

## **Particulars of our complaint:**

### **1. Condition of the road surface(...)**

The road surface of the narrow laneway has had limited to no maintenance undertaken during the course of a 20 year period. Byron Bay Council's recent announcement that The Esplanade was to be upgraded, was met with delight by the above mentioned Owner Occupiers. The works that were however undertaken to the laneway involved,

1. Filling of the larger pot holes with road base like material: and
2. Applying several small loads of asphalt which were scattered across the road surface.

Current condition(s) of the road surface shows that it is a mix of sand and dirt, with little to no remaining asphalt. The road base that was used has subsequently lifted, which in turn, has resulted in excess dust and the road base material being disbursed around the laneway. This has resulted in the dust spreading into the neighbours' houses and into the airways.

The road surface currently has little to no drainage during either light or heavy rainfall, resulting in excessive water pondage and very limited access to any of the houses past No 5 The Esplanade. Access during these conditions is near impossible as the road surface forms a lake due to the lack of adequate drainage.

### **2. Current parking within (...)**

The current parking situation for residents within this laneway has reached an unacceptable point. The reason for this is that;

1. The moving of the dog access points from a southerly beach location to a more northerly location has subsequently increased the amount of traffic within the single laneway. Due to this move, and the popularity of the area, has increased the traffic and parking congestion in and around the driveways of all Owner/Occupiers within.
2. Upon the entrance of the laneway, locals and visitors of this laneway, have subsequently started using any part of the road as for parking. This removes the ability for Owner/Occupiers to be able to either; gain access or to leave their premises until such time that the vehicles have moved on.

Further to this, any services to the Owner/Occupiers such as; deliveries, garbage collection or emergency services, are substantially hampered as they are often not able to drive down this laneway as parked cars are blocking the laneway as well as the driveways and entry points to these premises.

The width of the laneway is such that it does not allow for parking and traffic in both directions. There is also no provision for a turning circle. Significant concern exists especially for emergency vehicles. This is a serious concern as residences' lives are at risk. This type of risk includes storm, flood, fire and also the lack of availability to emergency services. The duty of care rests with Council.

### 3. Current Signage and Safety

1. The current lack of any relevant signage (both parking and safety signs) needs to be addressed. The current size of the No Through Road sign, is small in size and blocked by the surrounding trees and shrubs.

Due to this, the incoming traffic to this narrow laneway has been inundated with large SUV's and caravans which, as there is no turning circle, are unable to manoeuvre in the narrow laneway causing extensive damage to both the Owner/Occupiers fencing, gates and trees as well as damage to the Council owned embankments. (these embankments include the fence lines that protect the dunes as well as the dunes themselves.)

Damage to the above is also caused by the subsequent parking or lack thereof and the lack of an appropriate turning circle. This has resulted in substantial recurring damage to fencing and gates which has incurred substantial cost to the residents for repairs and replacement.

2. From a safety standpoint, as a result of parking issues and road conditions, the Owner/Occupiers are at a risk due to the inability of emergency services being able to access the residents and if needed in a timely manner.

Garbage collection has been suspended on rostered days due to parked cars in laneway. *Council has responded with garbage collection changed to Fridays at 6:00 am, still this has at times restricted the garbage trucks due to parked cars.*

Campervans and caravans also still utilise the laneway for parking and overnight stays and leave their rubbish behind, either on the ground, in the dunes or on Owner/Occupiers front gardens. This rubbish also includes faeces. This dumping of rubbish also includes dog excrement bags. Disposal of this excrement is constantly being placed in residences green, red or yellow bins whichever is left out for garbage collection.

Emergency vehicles would also be unlikely to access the lane way if needed other than before 6:00 am.

Dune fencing is extremely dangerous as in places it has been damaged and pulled out of the dunes (mainly due to cars turning around and caravans and campervans trying to navigate a one way lane, therefore having to back out or try and turn around). This fencing in places lies on the lane way creating a traffic hazard and pedestrian and animal safety issue. Tree branches are constantly being broken off either by storm or human interaction, with holiday makers lighting fires on the beach or in the dunes. Past lopping of trees and shrubbery by Council, SES and the Electricity Commission has not been picked up and has been left in piles in front of residences or thrown in the dunes, which is currently posing a potential fire hazard. The dunes are constantly being trespassed and damaged.

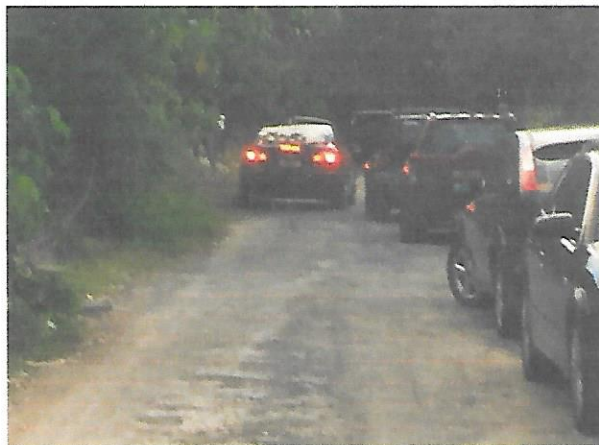
It is clear that the Byron Bay Council has a duty of care to ensure the safety and wellbeing of the Owner/Occupiers that live in this laneway, as well as a right to enter and exit their properties.



We have now placed the Byron Bay Council on notice in relation to these issues. In the event the Byron Bay Council fail to address these issues in a timely manner, it is clear that they are negligent and therefore liable for any damages that may result. We have also indentified our concerns with the natural embankment that traverses the laneway. We believe that the actions/ inactions of the Byron Bay Council has also led to the dunes deterioration.



random parking



no turning bay congestion



larger vehicle blocking laneway



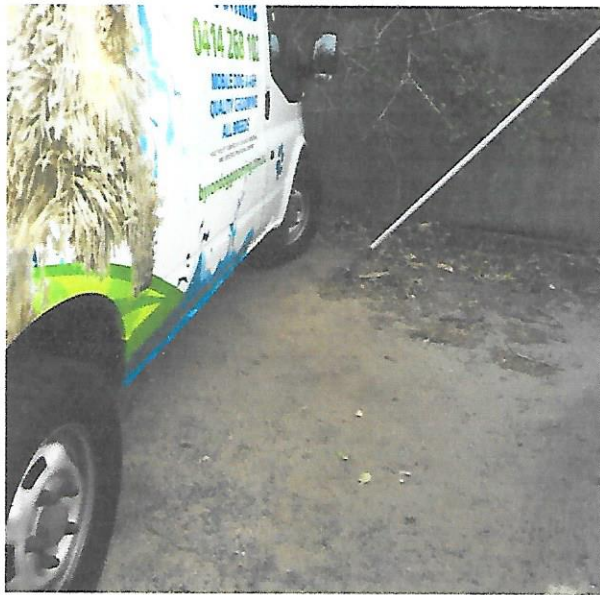
sign poorly positioned



dune fencing and wires destroyed



hazardous fencing and wires



close parking to electrical pole support cable



large vehicle attempting turn around





random parking



no room for two way traffic