

MAYORAL MINUTE

Mayoral Minute No. 7.1. Final Report 2012

#E2012/1298

5

After 13 years serving the community of Byron Shire, it is with mixed emotions I review that time assessing the achievements and a few disappointments. I am honoured to have been entrusted with the responsibility of providing representation to the community, but now I also feel a sense of sadness as I know I will miss the positive engagement and involvement that has been such a dominant feature of my life during this time.

10

I have the great privilege of having become the first female mayor of the Shire and the first popularly elected Green mayor in Australia in 2004 and then re-elected in 2008.

15

Local Government is so important to our democracy in the opportunity it provides for residents to feel close to the decision making about their lives and to engage with the Council and their representatives about the future. I am often asked about the special character of this Shire; it is difficult to define but perhaps the most important element is the high level of community involvement with Council and a focus on the big issues of our time including Reconciliation, Biodiversity protection and Climate Change.

20

Overall, I am pleased with the achievements of Council with the completion of many long term issues and projects despite a constrained budget and unforeseen priorities. I believe the Council has been able to fulfil not only its basic program of works but has also met the challenge of delivering some of the historical aspirations of the community.

25

Council History – A Strong Community

30

In Byron Shire the history of our community provides an insight into how, with time, society changes and residents adapt. There are many challenges for the future, but as a community we have proven that we are well equipped to deal with difficult issues, and have become stronger and more resilient from the experience.

35

The establishment of the Byron Shire Council in 1906 didn't last for very long as the split to create the municipalities of Byron and Mullumbimby occurred in 1908. There was a fierce desire back then to have local identity and autonomy. In 1980, the amalgamation of the two areas brought Byron Shire Council back as one entity.

40

In the period surrounding the reformation of the united Council, there were major changes in society and the diverse attitudes were reflected in the representation and the priorities of this area. The Aquarius Festival in 1972 and the political and philosophical changes in the world brought new residents with new ideas to the area. The surfing culture and the alternative movement settlers often challenged the thinking of the traditional attitudes of the region. I believe we have, as a small community, wrestled with those issues and defined a respectful way of life that embraces the diversity of our residents.

45

Aboriginal commitment

50

With the changes in society there was also a review of the history of this country. The Aboriginal history in Australia and the wrongs that were done against the First Peoples, are a stain against our nation as all levels of government are challenged by the social disadvantage that exists for this population.

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(6)

5 However, in Byron Shire, the community and the Council can feel proud that in 1998 the Council was the first local government area in NSW to sign an agreement with Native Title claimants to address local issues and provide the establishment of a committee to oversee the implementation. The ongoing role of Council in supporting the Bundjalung of Byron Bay Arakwal People in their 15 years of negotiation with the NSW State Government under the Indigenous Land Use Agreement (ILUA), has been a proud position. The resolution of 3 claims over that period has delivered social, economic and environmental results and Council's support is not to be underestimated as the State was aware that the community supported resolution of the historical issues. The results delivered the return of the original Ironbark Avenue home site to the Arakwal. This was an important emotional and physical outcome, it will provide much needed housing and Council has also provided support for this by waiving fees to facilitate the development of the site.

10 The dedication of the jointly managed Arakwal National Park made history as an outcome of the ILUA process. This important coastal site now provides protection for endangered and threatened plants and animals and is cared for by Aboriginal staff. The creation of jobs and training was a priority goal of the Elders.

15 I have served as the community representative on the management board of the Arakwal National Park and that role has provided a great insight into the benefits of co-management of lands to deliver environmental and cultural protection.

20 A Cultural Centre site adjacent to the Arakwal National Park will provide an important site for the display and sharing of history and ongoing culture. It will also present a tourist attraction as travellers value an understanding of the important relationship that Aboriginal people have with the land.

25 In 2002 Byron Council relinquished its management of the Crown land caravan park at Broken Head to allow it to be part of the negotiations between the Arakwal and the State. The site is now a freehold asset for the Arakwal and they manage it as a business. Other lands in the Shire were also delivered to the Arakwal in freehold and the management of these will assist in the development of the cultural centre in Byron Bay.

30 For the community of Byron Shire, there was also a significant benefit with the arrangement between the State, Arakwal and Council that provided the transfer of environmentally constrained lands at Suffolk Park, that adjoined the Broken Head protected areas, in exchange for the prominent site in Byron Bay that is now home for the new library.

35 Council also recently signed a Statement of Commitment to the Arakwal people and has resolved to provide signage for the Shire that acknowledges the Arakwal, and informs locals and visitors of this important relationship and respect that we as a community have for the original inhabitants.

40 Council has an Aboriginal officer and observes and supports events such as NAIDOC and Reconciliation week. When I became Mayor, I initiated the acknowledgement of Country at meetings and functions and at many Council events, and we are honoured to receive a 'Welcome to Country' and performances by Aboriginal representatives.

Biodiversity hotspot

45 Since the 1980's the Byron Shire has been recognised as a significant ecological treasure. Previous Councils had embedded environmental protection into our planning instruments and the adoption of the Byron Shire **Greenprint for the Future** in 1996 established a program of reform in Council business priorities.

