Additions and Alterations including;

Foundations, Wind Bracing & Tie Down, Framing, Retaining Walls

**Environmental Assessments**

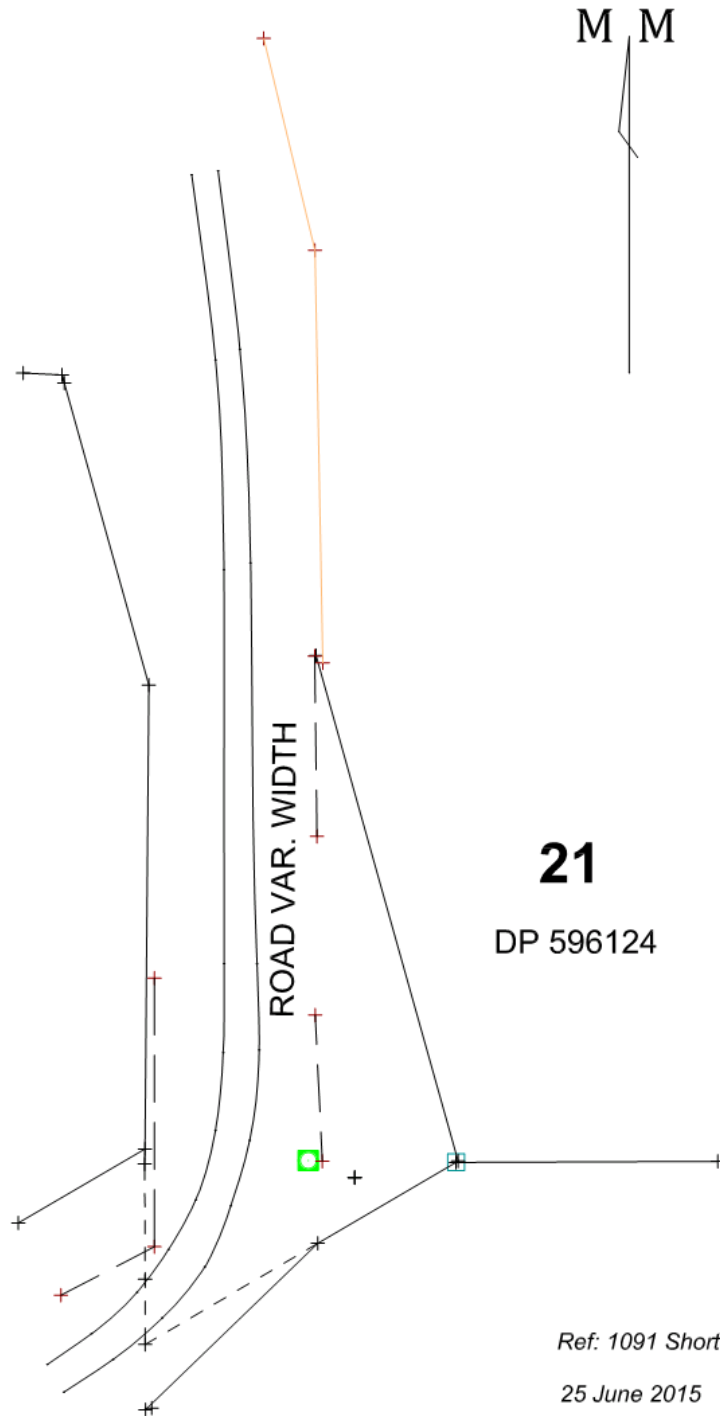
Contaminated Land Assessments (SEPP 55), Acoustics & Noise Assessments

Wastewater Management, Acid Sulfate Soil Assessments, Water Quality Assessment.

**House Plan Drafting and BASIX Certificates**

KEN CHELSWORTH B.Surv., M.I.S.  
Registered Land & Engineering Surveyor

1357 Terania Creek Road  
The Channon  
NSW 2480  
Tel/Fax (02) 66886120  
Email: ken@teraniacreek.com.au



Ref: 1091 Short  
25 June 2015

PLAN OF PART OF LOT 21 DP 596124

GREG ALDERSON & ASSOCIATES.

A.B.N. 58 594 160 789

CHARTERED PROFESSIONAL ENGINEERS & SCIENTISTS

Our Ref: 12135

Your Ref:

16 September, 2015

General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

**Purchase of Road Reserve at Lot 21 DP 596124, 365 Booyong Road, Nashua**

Dear Sir/ Madam,

We are writing on behalf of our client Greg Short who is requesting to purchase a portion of the road reserve located in front of his property at Lot 21 DP596124, 365 Booyong Road Nashua.


A survey of the property completed by Ken Chelsworth on the 25<sup>th</sup> of June 2015 is attached below and shows the area requested for purchase (shaded in yellow). The area is a triangular shaped portion that adjoins Booyong Road and the client's property.

Please accept this letter as a formal request for purchase and for further clarification please contact the writer.

Yours Faithfully  
Greg Alderson



Greg Alderson  
Chartered Professional Engineer  
Attachment: Ken Chelsworth Survey

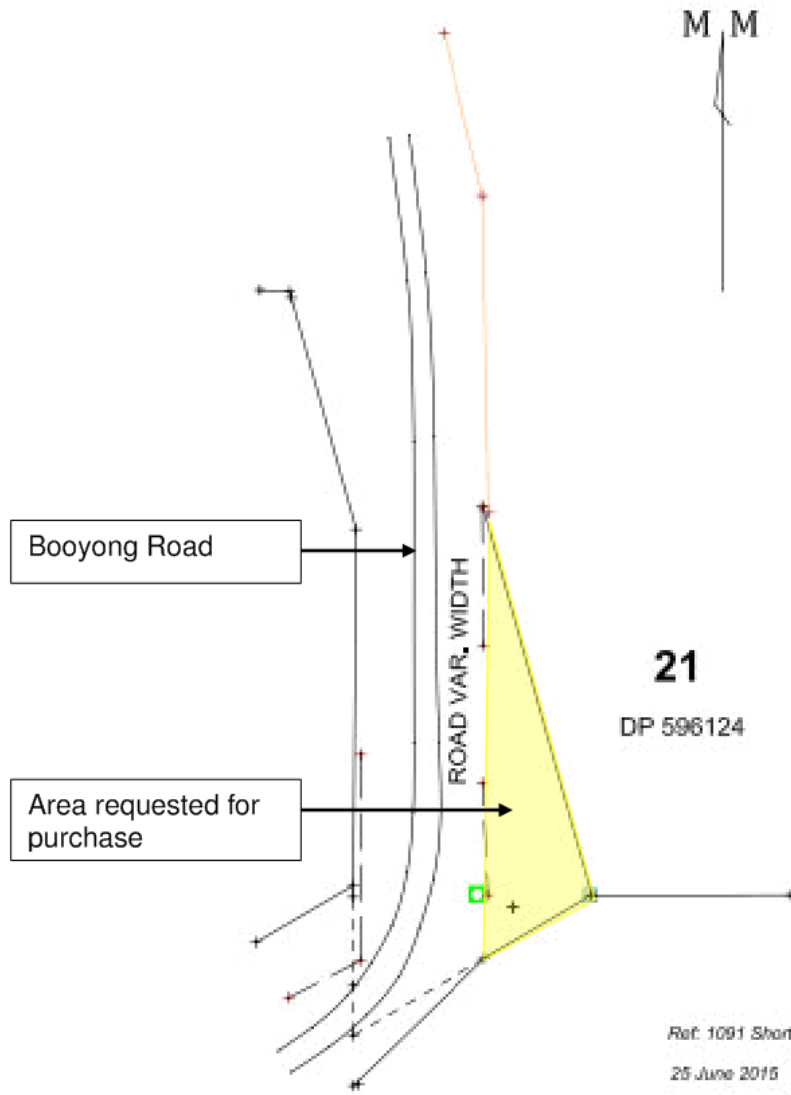
 Greg Short

133 Scarrabelottis Road NASHUA NSW 2479

Telephone. (02) 6629 1552 & Facsimile. (02) 6629 1566, E-Mail: office@aldersonassociates.com.au  
MEMBER OF THE CIVIL COLLEGE, NATIONAL REGISTERED CIVIL ENGINEER, RPEQ 4907

**KEN CHELSWORTH B.Surv., M.L.S.**  
Registered Land & Engineering Surveyor

1357 Terania Creek Road  
The Channon  
NSW 2460  
Tel/Fax (02) 66886120  
Email: ken@teraniacreek.com.au



PLAN OF PART OF LOT 21 DP 596124

BSC File No: #E2016/72159  
Contact: Deanna Savage  
Email: Deanna.Savage@byron.nsw.gov.au

2 August 2016

Mr K Emery  
369 Booyong Road  
NASHUA NSW 2479

Dear Mr Emery

**Potential Part Road Reserve Closure and Purchase adjoining your property Lot 4 DP 777750**

I acknowledge your phone correspondence on 1 August 2016 with Deanna Savage regarding concerns about the road reserve and closure adjoining your property Lot 4 DP 777750.

