

Notice of Meeting

Infrastructure Advisory Committee Meeting

An Infrastructure Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 20 June 2024
Time	2.00pm

Phil Holloway
Director Infrastructure Services

I2024/926
Distributed 12/06/24



CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

BYRON SHIRE COUNCIL

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Adoption of Minutes from Previous Meetings 6

4. STAFF REPORTS

Infrastructure Services

4.1 Kerb and Gutter Review 14

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meetings

5 **Directorate:** Infrastructure Services
File No: I2024/873

10 **RECOMMENDATION:**

That the minutes of the Infrastructure Advisory Committee Meeting held on 29 February 2024 be confirmed.

15 **Attachments:**

1 Minutes 29/02/2024 Infrastructure Advisory Committee, I2024/267 , page 8  

Report

The attachment to this report provides the minutes of the Infrastructure Advisory Committee Meeting of 29 February 2024 .

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Report to Council

The minutes were reported to Council on

Comments

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

24-001 **Resolved** that Council adopts the following Committee Recommendation:

Report No. 4.3 Deficient Inspection Budget- Australian Defence Force Modular Steel Bridge

Committee Recommendation 4.3.1

That Council notes and takes into consideration funding considerations for the 2024/25 Budget for Australian Defence Force bridge inspections to ensure the safety of road users and the longevity of the structures:

- a) scheduled monthly, six-monthly, yearly and five yearly inspections
- b) live structural health monitoring investigation
- c) allowable cycle loading to determine expected design life.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Kerb and Gutter Review

Directorate: Infrastructure Services

5 **Report Author:** Katie Hughes, Project Engineer

File No: I2024/708

Summary:

Council has approximately 500km of sealed roads and approximately 250km of kerb and gutter in varying condition.

10 Some locations where sealed roads do not have kerb and gutter experience pavement damage and cracking at the edges of the pavement where frequent traffic shoves and damages the unsupported edges on the seal. Some locations also experience stormwater issues where concentrated flows from the road and surrounding properties collect uncontrolled in the road verge, often passing these flows into private land.

15 Council regularly receives requests for kerb and gutter to be constructed across urban areas of the shire. This project aims to prioritise these requests against where our priorities should be according to existing issues. The result being a prioritised program for kerb and gutter improvements.

The priority list includes urban areas only and does not extend to rural roads.

20 The assessment covered a total of 77 sites. Based on the results of this investigation it is recommended Council review and investigate the high priority sites as soon as possible and develop an implementation schedule for progressive upgrade of the sites. The total estimated length of new kerb required is 36,811m and budget cost of \$37,190,000 with high priority sites accounting for \$10,925,000 worth of projects.

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RECOMMENDATION:

That Council:

30 **1. Notes the need to improve the availability of kerb and gutter across the shire and the cost to do so is significant and difficult for Council to achieve with current funding availability.**


35 **2. Supports the Kerb and Gutter Upgrade Review (attachment 1) being developed into a prioritised implementation program that is considered as part of the annual budget and 10 year program development, subject to funding availability.**

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STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

Attachments:

- 1 QC2003_006-REP-001-0 Byron Shirewide Kerb and Gutter Review - No Kerb Sites_Updated, E2024/61993 , page 22 [↓](#) 

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Report

Key issues

Council has approximately 500km of sealed roads and approximately 250km of kerb and gutter in varying condition.

- 5 Some locations where sealed roads do not have kerb and gutter experience pavement damage and cracking at the edges of the pavement where frequent traffic shoves and damages the unsupported edges on the seal. Some locations also experience stormwater issues where concentrated flows from the road and surrounding properties collect uncontrolled in the road verge, often passing these flows into private land.
- 10 Council regularly receives requests for kerb and gutter to be constructed across urban areas of the shire. This project aims to prioritise these requests against where our priorities should be according to existing issues. The result being a prioritised program for kerb and gutter improvements.

The priority list includes urban areas only and does not extend to rural roads.

- 15 Below are examples of locations where a lack of kerb and gutter and adequate drainage has led to pavement damage and ponding stormwater.