50 One of these priorities was to establish a **Biodiversity Conservation Strategy (BCS)** and this involved a detailed collation of the ecological values of the area. The BCS was adopted in 2004 and it was an early Mayoral motion that established a **Biodiversity Levy** to ensure the funding for

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(7)

the actions. The implementation of the BCS has provided Council with numerous awards and the ability to protect and enhance our important environmental attributes that define our area as a biodiversity hotspot, and place of great beauty and scientific importance.

5 Council's action on the BCS included the establishment of a Council **Bush Regeneration Team** and the **Land for Wildlife** program that provided support to private landowners to protect biodiversity. Council has also worked co-operatively with Tweed Council, receiving grants to deliver on ground works such as the **Bush Futures** program.

10 The pressures of development on the environment have resulted in court cases and the expertise and documentation of our ecological values has served us well in delivering legal wins in that desire to protect and preserve the natural world that cannot be replaced once it is destroyed. There have been successful partnerships with some developers who have respected the Shire's commitment and delivered enhancement of the environment and examples of positive
15 development.

As Koala populations are dwindling I was pleased that a motion to prepare a **Koala Management Plan** was successful and has received funding support from the State Government.

20 **Climate Change Challenge**

In 2007 after the report from the International Panel for Climate Change (IPCC) of the confirmation of Sea Level Rise and the potential impacts, I presented a motion to Council to establish clear guidelines for planning that incorporated the climate change parameters. This produced the
25 **Climate Change Strategic Planning Policy**. In 2008 the State Government followed our lead and embedded the Sea Level Rise Guidelines in state planning processes. This ensured that all Councils must apply the long term assessments to all planning models to protect future generations.

30 The Byron Shire has a history of climate risk with floods, cyclones and coastal erosion and a responsibility to apply the known historical issues as well as future risk when considering the future planning of our area. Despite a degree of controversy relating to the consideration of risk, there is a 'duty of care' for Councils to provide a future analysis of the land so that when development is proposed, we know that risk is not being transferred to a future generation. The liability factor is
35 important as poor decisions cannot be undone and the risks could financially impact on a future Council and residents.

Disaster Planning

40 The climate change and weather assessments also consider how we as a community will respond if a disaster strikes. Council has an ongoing challenge to inform and engage the residents in disaster planning and response. To provide the community with the confidence and support for disaster response we rely heavily on the amazing resources of our volunteer emergency response teams, the State Emergency Service, Emergency Rescue teams and Rural Fire Service are
45 essential in these exercises as well as the relationship with government agencies. We all owe a lot to the people who voluntarily put their own safety at risk to help others.

A future challenge for Council will be the development of community education programs for residents to ensure that if there a disaster we are prepared.

50

Planning for the Future – new LEP – it took a long time!

Prior to becoming a Councillor I was fortunate to be involved in committees of Council that undertook comprehensive studies and community consultation to determine the future character of
55 the Shire. The processes involved a model of strategic planning that considered the attributes of

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(8)

the area and took account of the values and constraints on the land, and the community views on the scale and density of development.

5 After many years and the development of Settlement Strategies to inform a new Local
Environmental Plan (LEP) for the Shire, Council was thwarted by State Government. In 2002
when we were ready to define a new LEP, the Government announced a new planning process,
PlanFirst and all existing planning were halted. Council had to redo the work in a new system of
'place based planning'. More resources were assigned to redefining the years of work and then
10 after two years and a change of Minister, that program was dismissed and a new model of
template planning was proposed.

I was a member of a state based committee and delivered some harsh criticism of the inherent
problems with a standardised system of planning. All Councils have been frustrated trying to
15 deliver the translation of existing LEPs into a standard template LEP. With considerable
assessment done by staff and cooperation with LGSA, some changes were made over time to the
process, but it has been a costly and time consuming.

The State Government also amended the Planning Act and introduced legislation that created
20 **state approvals** (Part 3A) for major development. This resulted in some decisions made by the
State that have been out of character with local planning and at odds with community attitudes and
some delivered inconsistencies that have been difficult to implement.

A key issue for the Shire was the approval of the **Becton site** in Byron Bay, on the old Club Med
25 site. Despite broad community concerns about over development of the important coastal site, the
State Government approved a development beyond the scale and density that the community and
Council supported. Another development was the supermarket site in Mullumbimby that went
against the Settlement Strategy that recommended against any extension of the town centre
commercial area. When the approval was purchased by **Woolworths** and changes sought, the
30 Council challenged what it could but unfortunately was not successful in the challenge and
significant funds were expended.

A major development site in Byron Bay known as **West Byron** was a proposal refused by Council
for rezoning and the applicants then lodged with the State Government. This development will
35 continue to be controversial as it tests years of strategic planning by Council and if approved, could
have major impacts due to traffic, flooding and biodiversity.

New Developments – more homes for locals

To facilitate planned growth as defined in the Settlement Strategies, the State allowed some areas
40 to be rezoned. Land at **Bangalow** has delivered additional lots and in Mullumbimby the approval of
Tallowood Ridge has seen much needed additional housing provided.