I have enclosed the diagram that was sent to you in our earlier correspondence and I understand that you are not interested in purchasing the section of road reserve indicated in red and would not like this section incorporated into the existing road reserve closure, indicated in blue on the diagram.

If you have any further questions, please do not hesitate to contact Deanna Savage on 02 6626 7304.




Yours sincerely

Phillip Holloway  
Director Infrastructure Services

**Proposed Closure of Public Road**

LGA: Byron  
Locality: Nashua  
Parish: Teven

Legend

-  Proposed Road under Application
-  Additional Road Reserves
-  Proposed Road being offered to Mr K Emery



**Report No. 13.9**      **Council Road Reserve Closure and potential sale adjoining PN94840 Lot 21 DP 596124, 365 Booyong Road Nashua**  
**Directorate:**      Infrastructure Services  
**Report Author:**      Deanna Savage, Administration Officer Infrastructure Services  
**File No:**      I2016/404  
**Theme:**      Community Infrastructure  
                    Asset Management

**Summary:**

A formal request was made on 16 September 2015 to close and purchase a portion of road reserve adjoining PN 94840 Lot 21 DP 596124, 365 Booyong Road, Nashua. The following report provides details as to why it is recommended the application be given Council support.

---

**RECOMMENDATION:**

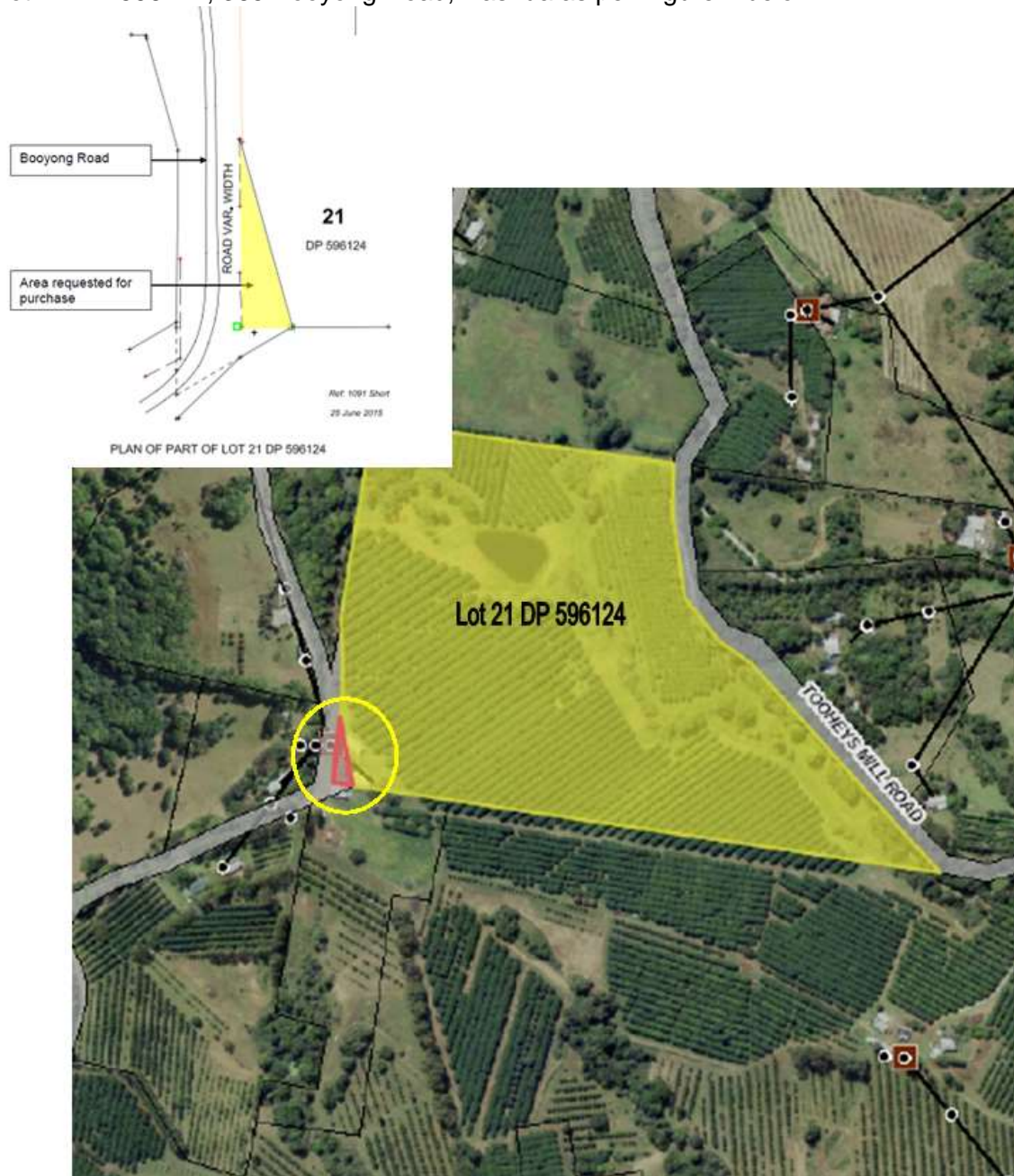
1. That Council endorse the closure of road reserve adjoining PN 94840 Lot 21 DP 596124, 365 Booyong Road Nashua, as per figure 1 of this report, and move forward by submitting the application with Crown.
2. That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed part of the road with the owner of adjoining Lot 21 DP 596124 for a value no less than the highest value placed on the part closed road by the independent Valuer.
3. Without limiting the delegation to the General Manager to negotiate a contract suitable to the Council, terms and conditions of the contract will include requirements for:
  - i. the applicant to pay all costs associated with the part road closure, including but not limited to:
    - a) Council application fees
    - b) Council's surveyor's fees and survey, valuation and legal costs
    - c) All registration fees
    - d) Legal costs
  - ii The allotment created by the part road closure to be consolidated into the existing Parcel No 94840 Lot 21 DP 596124
4. That Council authorise the affixing of the Council seal to and the signing of all documents necessary to affect the sale and transfer of the part closed road.

**Attachments:**

- 1 Initial email from Alderson re Short and request to purchase part road reserve 365 Booyong Road Nashua, E2016/29262
- 2 Letter from Alderson re Short and request to purchase part road reserve 365 Booyong Road Nashua, E2016/29261

**Report**

A request was made by Greg Alderson Chartered Professional Engineers & Scientists on behalf of his client Greg Short, as per Attachment 1, to acquire a section of road reserve adjoining PN 94840, Lot 21 DP 596124, 365 Booyong Road, Nashua as per Figure 1 below.



**Figure 1**

An inspection on the property was carried out and was determined that Road Reserve Closure was in the best interest of Council and once closed could be sold to the adjoining land holder. The Closure was advertised on 17 March 2016 calling for any submissions from adjoining land owners and from any Authorities with Assets in the area. No submissions were received;

If Council approves the closure in accordance with the recommendations of this report, no further action would be required – unless something arises that has not already been given consideration. The final step before the application can be lodged with Crown is for a Council resolution in favour of the closure and subsequent sale. An updated plan of survey needs to be completed to accompany the application to Crown. Once the application has been lodged with Crown there



should be a 90 day turn around (if all the paperwork is correct) to finalise the closure. A valuation is to be completed as per recommendation then contracts can then be drawn up for subsequent sale.

**Financial Implications**

The Applicant is liable for all of Council's costs arising from the road closure and if successful, subsequent sale of land.