Figure 1 Station Street Mullumbimby



Figure 2 Carlyle Lane Byron Bay



Figure 3 Federal Drive Federal



Figure 4 Slessor Lane Brunswick Heads

5 Council engaged a consultant to assess the urban locations where there is currently no kerb and gutter and create a priority list for upgrades where it was determined that kerb and gutter would be a benefit from a drainage and road support perspective.

10 The consultant undertook a desktop review and site inspection of urban areas that do not currently have kerb and gutter to determine which locations require this infrastructure based on the following factors:

- Location
- Flooding and stormwater issues
- Number of customer requests in location
- Value for money and
- 15 • Pavement damage and reducing maintenance burdens.

The assessment covered a total of 77 sites. Based on the results of this investigation it is recommended Council review and investigate the high priority sites as soon as possible and develop an implementation schedule for progressive upgrade of the sites. The total

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

estimated length of new kerb required is 36,811m and budget cost of \$37,190,000 with high priority sites accounting for \$10,925,000 worth of projects.

The assessment report and resulting recommendations are provided at attachment 1.

5 **Next steps**

It is recommended the kerb identified as high priority be developed into a prioritised implementation program that is considered as part of the annual budget and 10 year program development, subject to funding availability.

10 Council should also consider any updates or changes to current road maintenance program for kerb and roadside drainage maintenance across the shire.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure	5.1: Provide a safe, reliable, and accessible transport network	5.1.2: Road renewal and upgrades - Deliver road renewal and upgrade capital works program	5.1.2.5	Annual replacement of damaged kerb and gutter program Shire-wide as per inspection report

Financial Considerations

15 A simple costing methodology was developed to identify approximate project costs per site for the purpose of budgeting.

The cost estimating basis is as follows:

- Site prep/demolition \$10/m
- Kerb install rate assumed \$140/m
- 20 • Road widening \$200/sqm
- Overheads (30%)
- Contingency (30%).

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

As the focus of the assessment is limited to road works and installation of kerb and gutter, the following potential requirements have been omitted from estimates:

- No allowance for new drainage infrastructure (pits, pipes, open drains).
 - No allowance for re surfacing or overlays of existing road pavements.
- 5 • No allowance for significant kerb regrading or road regrading to facilitate new kerb installation.

The following tables show the estimated cost for the kerb projects by priority and suburb.

Table 1 Estimated costs per priority

Priority	Number of sites	Estimated Cost
High	31	\$10,925,000
Medium	33	\$22,598,000
Low	13	\$3,667,000

Table 2 Estimated costs per suburb

Sites by Township	HIGH		MEDIUM		LOW	
	Count	Cost	Count	Cost	Count	Cost
Bangalow	2	\$80,000	3	\$616,000	1	\$ 0
Billinudgel	1	\$53,000	0	\$0	0	\$0
Brunswick Heads	3	\$459,000	1	\$575,000	1	\$96,000
Byron Bay	6	\$1,931,000	3	\$2,352,000	2	\$1,031,000
Federal	2	\$204,000	0	\$0	2	\$1,286,000
Main Arm	0	\$0	0	\$0	2	\$284,000

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

Mullumbimby	7	\$3,224,000	20	\$17,687,000	3	\$686,000
New Brighton	4	\$1,637,000	6	\$1,368,000	2	\$284,000
Suffolk Park	6	\$3,337,000	0	\$0	0	\$0
TOTAL	31	\$10,925,000	33	\$22,598,000	13	\$3,667,000

Comment from Manager Finance

5 Notwithstanding the needs identified in this report, the availability of funding necessary to complete the scope of work entirely over ten years would require at least \$3.7million per annum on average at current costs. Without grant funding, this is way beyond the financial scope of Council's current revenue base. If it was the desire of Council to increase funding in this area, it would need to consider reduce other activities that it is currently undertaking to reallocate some funding. It comes down to the determination of priorities.

Consultation and Engagement

10 Prior to undertaking kerb and gutter improvements community consultation should be undertaken.