In the rural areas the finalisation of the Byron Rural Settlement Strategy **Community Title** process
has meant that for those who prefer a rural intentional community lifestyle, their housing needs and
45 some impressive environmental outcomes have been delivered

Social Impact Assessment Policy

Council also completed another Greenprint project, the **Social Impact Assessment Policy** and
DCP to ensure that consideration of the impact of development accounts for the social impacts.

Secondary dwellings

50 Council has provided support for secondary dwellings by waiving fees and providing information
sessions and planning support, to assist residents in the provision of additional **affordable**
housing and providing the opportunity for approval of existing unapproved development.

Planning and legal costs

5 For a community with a reputation of environmental protection and low density built environment, there have been many examples of the decisions of Council being challenged. Council has a responsibility to stand by the decisions it makes in line with planning documents and when they are challenged, it's vital we defend the decisions made. If we do not defend our planning laws, then it is pointless having them. Thankfully the Council has been very successful in winning most legal challenges as our experience and documentation serves us well.

10 The commitment of the community to oversee the development processes and engage in submission writing has served the shire well and kept Councillors and staff aware of residents concerns.

A history of debt

15 In 1997 the Council was faced with a harsh reality, the General Fund was in debt \$7m as a result of building the new Council Chambers in Mullumbimby; even though some significant property sales had been transacted, there was a lack of finances to cover the expenditure. For the Council of the day and future Councils, it created a very difficult time. The community was outraged but the Council had no choice but to resolve the debt; this meant some works were unable to be done and loans were taken out to address the financial problem. For many years there was only a basic level of services provided to the community and those constraints contribute to the infrastructure maintenance problems we face today. But with a commitment to face the burden and a supportive community the debt was retired in 2005. That period of time was spent planning for the future and set us up to deliver outcomes when circumstances changed and we were once again able to undertake loans for the rebuilding of the Shire's infrastructure.

30 In NSW local government is restricted by rate pegging. The State Government is the approval authority for rate increases and Council has undertaken significant assessment and analysis of our financial situation to secure a number of rate increases over the last decade. The continuing problem is the low level of funding received from the Financial Assistance Grants program which is based on a formula primarily based on population and land values. The inappropriateness of the methodology for Byron Shire has been challenged by submissions as it fails to address the significant impact on Council resources from the pressure of tourism. Council recently provided input to the NSW Local Government Review Panel on this issue and should continue to state its case to both State and Federal Government on the basis that Byron Shire, and particularly Byron Bay, plays such an important role in Australia's tourism industry. Byron Bay is second only to Sydney as most popular tourism destination in NSW.

40 Infrastructure – Sewerage

45 In 1997, I was involved with the group Byron Shire Businesses for the Future who put Council on notice about the state of pollution in our waterways due to overloaded sewerage treatment plants (STPs). This predicament was confirmed by the State Government and thus began the period known as the 'moratorium'. This meant that due to the lack of infrastructure no development could be approved until there were upgrades of the STPs. This had come about from the lack of strategic planning and the Council had to then embark on a major project of study and design of new plants for **Byron Bay, Bangalow, Mullumbimby** and **Brunswick Heads**. Fortunately the isolation of the Water and Sewer fund from the debt of the General Fund meant that Council was able to secure loans for the development of this vital area of infrastructure.

55 The involvement of many community members in Wastewater committees provided an insight into the communities' commitment to deliver environmentally responsible infrastructure that would meet the current and future populations and tourism pressures as well as enhance the natural environment.

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(10)

The planning proposed the combination of Suffolk Park and West Byron plants to deliver a new plant at **West Byron** and the return of Tallow Creek to a natural state.

5 The Brunswick Heads and Mullumbimby plants were combined to deliver the **Brunswick Valley upgrade**.

10 In the last term of Council the **West Byron** and **Bangalow** plants were completed. National and state awards acknowledged the achievements of the West Byron wetland filter plant and the significant work to improve the natural environment and create a world class bird nesting and watching area.

This term the Brunswick Valley project has also taken out state and national awards for the combined infrastructure and environmental outcomes.

15 Byron Shire can be proud to have led the way in proving that the delivery of infrastructure can also include significant environmental outcomes, and the \$95m that has been spent on constructing these facilities will serve the Shire well into the future and continue to deliver environmental benefit.

Caring for our Community

20

Youth

In 2003 I secured a resolution of Council to establish a Youth Council and in the last term of Council this was established. The importance of engaging and involving the youth of the Shire in Council business is vital. Whilst they are not old enough to vote, it's their future we are determining. The involvement of the Shire's youth in the development of **Youth Policy and Strategy** will hopefully encourage them to also be involved with Council throughout their lives. The Youth Council has provided the opportunity for those young people to understand the way that Council operates and how by involvement, the voice of their generation can be included in the priority setting of local government.