Adopted fees and charges for 2015/16 for the sale of land are set out below:

Sale Value = \$Market Valuation or Tender

**Costs:**

Survey	\$Costs + 15%
Subdivision	\$Costs + 15%
Valuation	\$Costs + 15%
Legal/Transfer	\$Costs + 15%

It is difficult to estimate the costs associated with the actions required to sell the land until quotations are received for the services, however, our best estimates are between \$10,000 to \$15,000, plus the market valuation for the sale price. The applicant will also need to pre-pay all costs on request.

**Statutory and Policy Compliance Implications****Relevant sections of the Roads Act are:****ROADS ACT 1993 - SECT 34****Applications for closing of public road****34 Applications for closing of public road**

- (1) An application for the closing of a public road (other than a freeway) may be made:
- (a) in the case of a Crown road, by any person, and
  - (b) in the case of any other public road, by the roads authority for the road or by any other public authority.

**ROADS ACT 1993 - SECT 35****Publication of proposal to close public road****35 Publication of proposal to close public road**

- (1) The Minister (or, in the case of the proposed closing of a freeway, RMS) must cause notice of the proposed closing of a public road to be published in a local newspaper.
- (2) The notice:
- (a) must identify the road that is proposed to be closed, and
  - (b) must state that any person is entitled to make submissions to the Minister (or, in the case of the proposed closing of a freeway, to RMS) with respect to the closing of the road, and
  - (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

**ROADS ACT 1993 - SECT 36****Public submissions****36 Public submissions**

Any person may make submissions to the Minister (or, in the case of the proposed closing of a freeway, to RMS) with respect to the closing of the road.

**ROADS ACT 1993 - SECT 37**

**Decision on proposal**

**37 Decision on proposal**

(1) After considering any submissions that have been duly made with respect to the proposal, the Minister (or, in the case of the proposed closing of a freeway, RMS) may, by notice published in the Gazette, close the public road concerned.

(2) However, a public road may not be closed:

- (a) in the case of a classified road-unless RMS consents to the closure of the road, or
- (b) in the case of a road owned by a council-unless the council consents to the closure of the road, or
- (c) in the case of a classified road that is owned by a council-unless both RMS and the council consent to the closure.

**ROADS ACT 1993 - SECT 43**

**Disposal of land comprising former public road owned by council**

**43 Disposal of land comprising former public road owned by council**

(1) This section applies to land vested in a council and forming part of a former public road.

(2) Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the council, the council resolves that it is to be community land, in which case the land is community land.

(3) If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.

(4) Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.13 - ATTACHMENT 1

10 December 2015  
Ref No: 2442-1099

The General Manager  
Byron Shire Council,  
OP Box 219,  
MULLUMBINBY NSW 2482

**Attention: Mt Tony Nash**

Dear Tony

### **Possible purchase of Road Reserve at Bangalow**

I refer to our recent telephone discussion with respect to the possible purchase part of an existing road reserve in Bangalow's Clover Hill residential estate. I am making this inquiry on behalf of the owner of the adjacent subdivision.

The area in question is the existing cul-de-sac at the end of Blackwood Crescent. When the Clover Hill subdivision was designed and constructed it was always the intention that Blackwood Crescent would be extended to provide access to part of the adjacent future subdivision, however as the future subdivision was not proposed to be constructed for some time, Blackwood Crescent was terminated with a cul-de-sac contained within a very large road reserve.

With the design of the adjacent subdivision now being finalised and shortly to be submitted to Council for a Construction Certificate, attention has been drawn to the large area of land at the current cul-de-sac area, part of which may be able to be utilised for subdivision rather than leaving a large tract of land which is currently being used by neighbours as a temporary vehicle parking area.

In extending Blackwood Crescent into the new subdivision it is proposed to remove the existing cul-de-sac head as a new cul-de-sac is to be constructed at the end of the Blackwood Crescent extension. Please refer to the attached drawing showing the existing configuration, the suggested road extension, the area of the road reserve that could be closed together with a piece of land from within the adjacent subdivision that could be amalgamated to form an area suitable for two housing lots each of approximately 800 m2.

Services including water supply, electricity and Telstra will be available from the extended services in Blackwood Crescent. Due to surface levels the sewer connection for these lots can only realistically be made by extending a connection from the adjacent proposed development.

It would be appreciated if you can undertake a review of the area indicated and advise if the proposal to acquire this land is acceptable to Council and at what indicative price. As construction works are expected to commence not later than April 2016, and with the only viable sewer connection to the proposed lots being through the proposed new subdivision, it would be appreciated if you could provide us initial feedback as soon as possible so that the required sewer connection can, if required, be incorporated as part of the new adjacent development.

The area of the proposed cul-de-sac is currently zone R2. It is our understanding that as the proposed land to be acquired is not a crown road and proceeds from the purchase could be credited to Council.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - INFRASTRUCTURE SERVICES

### 13.13 - ATTACHMENT 1

We are aware that should an agreement be reached to acquire the said land that the land transfer would not be undertaken until the new subdivision is constructed and the existing cul-de-sac removed and replaced with a new cul-de-sac as part of the new development.

I look forward to receiving your reply on this matter.

Yours sincerely

**GeoLINK**

A handwritten signature in black ink, appearing to read 'T. Emery', with a large, stylized flourish at the end.

**Trevor R Emery**  
Director / Civil Designer

Attach:                      Drawing No 2442/SK1



© GeoLINK 2015

This drawing must not be relied upon for any purpose other than that for which it was prepared or for any purpose or incorporation other than the intended design.

new geolink.net.au

Rev	Description	Date	Rev	Date	Rev	Date		
1	Issue for Design	10/10/15	2	Issue for Design	10/10/15	3	Issue for Design	10/10/15

Level 1, 64 Bailina Street  
PO Box 119  
LIMESIDE NSW 2475  
T 02 6887 7752  
F 02 6887 7752  
info@geolink.net.au

23 Ocean Street  
PO Box 1444  
COWES LIAISON NSW 2428  
T 02 6887 7752  
F 02 6887 7752  
new.geolink.net.au

**GeoLINK**  
environmental management and design

quality solutions sustainable future

Project Title  
**Bailina Road Subdivision**

Client  
**Banglow Property Investments Pty Ltd**

Design	Design	Design	Design
Approved	Design	Design	Design

2442-SK1

Scale  
0 5 10 15 20 2

Drawing Title  
**Layout Plan showing Proposed Land Acquisition**

2442-SK1



BSC File No: #E2016/26916  
Your ref: 2442-1099  
Contact: Deanna Savage

2 May 2016

Trevor Emery  
Principal/Civil Designer Geo Link  
PO Box 119  
LENNOX HEAD NSW 2478

Dear Mr Emery,

**Possible purchase of Road Reserve at Bangalow - end of Blackwood Crescent**

In response to your letter dated 10 December 2015 Council would like to give In-Principle support to your proposal on behalf of your client Bangalow Property Investments Pty Ltd, providing the following is adhered to:

- Council to retain the services of a suitably qualified Valuer to ascertain market value and best option available to Council for use of land once closed.
- The sale of land to go ahead once the road has been closed, and after the formation of the proposed new cul-de-sac and adjoining road.
- That the water main would either have to be relocated, or an easement taken out, in which case Council's 'Building Over Pipelines and Other Underground Structures' policy would apply.
- Essential Energy street lighting would need to be relocated and resolved with the developer.
- The stormwater gully pit in the cul-de-sac, water main (as per comment above), and a section of kerb and channel would all have to be relocated if Blackwater Crescent is extended at the developer's expense.
- The private concrete driveway leading onto lot 22 DP 1070522 (indicated by the arrow on image) would have to be relocated at the developers cost.



Council would like to bring to your attention the costs arising from the road closure and subsequent sale of land.

A fee of \$450 is required for preliminary investigation payable on receipt of this letter and enclosed invoice. Once received Council can begin the road closure process.

Crown has recently changed its processes and there are pre-lodgement actions which need to be taken before Council may lodge a formal road closure application with NSW Trade and Investment (Crown Lands). The current fee for this application is \$476.90 and the actions include:

- full road status check
- advertise intention to close public road
- send notification of proposal to all affected parties and authorities – noting a 28 day submission period
- Council to consider all submissions received and take action to resolve any objections
- Council to prepare report with a summary and assessment of submissions/objections to present to Council meeting

Note that as the applicant you would be liable for any of Council's costs arising from the road closure and if successful, subsequent sale of land.