30

Council has been able to address issues relating to the health and wellbeing of young people and engage them in the development of messaging and programs to support the needs of the shire's youth. There have been employment forums, mental health workshops, safe partying and drug and alcohol campaigns. Council has also supported programs established by the Byron Youth Service including the important Project U Turn, a binge drinking program and the Street Cruise project that has provided youth workers being available at night to support young people at risk. Consultations with young people have continued to highlight the need for better transport, housing and employment opportunities. These priorities must remain on the agenda to ensure that young people in the Shire are able to have a quality of life that supports them as they enter adulthood.

40

Seniors and Disabled

After attending forums on ageing, I was keen that Council delivers a positive focus on the needs and opportunities for an ageing population. The development of a **Positive Ageing Policy and Strategy** has provided the opportunity for Council to connect with community members and service providers to understand the needs and desires of that group. Council has supported the celebration of Seniors Week and promotes the value of these respected members of our community. The Strategy actions will continue to assist Council to support aged members of our community. The updated **Disability Access and Inclusion Plan** also addresses the needs of those in our community who require additional services for their quality of life to be assured.

50

Suffolk Park Integrated Children's Centre

I remember when the paddock on the western side of Suffolk Park was full of horses; now it's full of houses and a vibrant community. The delivery of a Children's Centre, early intervention facility and a toy library was a great outcome for this family area. The site is located within the residential area so that is within easy walking distance for most residents. At a cost of \$1.4m the facility has the

55

capacity to grow but also to provide other services for the community as the need requires and finances allow.

Homelessness

- 5 Council provided assistance to establish the Fletcher Street cottage in Byron Bay to address homelessness. In partnership with the Community Centre, Salvation Army and St Vincent de Paul the cottage provides a service centre for those who are vulnerable and need our support.

Helen Street Footbridge

- 10 Another example of poor historical planning had left the community of the north disconnected. The long term desire to connect the east and west of the South Golden Beach community was finally achieved. The commitment of a dedicated group of locals provided support and encouragement to Council to allocate \$900,000 in funding for the necessary footbridge. The new access way over the canal has changed the safety and sense of connection of that community.

15

Sport and Healthy Community

- 20 As many would know I am not a sporting person but have had the pleasure of many years of involvement in the development of sporting facilities. The Council has shown strong support for sport and recognises its important role for a healthy community.

- 25 In the this term of Council we saw the delivery of the **Suffolk Park Sportsfield and skate park** and a community garden will soon adjoin the field. The community provided valuable input into the field with the planting days. The additions to the **Bangalow Sports Field** was another boost for the sporting community and Landcare works were undertaken on the adjoining creek and a sculpture walk has also been included. A skatepark for Bangalow is in the planning stage and will hopefully be completed by the summer holidays.

Byron Regional Sport and Cultural Complex

- 30 After previous upgrades on the Byron Bay Recreation Ground fields, there was still a need for additional grounds. The purchase of the Ewingsdale site in 2002 led to years of planning for a new field and the Plan of Management for the site had optimistically planned for the community's desired future of an indoor facility with basketball courts.

- 35 This was a dream that became a reality when the Federal Government provided funding opportunities after the Global Financial Crisis and we became the largest recipient of that funding by receiving \$8m for the construction of the indoor facility. This added to the \$1.5m that had previously been committed, made the opportunity to deliver a \$17m complex possible. The provision of the facility was aided by overwhelming support from the community and the added support of Olympian Herb Elliot and sports professional Laurie Jackson. On a visit to Canberra for a ALGA conference, the General Manager and I met with a number of Ministers to pitch the benefits of the facility in terms of the broad opportunities it would provide; not only for sport in the Shire, but also the capacity to hold regional and or state games, provide conferences and events and in doing so, economic benefit along with social and cultural outcomes.

45

- 50 The project delivery was at times difficult, with concerns about the costings and the ability to deliver such a large project on time as was required by the grant funding. With the support of a capable working group that included Herb, Laurie, Paul Irwin and other community members the project was completed, albeit a few hiccups and despite some drainage issues that need rectification, the site is magnificent and a real boost to the Shire.

- 55 Council was successful in an application to have the PCYC as a manager for the indoor facility, and by the end of 2012 they will be operating from the centre and providing at no cost to Council the management of the facility with staff and support.

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(12)

The complex features many opportunities for the community to not only play sport, but to also use the site for markets, events, education and recreation and overflow parking that may be able to finally provide a **park and ride service** for Byron Bay.

- 5 In the development of the BRSCC, Council also confirmed the need to standardise the use of all fields in the Shire and deliver policies relating to the management of facilities. This policy work serves the whole community and brings about greater financial responsibility and the sharing of costs for the upgrade of all facilities.

10 **Brunswick Skate Park**

With skating being a major youth interest in the Shire and the success of the Mullumbimby site, there was also the delivery of a skate park for Brunswick community. The use of the roadside section of the Stan Thomson oval has created a much used area that provides an activity that can be utilised by the community of the north.

15

Billinudgel Sports Fields

With many years of investigation of sites for a new sports field for the north of the Shire, it seems we have finally secured land at Billinudgel for new fields. This will be a task for the new Council to progress with funds already allocated from developer contributions.

20

The long term angst over this issue of fields for the north has been difficult. Many people forget that the development of Ocean Shores was at the time designed for an aged population and hence the Golf Club. Also the lack of funds collected from the development of the area has made it difficult as well as limited suitable land. A site that had been purchased but deemed unsuitable for sports fields due to its isolation and ecological attributes, fuelled unrest in the northern community for some time. Council however continued to investigate the possibility of new sites and the possibility of expansion of the New Brighton lands. Again community and environmental concerns made this unworkable, but it was a positive outcome to provide lights for the use of the New Brighton fields on a limited basis.

30

The land at Billinudgel will provide well placed access for the people of Ocean Shores as it is linked across the highway by the overpass.

Bikeways

- 35 The adopted **Bike Plan** identifies the priority areas for bikeways, inter town linkages have been defined as the most important to provide the opportunity to move around townships without the need of a car, especially for young people. Again the Federal Governments economic stimulus provided the opportunity to increase the works program for bikeway delivery. An injection of \$609,000 provided for 5 kilometres of bikeways across the Shire in addition to the annual delivery program.

40

New Library for Byron Bay

- 45 For those that remember the old Council Chambers in Byron Bay with the library next door, it has been a sad reality since 1996 that the much utilised services of the library have been relegated to a very small building owned by the sewer fund. The provision of a new library was one issue I came into Council with a mindset to deliver. After 13 years on committees and a few difficult times after we had explored the redevelopment of the current site and considered new sites, we were finally rewarded with a fantastic site in Lawson Street. This was an outcome of the arrangements
- 50 between Council, Arakwal and the State Government and the planning for the library was able to begin in earnest. I am thrilled that the new library will operate in the new model of library service delivery, with space for more than just the traditional book services. The building which is designed as a 5 star environmental building also features an exhibition space and meeting rooms as well as a dedicated room for the Arakwal for the preservation of their information.

55

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(13)

5 The continued dedication of the Friends of the Library and former Councillor, Jenny Coman has been crucial in this project retaining its priority status. The new library provides for the future growth and needs of the community, and with the exhibition space we can look forward to displays of information relating to library services, hopefully from travelling State Library and Museum shows as well as a space for local arts, crafts and interests. The meeting rooms will be available for community use and it's hoped that they will also provide for additional learning opportunities.

10 The design of the building captures the best of the location with a massive front entrance area that will no doubt become a real hub for the community. It will be an ongoing project of the **Public Art Committee** to provide art for the site as there are funds available to do so and I look forward to seeing the expression of local identity enhance the space.

15 It is expected that building should be open and operating by the end of 2012 after delays in construction during this wet year.

Community Safety – New Years Eve and ‘Schoolies’

20 For those who remember the ‘riots’ of New Years Eve in 1992, this represents attention that we don't want to see return. The ongoing issue of managing NYE to provide for community safety has been a priority since those early days. For many years there was the involvement of community members on the safety committee and the huge contribution of Annie and Rory O'Halloran should never be forgotten. For a number of years I was the chair of the committee and the Lions Club also made a substantial contribution.

25 Over time a formula developed for management of NYE. After years of locking down the town with resident stickers required and no other cars permitted to enter, it has developed into a managed event where the town businesses stay open and create an atmosphere that previously wasn't possible due the concerns about damage with some retailers boarding up shop fronts. The need to ensure that the town centre of Byron Bay is a safe place on that night is enhanced by an alcohol prohibition, minimal entertainment and additional policing. The fact that Byron Bay is already at capacity at that time of year means that attracting more people to the town is not a sensible approach. Managing the town for a safe event is important and the Council's role is to ensure that a low key, safe event is achieved.

35 Much the same approach works for the management of the impact of ‘**Schoolies**’ with the strong support of the Byron Youth Service team, the businesses and in recent years Cr Richardson has volunteered hours of time to support the Hub operation.

40 As a tourism destination it is important to continually review the procedures for safety and the installation of flood lights for these two events now provide much needed additional safety for the main beach area.

Byron Bay – A Party Town

45 With an increasing focus on alcohol venues and a party town atmosphere in Byron Bay we have seen some negative outcomes. There has been an increase in alcohol related violence and again media focus promoting the area as unsafe.

50 I proposed to Council the development of a **Liquor Licensing policy** to ensure that when planning decisions are made that there is an awareness of the potential impacts on surrounding residential areas of alcohol related issues. I also proposed the suggestion of a trial of the ‘**Last Drinks**’ campaign that had been successful in Newcastle, this was supported unanimously by Council. The responsibility for the management of alcohol related issues rests with the licensed premises and the police. As a community, we should expect that these businesses care enough about the host community to trial a program that will address the negative impacts. I did not support the
55 introduction of CCTV as I have not been convinced that this is the best solution. The use of

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(14)

cameras may deter some people who contemplate anti social and or violent behaviour but its installation is more about evidence gathering. As a community I believe we need to encourage alcohol related businesses to address the impacts and attempt to mitigate the problem.