Adopted fees and charges for 2015/16 for the sale of land are set out below:

Sale Value = \$Market Valuation or Tender

Costs:

Survey	\$Costs + 15%
Subdivision	\$Costs + 15%
Valuation	\$Costs + 15%
Legal/Transfer	\$Costs + 15%

It is difficult to estimate the costs associated with the actions required to sell the land until quotations are received for the services, however, our best estimates are between \$10,000 to \$15,000, plus the market valuation for the sale price. The applicant will also need to pre-pay all costs on request.

Any enquiries in relation to this matter can be directed to Deanna Savage, who can be contacted on 02 6626 7304 or via email at [Deanna.Savage@byron.nsw.gov.au](mailto:Deanna.Savage@byron.nsw.gov.au).

Yours sincerely

Phillip Holloway  
Director Infrastructure Services



## **BYRON SHIRE COUNCIL**

### **POLICY NO 4.20**

#### **BUILDING OVER PIPELINES AND OTHER UNDERGROUND STRUCTURES**

# BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

13.13 - ATTACHMENT 4

## INFORMATION ABOUT THIS DOCUMENT (INTERNAL USE ONLY)

<b>Date Adopted by Council</b>	29/3/97	<b>Resolution No.</b>	
<b>Policy Responsibility</b>	Water and Recycling Management Services		
<b>Review Timeframe</b>	As required		
<b>Last Review Date:</b>	July 2009	<b>Next Scheduled Review Date</b>	

### *Document History*

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details Comments eg Resolution No.</b>
#633505	23/3/99	
#824509	2/7/09	Amended draft reported to Council Res 09-537
#906135	8/10/09	Adopted Res No. 09-798

### *Further Document Information and Relationships*

<b>Related Legislation</b>	Protection of the Environment - Operations Act, Local Govt. Act, Public Health Act
<b>Related Policies</b>	Council's Policy No. 5.60 "Unauthorised Development and Activities"
<b>Related Procedures/ Protocols, Statements, documents</b>	

# BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

13.13 - ATTACHMENT 4

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***Policy 4.20***

<b>POLICY TITLE</b>	<b>BUILDING OVER PIPELINES AND OTHER UNDERGROUND STRUCTURES</b>
---------------------	-----------------------------------------------------------------

**FILE REFERENCE**      COR050505

**1. OBJECTIVES**

- 1.1. To set out the conditions under which easements are created for underground pipelines and structure including sewer lines.
- 1.2. To set out the conditions under which excavations, cutting or filling of land or the erection of any structure over or near easements, pipelines and other underground structures may be permitted (except drainage easements).
- 1.3. To protect buildings and the public.
- 1.4. To protect and facilitate maintenance of Council's assets.
- 1.5. To indemnify Council against damages caused by the failure of underground structures.

**2. POLICY STATEMENT**

This policy shall provide clear guidelines to developers, consultants and designers and the general public as to what is acceptable to Council with regards to building over or near to sewer mains, water mains, stormwater drainage lines, utilities and structures.

**3. POLICY DETAIL**

- 3.1. This policy applies to pipelines and other council owned underground structures.
- 3.2. This policy does not apply to drainage easements where encroachment of buildings and structure may affect overland stormwater flows.
- 3.3. Construction of buildings over or near to Council pipelines generally shall not be allowed.

This is to ensure that access is available to the pipeline and that no load is transferred, or damage caused to pipelines, fittings and structures.

- 3.4. In all new subdivisions and/or developments an easement shall be provided for all pipelines (including gravity sewer mains) as follows:

<b>Depth to pipe invert</b>	<b>Minimum width of easement</b>
Up to 1.5m	3m plus outside dimensions of pipe
1.5m – 2.5m	4m plus outside dimensions of pipe
Greater than 2.5m	To be determined by Director.
Low Pressure Sewer Systems	1.0m Minimum or twice the depth to invert
Director	which ever is the greater/or determined by

A Section 88B Instrument shall be prepared for each block with an easement and a specimen of this instrument is given in Appendix A.

- 3.5. In a case where the pipeline is in an easement, no building works can be carried out in that easement. Building adjacent to an easement may be subject to conditions such as depth of foundations, footings, etc. Refer to (3.7) and Figure 2 – Appendix B.

**Encroachments**

- 3.6. Where Council determines that a building's proposed location, relative to Council pipeline, is within the limits detailed in Figure 1 – Appendix B, the applicant shall furnish a survey accurate plan of the proposal showing the relative location of the building and the pipeline. It is the responsibility of the owner to determine the exact location of the pipeline which is or may be affected by the proposed building.

There are three options available for the applicant:

a) Relocate Building/Development

The preferred option, is that the building be relocated a minimum of 1.5m clear of any part of a Council pipeline after taking into account the design considerations as detailed in (3.7) below and Figure 1 in Appendix B.

b) Relocate Services

The second option is that the pipelines be relocated a minimum of 1.5m clear of the proposed building, at the owner's expense and under Council supervision. Plans and specifications for the work are to be first submitted for approval of the Director, Water and Recycling Management Services. Design considerations, as detailed in (3.7) below and Figure 1 in Appendix B are applicable.

c) Protection of Services

The least preferred option, is that the applicant is permitted to build near or over the pipeline. This option can be adopted only in particular circumstances, is not generally available for sewer deeper than 2.5m or trunk sewer mains greater than 150mm in diameter and approval by the Director Water and Recycling Management Services, must be obtained prior to Construction approval being issued. The restrictions specified in Appendix C shall in general apply if this option is pursued and also Appendix E (Concrete Encasement) in the WSAA Code.

- 3.7. In determining any application, submitted under (3.5) and (3.6) above, the Director, Water and Recycling Management Services shall take into account condition of the pipeline, soil characteristics, influence of loads, proximity of existing buildings to the pipeline, access requirements for maintenance and replacement of the pipeline etc.
- 3.8. In options in (3.6b) and (3.6c) above, gravity pipelines shall be inspection using CCTV cameras or other suitable method as determined by the Director, Water and Recycling Management Services before and after the construction work is carried out. Close liaison must be maintained with Council during this period of inspection process to allow witness by a Council inspector.

Council staff require 24 hours notice to arrange an on-site inspection. All costs associated with these inspections, including the cost of Council's inspector, shall be

borne by the owner.

3.9. Any damage caused to pipelines as a result of the construction work must be repaired at the owner's expense, and under Council supervision. (Note: if the pipe is found to be defective before construction work commences Council shall make every effort to repair the line before issuing the construction approval).

3.10. Plans and specifications for any construction work proposed on, above or near the pipeline and plans of the proposed building are to be submitted to the Director, Water and Recycling Management Services for approval and endorsement of any additional conditions. These additional conditions must also be adhered to during construction.

A bond, the value of which will be determined by the director, Water and Recycling Management Services, may need to be furnished by the applicant. It shall be retained by Council until all works are completed and conditions complied with to the satisfaction of the Director Water and Recycling Management Services.

3.11. All works covered by (3.10) above must be inspected by Council prior to the pouring of any concrete and / or backfilling. Council staff require 24 hours notice to arrange an on-site inspection. All costs associated with inspection by Council staff shall be borne by the owner.

3.12. The Director, Water and Recycling Management Services may delegate his responsibilities with respect to implementing this policy to other staff members.

#### 4. EXCEPTIONS

This policy does not apply to developments located on Crown Lands, National Parks, State Rail, State and Commonwealth Authorities.

#### 5. DISCIPLINARY ACTIONS

The provisions of Council's "Unauthorised Development and Activities" Policy No 5.60 can be utilised where a non-compliance is not resolved to Council's satisfaction. This may result, where justified in the issuing of a notice of intention to serve an order or notice under relevant legislation. The Notice of Order must provide the receiver of the notice with an option to comply with Council's requirements in order to avoid the actual issuing of an Order of Notice.

(See Council's Policy No 5.60 "Unauthorised Development and Activities").