- 5 The associated problems with increased liquor outlets and the party town identity poses huge issues for young people as they grow up in an area where alcohol is such a prominent way of life. I congratulate the BYS for its project U Turn and other activities to educate and support young people away from reckless alcohol related lifestyle choices. Council also undertook projects within its **Community Safety Plan** to address this issue, providing resources to young people to produce peer education materials.
- 10

Alcohol abuse is a huge issue that faces our society, its dominance in our social lives, its potentially destructive and violent outcomes must be addressed. Unfortunately Council has only a minor role in achieving any outcome but I hope that it will continue to be alert to the risks.

15

Media

- Too many times we have seen the media fascination with Byron Bay portray the area as wild and unsafe. Often the footage of the town and revellers is misrepresented and sometimes constructed.
- 20 While this might make for headlines it sends out misleading and often socially and economically destructive messages about the town.

- The key issue for managing these events is to provide safe, low key events in an attempt to attract people to the area for more than a big night out. The community has repeatedly supported the idea that we need to focus the message of our area to the world as more than a 'party town' and encourage those who respect the place and the values of locals.
- 25

Sustainable Tourism

- 30 After spending many years in an active role on external tourism committees in the 2004-08 term, I proposed a Council committee to oversee the development of the **Tourism Management Plan** (TMP). The TMP was devised to ensure Councils role in managing our biggest industry. A special rate was devised to fund an officer and provide for the research and implementation of the plan.
- 35 I didn't serve on the current committee and have some disappointment that the committee has not delivered some of the key outcomes of the plan. It is well known that the impact of tourism on the Shire and particularly Byron Bay brings with it some difficult and costly issues. With a relatively small population of 30,000 residents the Shire attracts over 1.5 million visitors. The improved road network to the north has meant that there is an increasing influx of day trippers and improved airline services makes it an accessible destination. The major impact of tourism visitation affects Byron Bay and we see not only the traffic congestion problems but also an impact on the infrastructure, vandalism, anti social behaviour and the unregulated use of residential premises for tourism which affects the quality of life of locals.
- 40
- 45 During this term of Council it was determined that tourism impacts account for 28% of expenditure. This is an unsustainable factor in the management of the Council and the TMP had a proposal to deliver a **tourism levy** to secure additional funds to support this cost that is borne by ratepayers. While it is recognised that tourism brings economic benefit to the businesses, it does not contribute directly to Council and the cost of additional infrastructure maintenance has to be absorbed by Council finances. It is unacceptable that community facilities are stressed by the additional load of visitors. The Council needs to direct its attention to developing an agreement with business so that funds can be collected and held in reserve for the specific purpose of managing the infrastructure pressures. The other option is to continue to seek additional funds from state and federal government. In this process Council is supported by its membership of the **Seachange Taskforce** group which includes other coastal Councils who are similarly stressed by non resident impacts.
- 50
- 55

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(15)

Another key issue in relation to the tourism industry is the delivery of **employment**. It is of considerable concern that such a major industry operates in our area but we are still struggling with unemployment and under employment. The industry primarily delivers casual work and it is a reality that much of the work is undertaken by backpackers and transient workers and this does not serve the local community well. I applaud those businesses who show a commitment to the local community by employing locals, but many do not.

Holiday let

For a decade we have experienced a growth in the use of residential premises for tourism purposes. This results in community outrage as local amenity is affected by the use of homes for tourism. There have been ongoing issues with this practice and for many residents the impacts have been unbearable, forcing some people to leave their neighbourhood and move to quieter localities. It has also created the purpose built 'home' and reduced the amount of rental properties available for locals as investors pursue high rents for premises in peak tourism periods.

Currently Council is addressing this issue in the courts. There have been a number of high profile cases of the unregulated use of premises and a continuation of this compliance activity through the legal processes should deliver a definitive outcome.

When Council approves homes in residential zoned areas it is for the provision of permanent living and the creation of community. What has eventuated is a fractured sense of community, increased property prices, a lack of available affordable rental properties and anti social impacts.

Disasters – We've had a few

In recent years we have experienced a few disasters, with a very wet weather cycle there have been a number of major events that caused havoc and some major incidents including landslips.

Finally the **Lighthouse Road** project was completed this year after various attempts to get this state funded project delivered. The instability of many of our roads after continued rain has proven to be major issue for Council and inconvenience for residents and visitors. When we have flood events the level of saturation of the soils leads to destabilisation and repairs often take considerable time as major rebuilds of old roads are required. These events require a diversion from planned projects and we have seen staff delay holidays and work long hours alongside volunteers to provide access and services to residents.

Council also undertook a trial of **beach scraping** at **New Brighton** to gauge the level of effectiveness of this activity to protect the beach from erosion. The monitoring of the success will determine if it is viable to continue the activity.

Roads, Bridges, Pavements, Causeways, Carparks, Stormwater and Buildings

Council has delivered two major bridge rebuilds at significant cost. A new Donaghys Bridge at a cost of \$1.75m and Possum Creek bridge replaced for \$1.45m. Some residents who are not affected by these projects, don't realise the importance of these works and delays to other projects; but as a rural community we must provide for all residents and when its an issue of safety and access, these projects take priority.