#### 6. DEFINITIONS

**"Clay"** is a fine grained soil with elastic properties when wet. Includes gravely, sandy or silty clays.

**"Construction"** is the excavation, cutting or filling of land or the erection of any structures which includes concrete slabs or paving. A Rainwater Collection Tank is considered to be a construction with regard/respect to this policy.

**"Footing"** means construction that transfers the load from the building to the foundation.

**"Invert"** in this instance means the outside edge of the lowest part of the cross section of a pipe.

**"Sand"** is a granular soil that may contain a small proportion of fines including silt or clay. The amount of fines may be assessed as small by visual inspection or it the amount that passes at

## BYRON SHIRE COUNCIL

### STAFF REPORTS - INFRASTRUCTURE SERVICES

13.13 - ATTACHMENT 4

75 micron sieve is 15% or less, material with a higher proportion of finds shall be treated as silt or clay.

**“Silt”** is a fine grained soil that is non-cohesive and non-plastic when wet and can include some sand and clay.

**“Rock”** is a soft material including shaley material and strongly cemented sand or gravel that does not soften in water or collapse under a combination of loading and wetting. Material that cannot be readily excavated with a backhoe may be taken as rock.

**“Zone of influence”** a footing would be determined to be within a zone of influence where the invert of the sewer main or the edge of a drainage easement at the invert level of the pipe falls below a line drawn at 45 degrees in clay, or 30 degrees in and or silt, from the underside of the footing. (See diagram in Appendix B).

**“WSAA”** is the abbreviation of Water Services Association of Australia, Code of Practice, which covers both Water Supply and Sewerage.

## 7. AUSTRALIAN STANDARDS

The Australian Standards that may be relevant to this policy include the following:

- AS2159-1995 Piling Code
- AS2566-1982 Plastics Pipelaying Design
- AS2870-1995 Residential Slabs and Footings
- AS3600-1994 Concrete Structures Code
- AS3725-1989 Load on buried Concrete Pipes
- AS4058-1992 Precast Concrete Pipes
- AS4060-1992 Loads on Buried Vitrified Clay Pipes
- AS4139-1993 Fibre-reinforced Pipes and Fittings

**APPENDIX "A"**

**Specimen S88B instrument when creating an easement**

Instrument setting out the Terms of Easements and Restrictions on use intended to be Created Pursuant to Section 88B of the Conveyancing Act, 1919.

Part 2

Terms of easement for sewer gravity main \_\_\_\_\_ referred to in the abovementioned plan.

- a) Full and free right and liberty to the Council, its servants, agents or contractors together with implements and machinery to enter upon the land to lay, maintain, alter, enlarge or duplicate pipes, manholes, junctions and sidelines.
- b) The Council shall be responsible for the cost of any work in connection with the construction, maintenance, alteration, enlargement or duplication of any pipes manholes junctions or sidelines. Such responsibility shall not extend to any damage caused to the pipeline and / or structures as a direct consequence of the actions of the landowner or his/her agents. Such damages shall be repaired at the owner's expense.
- c) The registered proprietor of the land or his/her agent shall not plant any trees or shrubs within the area noted as an easement for sewer main.
- d) The registered proprietor shall not erect, construct or place upon the land burdened any building, outbuilding, garden shed or other structure whatsoever. The Director, Water and Recycling Management Services may approve construction of outbuildings of light construction erected on a removable concrete or clay paving slabs which could be removed for maintenance or replacement of the pipeline.
- e) Council will take all reasonable precautions to ensure as little disturbance as possible occur to the land burdened and will restore that surface as near as practicable to its original condition. This shall extend to any disturbance caused to land adjoining the easement.
- f) If a term or condition of this instrument is or becomes invalid or unenforceable, the remaining terms and conditions shall be valid to the fullest extent permitted by law.

Byron Shire Council is empowered to release, vary or modify the terms of the easements \_\_\_\_\_ referred to in the abovementioned plan.



Diagram of Typical Design Considerations

APPENDIX "B"

Diagram of Typical Design Considerations to be Taken into Account when Designing Foundations Near Pipelines

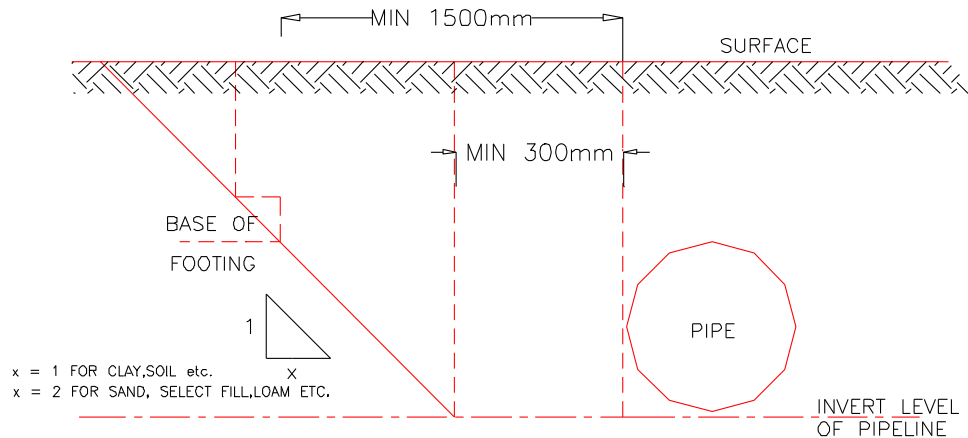


Figure 1: PIPELINE NOT IN EASEMENT

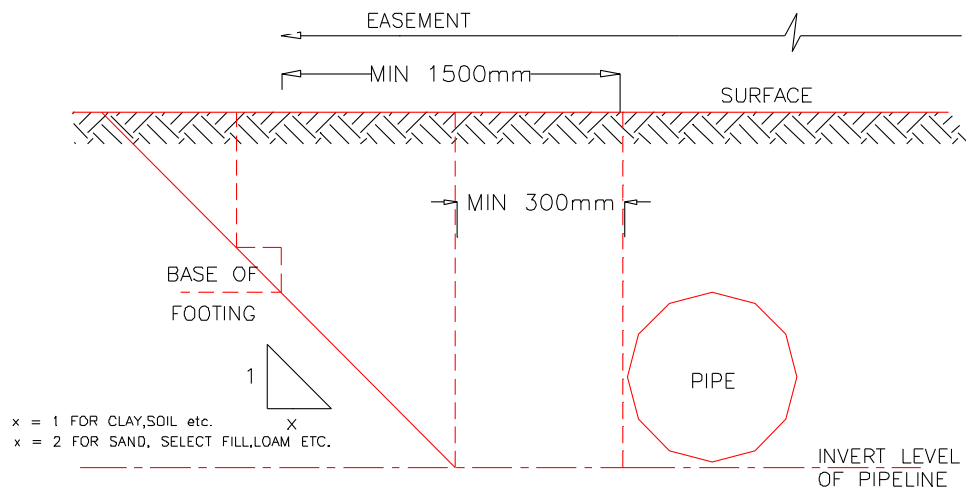


Figure 2: PIPELINE IN EASEMENT

NOTES:

1. ACTUAL ALIGNMENT OF PIPE TO BE DETERMINED ON SITE BY APPLICANT
2. APPLICANT TO CARRY OUT A TELEVISION CAMERA INSPECTION BEFORE AND AFTER ANY CONSTRUCTION WORK.
3. THE MINIMUM 1500mm CLEARANCE IS APPLICABLE FOR PIPES UP TO 1.5m DEPTH.
4. IN DETERMINING THE CLEARANCE DISTANCE FACTORS DETAILED IN THE POLICY SHALL BE TAKEN INTO ACCOUNT.

**APPENDIX "C"**

**Restrictions applicable when building over or near any Council pipeline**

The following restrictions shall apply generally when a structure is to be constructed over or near any Council sewers, drains and pipelines.

1. The foundations of any structure are to be constructed in such a manner that no loads due to the structure are transferred onto the pipeline or its foundations.
2. The building shall be constructed in such a manner that the floor and the structure can be removed in sections to provide access for repairs or replacement of the pipeline.
3. The owners of the land shall indemnify Council against damage caused to the pipeline by the application of dead loads, live loads and the effects of any settlement due to the construction of the building over the pipeline.
4. The owners of the land shall indemnify Council against damage to the building caused by the action of building over the pipeline.
5. The owners of the land shall indemnify Council against damage caused to others as a result of damages to the pipeline caused by the action of building over or near the pipeline.
6. All plans must be submitted for approval and indemnities signed **before** construction commences.