The extreme weather conditions have taken their toll on our roads. At the same the rain undermines the stability of roads, and potholes seem to appear everywhere, there have been major upgrades to some of the most used and dangerous roads in our Shire including Ewingsdale Road, the Lismore Road, Mullumbimby Road and Upper Coopers Creek Road.

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(16)

5 Other works that have been completed include Coolamon Scenic Drive, Rajah Road and Balemo Drive, Ocean Shores, Middleton St, Byron Bay, Main Arm Rd, Durrumbul, Binna Burra Rd, Beech Drive, Suffolk Park roundabout, Moffats road slip, Browning St, roundabout, Byron Bay reseals at Springvale Rd, Goremans Rd, Coorabell Rd, Prince St, Pocket Rd, Federal and Azalea Streets as well as causeway repairs at Upper Wilsons Creek. Many of these works simultaneously included footpath repairs. Stormwater upgrades were completed for Caniaba Crs, Byron Bay, Nana St, Brunswick Heads, Azalea St, Mullumbimby, Deacon St, Bangalow and significant flood repair work in 2009, 2010 and 2011 at a cost of approx. \$1m.

10 Council has also addressed maintenance and upgrade of community buildings and significant works were undertaken on the Mullumbimby and District Neighbourhood Centre. It's vital that Council undertake necessary maintenance and upgrade of these valuable community spaces to ensure that the buildings are safe and service the community needs.

15 The assessment of infrastructure state wide has revealed a massive shortfall in local government's ability to provide the level of maintenance required. This issue continues to be raised at a state and federal level and Councils nationally are seeking better outcomes. Council is also reviewing the design and standards of road building and will hopefully be able to present a strong case for increased government support for infrastructure funding.

20 It's fair to say that the basic infrastructure works don't create great excitement, but they are essential responsibilities of local government and are necessary for the day to day functioning of our community.

25 **Waste**

30 When I came onto Council it was a shock at an early meeting to receive a report that the tip was full and we had to send our waste to Queensland at huge expense. Again a lack of future planning was at fault. The **Myocum Landfill** has been rehabilitated and expanded but now we need to focus again on the future and the expansion will be a task for the next Council.

35 The development of a **Waste Strategy** has made it possible for Council to improve its recycling and address new waste streams such as electronic waste. Unfortunately, we still don't have a green waste service. The **Recycle Shop** is operating but there still needs to be some refinement of its operations to ensure an efficient system for residents to deposit items that may be of value to other residents. Unfortunately the annual roadside pickup became difficult and Council is not continuing that service.

40 With waste management there are a lot of options and trials are a positive way to test the acceptability of the service. **Education** remains an important element of waste reduction as we must as a society all do better at conserving resources and minimising waste. Local government and communities have been strong advocates for a **Container Deposit System**, many of us remembering its operation from our childhoods, but it is a state based issue.

45 The community near the tip has experienced odour issues and the gas flaring is hopefully the response to the problem. Ongoing monitoring is essential to ensure the amenity of local residents.

Sustainability

50 As society gains awareness about the impact of human activity on the environment there is a focus on sustainability. Council has been able to support community groups in undertaking activities that provide not only more environmentally friendly ways of living but also greater efficiency and social cohesion.

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(17)

The success of the **Sustainable Streets** programs has been to empower residents in their everyday lives with training and support in composting, energy and water efficiency, gardening and social connection.

- 5 Council has also supported **Community Gardens** and the success of the Mullumbimby site has encouraged other communities to come together to develop gardens, Ocean Shores is going well and Suffolk Park is in the planning stages.

- 10 **Farmers Markets** have sprung up around the Shire and are well supported by the community. They provide an opportunity for residents to connect with farmers and make informed choices about the food they purchase as well as engage in a lively social situation.

- 15 The production of a **Sustainable Food Directory** provided the opportunity for Council to promote businesses who meet the sustainability criteria, a new version is being developed and it's a great way to inform the community of those in businesses who are attempting to meet the challenges of providing a more ethical and locally sustainable economy.

Economic Development

- 20 An **Economic Development Strategy** and **Creative Industries Strategy** have provided insight into the economic opportunities that exist in the Shire. The focus on tourism exists but there are also many residents who have found that with the changes in the internet, they are able to connect to the world while still living in a rural paradise. There are people who work nationally and internationally from rural locations and are able to transfer their work by internet or promote their products from this area in a world market. The potential for future growth in sustainable products, IT related information and value added creative products is growing. Council has provided support for the roll out of NBN to this area and identified the high level of users in the shire as evidence.

- 30 The development of the **Cultural Plan** also provided for the establishment of a **Public Art Policy** and with funds available from developer contributions we will see more art in our environment. The creative community we live in also contributes to the tourism industry; our arts, music and food products provide a highlight to the backdrop of our landscape and offers a wide experience for visitors.