The above conditions will continue regardless of changes of ownership and provision must be made for this on the indemnity agreement, and suitable restriction shall be placed on the title of the land pursuant to Section 88 of the Conveyancing Act as detailed in Appendix D.

**APPENDIX "D"**

**Specimen of a S88B Instrument applicable for a property where a building is to be constructed over or near a pipeline**

For the purpose of this instrument:

**"cause"** shall include a partial cause or an indirect cause as if that were the sole and direct cause.

**"Council"** means the Byron Shire Council or its successor.

**"the property"** means the land burdened by this instrument.

**"the pipeline"** includes:

- I. drainage, water and sewerage pipelines or other structure; and
- II. any section of the same pipeline, whether on the property or on other property.

**"the owner"** means the Registered Proprietor of the property as may be the case from time to time.

- a) The owner acknowledges that buildings on the property have been permitted over or near a pipeline and that there is no easement for the pipeline.
- b) The owners covenants to maintain the floor, roof and other structures of the building in removable sections as required by the council from time to time so as to allow Council to undertake repair, maintenance, replacement or such other works on the pipeline as in the opinion of Council are reasonably necessary.
- c) The owner covenants to immediately repair or replace any damaged pipeline on the property as requested by the Council or shall indemnify the Council for the costs of such work. The Council shall at all times have power in its absolute discretion to elect between requesting the owner to perform the work or to perform the work itself and be indemnified by the owner.
- d) The owner covenants to indemnify the Council against any damage or loss to the pipeline caused by the building over or near the pipeline.
- e) The owner covenants to release the Council from any liability (whether in negligence or otherwise) for the damages or loss suffered by the owner caused by the building over or near the pipeline.
- f) The owner covenants to indemnify the Council against damage or loss suffered by owners and/or occupiers of land other than the property caused by the building over or near the pipeline.
- g) The owner covenants that, in the event the preceding covenant is or becomes invalid or unenforceable, whether wholly or partially, he will indemnify the Council against damage or loss suffered by owners and/or occupiers of land in the vicinity of the property caused by the building over the pipeline.
- h) A certificate by an officer of the Council as to the cause of damage or loss shall, in the absence of any manifest error, be conclusive evidence of the cause of the damage or loss.

## **BYRON SHIRE COUNCIL**

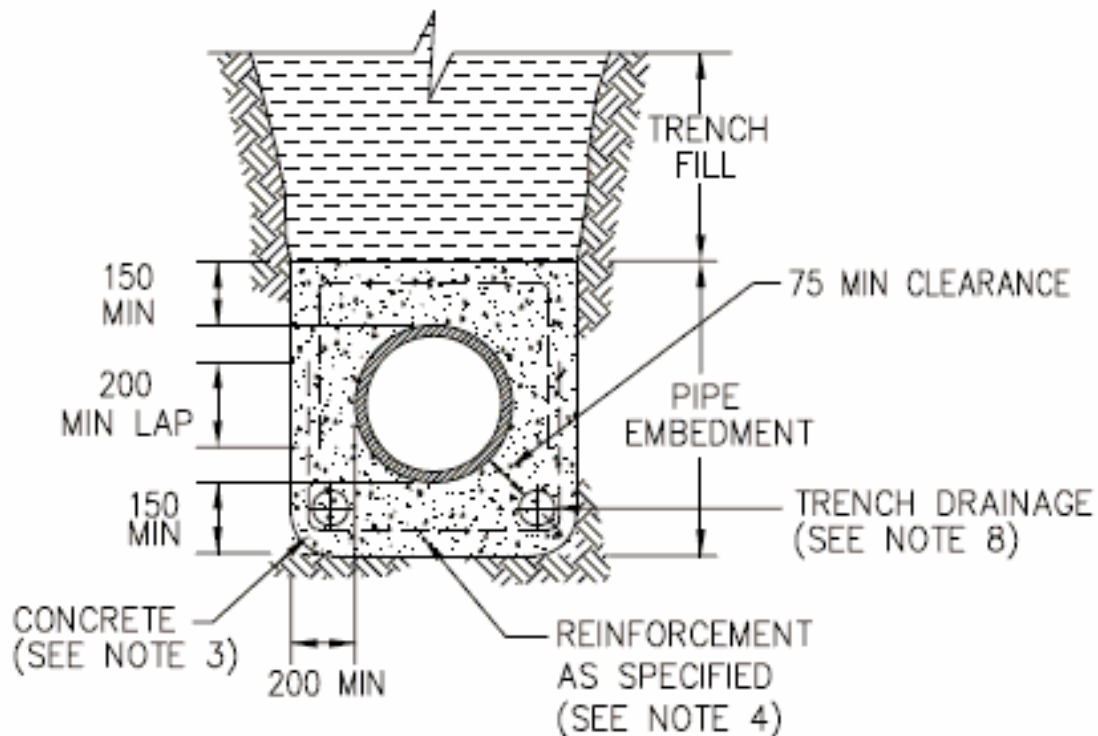
### STAFF REPORTS - INFRASTRUCTURE SERVICES

### 13.13 - ATTACHMENT 4

- i) If any covenant, term or condition of this instrument is or becomes invalid or unenforceable, the remaining terms and conditions shall be valid to the fullest extent permitted by law.
- j) Byron Shire Council is empowered to release, vary or modify the terms of the restrictions referred to in this instrument.
- k) If a term or condition of this instrument is or becomes invalid or unenforceable, the remaining terms and conditions shall be valid to the fullest extent permitted by law.

**APPENDIX "E"**

Concrete encasement of sewer mains shall be constructed as detailed in the WASAA Sewerage Code of Australia - see Plan SEW-1205 Type 12.



**TYPE 12 SUPPORT**  
**UTILISING CONCRETE EMBEDMENT**  
(RIGID & FLEXIBLE PIPES)



**Savage, Deanna**

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**From:** FORD Brett <Brett.FORD@rms.nsw.gov.au>  
**Sent:** Tuesday, 12 July 2016 11:13 AM  
**Subject:** Proposed part road closures within Byron Shire  
**Attachments:** Proposed part road closure\_Byron Shire\_Bangalow.pdf

Hi Deanna,

In response to your letter dated 29 June 2016 (see attached), Roads and Maritime Services has no objection to the proposed part closure of public road adjoining lot 22 in DP1070522 at Blackwood Crescent Bangalow. However it is noted that this land adjoins an existing Controlled Access Road. As a result no access will be permitted across the common boundary between the proposed road closure and the Old Pacific Highway for as long as the Old Pacific Highway remains to be a Controlled Access Road at this location.

Regards

Brett Ford  
Senior Property Officer - Enquiries  
Project Development | Infrastructure Development  
T 02 6640 1394 F 02 6604 9381  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
*Every journey matters*

**Roads and Maritime Services**  
Level 1, 21 Prince Street Grafton NSW 2460



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**Savage, Deanna**

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**From:** RoadClosures <[roadclosures@essentialenergy.com.au](mailto:roadclosures@essentialenergy.com.au)>  
**Sent:** Thursday, 21 July 2016 2:54 PM  
**Subject:** Proposed Road Closure - Blackwood Crescent, Bangalow  
**Attachments:** BYRON SHIRE COUNCIL - ROAD CLOSURE LOT 22 DP1070522 BLACKWOOD CRESCENT.pdf

Hi Deanna,

Further to your letter of 29/6/16, copy attached.

Essential Energy has no objections to the proposal.

If you have any questions, please do not hesitate to contact me.

Thanks.

Regards

Fiona Duncan  
Conveyancing Officer



T: 02 6589 8773 (Ext 88773) | [roadclosures@essentialenergy.com.au](mailto:roadclosures@essentialenergy.com.au)

PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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**Savage, Deanna**

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**From:** Skye Shanahan <Skye.Shanahan@transgrid.com.au>  
**Sent:** Tuesday, 12 July 2016 10:17 AM  
**Subject:** RE: Proposed Road Closure - BSC File No. #E2016/51737  
**Attachments:** TG Easement Guidelines for Third Party Development (V10).pdf; IGA\_12\_7\_2016\_9\_52\_16\_152.pdf; TransGrid TAMIS Plan\_Road Closure\_E2016\_51737.pdf

Hi Deanna,

**RE: Proposed Road Closure - BSC File No. #E2016/51737**

Thank you for referring the abovementioned proposed road closure.

We can advise as per *TransGrid's Asset Management System (TAMIS)*, this proposed road closure won't affect our infrastructure. Please refer to the attached TransGrid TAMIS plan above.

Please also find attached a copy of the *TransGrid Easement Guidelines for Third Party Development (V10) (Guidelines)*. Please note this is not an extensive list and should there be any uncertainty further consultation with TransGrid would be required.

Should you have any further questions please contact the undersigned.

Kind regards,  
Skye

**Skye Shanahan**  
Enquiries Services Coordinator | Field Services

---

**TransGrid** | 200 Old Wallgrove Road, Wallgrove, NSW, 2766  
**T:** (02) 9620 0104 **M:** 0427 094 860  
**E:** [Skye.Shanahan@transgrid.com.au](mailto:Skye.Shanahan@transgrid.com.au) **W:** [www.transgrid.com.au](http://www.transgrid.com.au)

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**Savage, Deanna**

---

**From:** David Cook <david.cook@rfs.nsw.gov.au>  
**Sent:** Friday, 1 July 2016 10:24 AM  
**Subject:** Proposed Road closures  
**Attachments:** 2878\_001.pdf

Good morning Deanna,

The Rural Fire Service has no concerns in the attached proposed road closures. We thank you for consideration of our input.

Regards  
David



**Superintendent David Cook** | Team Manager | Far North Coast Team  
**NSW RURAL FIRE SERVICE**

Tweed Fire Control Centre 92 Lundberg Drive Murwillumbah NSW 2484 | P.O Box 816 Murwillumbah NSW 2484

**P** 02 6671 5500 **F** 02 6672 7882 **M** 0418 660 463 **E** [david.cook@rfs.nsw.gov.au](mailto:david.cook@rfs.nsw.gov.au)  
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**Savage, Deanna**

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**From:** Trevor Emery <TEmer@geolink.net.au>  
**Sent:** Monday, 20 June 2016 1:27 PM  
**Subject:** Re Purchase of Road Reserve at end of Blackwood Crescent, Bangalow

Hi Deanna,

I refer to your letter (BSC File No E2016/26916) dated 2 May 2016 and can advise the following.

- Council approved a Section 96 (10.2011.474.3) on 20 May 2016 to allow for modification / configuration of allotments, create an additional residential lot and modify the stages of construction within the subdivision.
- GeoLINK submitted to Council on 9 June 2016 relevant design documentation associated with procuring a Construction Certificate for the development of 12 residential lots by extending Blackwood Crescent. The design documentation includes the provision of services to the proposed subdivision as well as providing future connections to the proposed land acquisition when the land becomes available.
- Subject to Council's Construction Certificate approval, construction of the subdivision is anticipated to commence in August 2016 and be completed by December 2016.
- The tax invoice for \$450.00 for the Investigation Fee has been paid to Council.

Our submitted engineering designs have addressed dot point no 3, 5 and 6 of your abovementioned correspondence, and we are in discussion with NJ Construction Pty Ltd (Electrical contractors) to address dot point 4.

As commencement of construction is imminent we are seeking an update on the progress associated with the purchase of the lands as discussed. We are aware that the lands transfer will not be able to take place until the subdivision works are complete, however to minimise future disruption we are hoping to construct the relevant service connections to the future lots during the works required for the removal of the existing cul-de-sac and the extension of Blackwood Crescent.

Your early reply on the above would be greatly appreciated.

Regards

**Trevor Emery**  
Principal / Civil Designer



**GeoLINK** P 02 6687 7666 M 0419 237 983 W [www.geolink.net.au](http://www.geolink.net.au)  
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# **M I N U T E S   O F   M E E T I N G**



## **F I N A N C E   A D V I S O R Y   C O M M I T T E E   M E E T I N G**

<b>Venue</b>	<b>Conference Room, Station Street, Mullumbimby</b>
<b>Date</b>	<b>Thursday, 18 August 2016</b>
<b>Time</b>	<b>2.00pm</b>





# BYRON SHIRE COUNCIL

## REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.1 - ATTACHMENT 1

### **Minutes of the Finance Advisory Committee Meeting held on Thursday, 18 August 2016** **File No: Error! Unknown document property name.**

**PRESENT:** Cr B Cameron, Cr D Dey, Cr A Hunter, and Cr D Woods

Staff: Ken Gainger (General Manager)  
Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
James Brickley (Manager Finance)  
Sarah Parkinson (Minute Taker)

*Cr Cameron (Chair) opened the meeting at 2.05pm and acknowledged that the meeting was being held on Bundjalung Country.*

#### **APOLOGIES:**

There were apologies received from Cr Cubis and Cr Ibrahim.

#### **DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

There were no declarations of interest.

#### **ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

#### **Committee Recommendation:**

That the minutes of the Finance Advisory Committee Meeting held on 12 May 2016 and the Extraordinary Finance Advisory Committee Meeting held on 21 June 2016 be confirmed.

(Hunter/Woods)

*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 - CORPORATE AND COMMUNITY SERVICES**

**Report No. 5.1            2015/16 Financial Sustainability Plan - Update on the Action  
Implementation Plan as at 30 June 2016**

**File No:** I2016/750

#### **Committee Recommendation:**

That the update report to 30 June 2016 on the 2015/2016 Financial Sustainability Project Plan Action Implementation Plan (#E2016/52089) be received and noted. (Woods/Dey)

*The recommendation was put to the vote and declared carried.*

**Report No. 5.2**                      **Carryovers for Inclusion in 2016/2017 Budget**  
**File No:**                              I2016/878

**Committee Recommendation:**

That the Finance Advisory Committee recommend to Council:

That the works and services, and the respective funding shown in Attachment 1 (#E2016/74385), Attachment 2 (#E2016/74388) and Attachment 3 (#E2016/74387) be carried over from the 2015/2016 financial year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2016/2017 Budget Estimates. (Hunter/Woods)

*The recommendation was put to the vote and declared carried.*

---

**Report No. 5.3**                      **Council Budget Review - 1 April 2016 to 30 June 2016**  
**File No:**                              I2016/886

**Committee Recommendation:**

That the Finance Advisory Committee recommend to Council:

1. That Council authorises the itemised budget variations as shown in Attachment 2 (#E2016/74510) which includes the following results in the 30 June 2016 Quarterly Review of the 2015/2016 Budget:
  - a) General Fund - \$0 increase in accumulated surplus/working funds
  - b) General Fund - \$9,096,400 increase in reserves
  - c) Water Fund - \$1,959,600 increase in reserves.
  - d) Sewerage Fund - \$643,300 increase in reserves
2. That Council adopt the revised estimated General Fund Accumulated Surplus/ (Working Funds) surplus of \$919,100 for the 2015/2016 financial year as at 30 June 2016.
3. That Council allocate \$2,163,000 to internal reserve funds as indicated in this report under the heading 'Specific Cash Position'.. (Woods/Dey)

*The recommendation was put to the vote and declared carried.*

---

**LATE REPORT**

**Report No. 6.1**                      **Draft 2016-2026 Long Term Financial Plan**  
**File No:**                              I2016/901

**Committee Recommendation:**

That the Finance Advisory Committee recommend to Council that the completion of 2016-2026 Long Term Financial Plan be based on the assumptions and scenarios outlined in this report. (Woods/Dey)

*The recommendation was put to the vote and declared carried.*

---

*There being no further business the meeting concluded at 3.18pm.*

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# **M I N U T E S   O F   M E E T I N G**



## **INTERNAL AUDIT ADVISORY COMMITTEE MEETING**

<b>Venue</b>	<b>Conference Room, Station Street, Mullumbimby</b>
<b>Date</b>	<b>Thursday, 18 August 2016</b>
<b>Time</b>	<b>11.00am</b>



**Minutes of the Internal Audit Advisory Committee Meeting held on Thursday, 18 August 2016**

**File No: Error! Unknown document property name.**

PRESENT: Cr B Cameron, Cr A Hunter and Cr D Woods

Staff: Ken Gainger (General Manager)  
Mark Arnold (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
James Brickley (Manager Finance)  
Tony Nash (Manager Works)  
Jess Orr (Corporate Governance and Risk Management Officer)  
Sarah Parkinson (Minute Taker)

Community: Michael Georghiou (Chairperson), Tony McCabe  
Internal Auditor: Jarrod Lean (Grant Thornton)  
External Auditor: Kevin Franey (Thomas Noble Russell)

*Michael Georghiou (Chair) opened the meeting at 11:05am and acknowledged that the meeting was being held on Bundjalung Country.*

APOLOGIES:

There were apologies received from Craig Kelly.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

**Committee Recommendation:**

That the minutes of the Internal Audit Advisory Committee Meeting held on 12 May 2016 be confirmed. (Georghiou/Woods)

*The recommendation was put to the vote and declared carried.*

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

PROCEDURAL MOTION

**Committee Recommendation:**

That the Internal Audit Advisory Committee move into Confidential Session. (Woods/Georghiou)

*The recommendation was put to the vote and declared carried.*



**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 5.1**                      **Review of Paid Parking**  
**File No:**                              I2016/518

**Committee Recommendation:**

That recommendations contained in the factual findings report regarding Paid Parking and associated Management comments be noted by Council. (Woods/Georghiou)

*The recommendation was put to the vote and declared carried.*

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**Report No. 5.2**                      **Procurement Review**  
**File No:**                              I2016/716

**Committee Recommendation:**

1. That the Internal Audit Report – Procurement Review - May 2016 at Attachment 1 (#E2016/74473) be noted by Council along with responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Attachment 1 (#E2016/74434). (Georghiou/McCabe)

*The recommendation was put to the vote and declared carried.*

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**Report No. 5.3**                      **Interim Audit Management Letter 2016**  
**File No:**                              I2016/779

**Committee Recommendation:**

That the comments provided by Management in response to matters raised in the 2016 Interim Audit Management Letter be noted by Council. (Woods/Hunter)

*The recommendation was put to the vote and declared carried.*

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**Report No. 5.4**                      **Asset Preparedness Audit**  
**File No:**                              I2016/715

**Committee Recommendation:**

That the Internal Audit Advisory Committee consider the report on the Asset Preparedness Audit in relation to Special Schedule 7 be considered and referred to Council to note the report. (Woods/Hunter)

*The recommendation was put to the vote and declared carried.*

**Report No. 5.5                      Internal Audit Progress Report August 2016**  
**File No:                                I2016/791**

**Committee Recommendation:**

That Council receive and note the Internal Audit Report – Audit Committee (August 2016) (#E2016/74474) prepared by the Internal Auditor, Grant Thornton. (Woods/Georghiou)

*The recommendation was put to the vote and declared carried.*

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**Report No. 5.6                      Internal Audit Report - Developer Contributions Review**  
**File No:                                I2016/868**

**Committee Recommendation:**

1. That the Internal Audit Report – Developer Contributions Review - July 2016 at Attachment 1 (#E2016/74707) be noted by Council along with responses and actions detailed by Management.
2. That Management implement the recommendations made in the report identified at Attachment 1. (Woods/Georghiou)

*The recommendation was put to the vote and declared carried.*

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**STAFF REPORT - INFRASTRUCTURE SERVICES**

**Report No. 5.7                      Update of Actions for Inventory Control Internal Audit**  
**File No:                                I2016/735**

**Committee Recommendation:**

That the Committee note the completion of the management actions for all the recommendations from the Internal Audit for Inventory Control. (Woods/Georghiou)

*The recommendation was put to the vote and declared carried.*

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**STAFF REPORT - ORGANISATION DEVELOPMENT**

**Report No. 5.8                      Investigation into serious misconduct by a former staff member relating to cash handling**  
**File No:                                I2016/684**

**Committee Recommendation:**

That Council note the report and that management are implementing the recommendations contained within it. (Woods/Georghiou)

*The recommendation was put to the vote and declared carried.*

**PROCEDURAL MOTION**

**BYRON SHIRE COUNCIL**

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

14.2 - ATTACHMENT 1

**Committee Recommendation:**

That the meeting move out of confidential session.

(Woods/Georgiou)

*The recommendation was put to the vote and declared carried.*

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*There being no further business the meeting concluded at 1.01pm.*

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# **M I N U T E S   O F   M E E T I N G**



## **TRANSPORT ADVISORY COMMITTEE MEETING**

<b>Venue</b>	<b>Meeting Room 1, Station Street, Mullumbimby</b>
<b>Date</b>	<b>Tuesday, 16 August 2016</b>
<b>Time</b>	<b>9.00am</b>



**Minutes of the Transport Advisory Committee Meeting held on Tuesday, 16 August 2016**  
**File No: Error! Unknown document property name.**

**PRESENT:** Cr B Cameron, Cr D Dey, Cr A Hunter,

Staff: Phil Holloway (Director Infrastructure Services)  
Helen Waldron (Minute Taker)

Community Representatives: Sapoty Brook, Kumar Rajaratnam, Stephen Stewart,  
Philip Theaker

*Cr Cameron (Chair) opened the meeting at 9.13am and acknowledged that the meeting was being held on Bundjalung Country.*

**APOLOGIES:**

Alex Lewers (Transport Development Officer, NRSDC)  
John Blanch  
Tony Nash (Manager, Works)  
Cr S Richardson (Mayor)

**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

There were no declarations of interest.

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Committee Recommendation:**

**That the minutes of the Transport Advisory Committee Meeting held on 14 June 2016 be confirmed.**

(Hunter/Stewart)

*The recommendation was put to the vote and declared carried.*

**BUSINESS ARISING FROM PREVIOUS MINUTES**

There was no business arising from previous minutes.

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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 5.1**  
**File No:**

**Development of a Shire-wide Transport Strategy**  
**I2016/884**

**Committee Recommendation:**

**1. That the Committee develop a Shire-wide Transport Strategy which includes:**

**a) CONTEXT to include consideration of:**

- congestion
- high tourist numbers
- lack of local public transport connectivity and regional integration
- high carbon emissions
- safety
- high costs of running private vehicles
- road condition and the cost of maintenance
- demographics – (difficult for people who can't drive or don't have a licence)
- access - mobility
- lack of cycleway connectivity
- lack of connectivity in general
- poor location of services – making them more distant than they could otherwise be
- high growth area – need to plan for future
- transport costs to community from planning and commercial decisions
- impact of future technological and social developments

**b) OBJECTIVES to include consideration of:**

- reduce the need for and/or dependency on private motor vehicle trips
- improve public transport
- support community transport
- increase the bike network and/or use
- improve pedestrian and residential amenity
- support advocacy, partnerships and/or community involvement
- improve road user safety
- improve integration and regional connectivity
- support climate change adaptation and mitigation
- further defining and obtaining of these objectives will be the role of the proposed transport strategy
- support of each objective can be sought via relevant Council instruction through available mechanisms regarding any proposed and/or existing activity, all of which will be explored via development of the proposed transport strategy that will be guided by Council's vision.

**c) ACTIONS to include the consideration of:**

- understanding user experience – feedback, surveys
- develop priorities from user feedback, eg improve user experience by means of improved bus shelters, safer road crossings, shorter travel times, for example
- develop measurement methods for baseline and future actions

- **integrated land use planning**
- 2. **That a draft strategy commence with a review of relevant local, state and federal programs, plans and strategies in efforts to identify funding and partnership opportunities.**
- 3. **That Council note staff will apply by 9 September 2016 to meet the RMS Active Transport Funding deadline and it will include seeking 2017/18 funding for the revision of Council's bike plan and PAMP.**

(Hunter/Stewart)

*The recommendation was put to the vote and declared carried.*

**Action**

*Cr Hunter to provide his wording for Vision Statement via email.*

*(Post meeting note: email received from Cr Hunter 16/08/16 – "Provide a transport strategy that minimises traffic congestion, carbon emissions, with safe access around the shire, an integrated transport service, improved roads and cycle ways in a financially sustainable way.)*

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*There being no further business the meeting concluded at 11.05 am.*

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