- 35 There is broad support for the protection of **agricultural land** and for the value adding of produce. We have seen many locally made products develop and reach a wide market, often with international success. Where possible the Council should continue to support **agricultural production** and producers who are able to diversity and expand their products and markets and provide local employment.

- 40 Byron Shire is also a vibrant market economy with the weekly **Farmers markets, Community markets and Artisan markets** providing opportunities for local producers to showcase their products. These markets are also a major tourism attractor, along with supporting a localised economy.

- 45 The increase in events in the area has proven to be a double edged issue. While being home to the Blues Festival and Splendour in the Grass, there has been concern about the impacts of more major events. An **Events Policy** and planning tool that sought to limit the number of large music events was dismissed by the State. The Council had sought to support these two events but limit additional large events in favour of supporting a more diverse range of smaller local events that may over time grow. It will be interesting to see how this develops and if the variety of events that reflect the wide range of interests of the Shire continue to grow, or whether there will be an increase in large events from elsewhere that come into the area and impact on the residential amenity and the environmental stability of the area.

55

Crown Caravan Parks

5 The dismissal of Council as manager of the Crown Caravan Parks in 2006 was an injustice. The Council had adopted Plans of Management in 2000 to seek to rectify historical problems with the parks encroachments and lack of compliance. The plans were forwarded to the state for their adoption but despite many requests it didn't happen.

10 Over the years Council maintained the parks and upgraded the industry rating through improvements but there were issues that were unable to be addressed without the support of the State. The shock announcement of the dismissal of the Council was viewed cynically by many as a move by the Crown to reclaim the parks for redevelopment. This position has been confirmed as draft plans exhibited for comment revealed plans to expand the parks rather than the option provided by Council to rectify encroachments and return public lands for community access. The compulsory acquisition of Council lands recently confirms the intention of the Crown to redevelop the parks at Brunswick Heads. During their time of management there has been increased non-compliance and a failing to resolve the encroachments.

Outstanding issues

20 **Coastal Zone Management Plan**

Having been involved with the coastal committee prior to my election to Council, I was aware of the contentious and historical issues involved with coastal management. After many years of investigation, consultation and adherence to the State defined process for development of the management plan, the draft document was withdrawn after state legislation changes. The Council had for many years been subjected to legal challenges despite the historical fact that the 'planned retreat' management principle had been in Council's planning instruments since 1988.

30 As other coastal Councils are now preparing their plans it has become more frequent for this retreat adaptation model to be suggested by consultants. The responsibility of Councils to be aware of future risk is paramount to protect the safety and future interests of the Council.

Council has progressed the development of a new draft plan under the new legislative framework and it should be available for public exhibition next year.

35 **Byron Bay Town Centre Traffic**

40 After way too many years of studying the issues associated with Byron Bay town centre traffic congestion, it has been impossible to move forward. I have supported a trial of the second crossing, but there are many different viewpoints on this contentious issue. The fact is, that we can't stop traffic coming off the highway and with recent highway upgrades we seem to get increasingly more traffic coming from the north. I am sympathetic to locals who need to drive through town for work, recreation and daily activities. The new Council will have to deal with this issue and consider if park and ride is also a component in addressing the congestion. Local MP Don Page has offered support to assist in resolving this major difficulty.

45 **Suffolk Beachfront Holiday Park**

50 Despite years spent trying to have the issues at Suffolk Beachfront Holiday Park addressed, the matter is now with the Minister for resolution as to whether it is possible to retain the Community Land status and retain the permanent residents. I will continue to provide Mr Page's office with information to seek to resolve the issues as I am mindful of the stress it is placing on long term residents.

Staff

55 The staff's responsibility is to implement the decisions of Council and this can sometimes be an onerous task. They also service the committees of Council, provide the agendas and information to

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(19)

allow decision making and organise the myriad of services and functions that local government provides.

I thank them for their dedication.

5

I can only imagine what a shock it must be for some staff to find themselves working for a Council where there is such a strong sense of community involvement and such public exposure and interest in Council issues.

10

I would particularly like to thank Kylie Graine who has provided administrative support for the Mayoral role, the administration staff who support the Councillors, the Executive Managers and the General Manager position.

15

A special note of thanks to Donna Johnston who took on the new position of Communications Officer. She has provided a greatly improved service of information, including e-newsletters and media responses, often dealing with very difficult issues and a level of media interest that is at times insatiable.

Councillors

20

After 13 years on Council I can confirm that the people of Byron Shire are served well by their elected representatives. Despite the differences that we have in some areas, what we have in common is a commitment to serve the community. The work of delivering outcomes at a local government level involves considerable dedication. Just reading the agendas can be a mammoth task as detail of technical issues and consideration of impacts at a local level is so important. I know that Councillors also make themselves available to the community to discuss issues and concerns, and in a small community there are many times when a trip to the shop or a night out can end up with a consultation with a resident and a new task to follow up.

25

30

There will be a major change in the representation on Byron Shire Council with only three existing Councillors, Wood, Richardson and Cameron choosing to stand for election. I wish them well. With the other Councillors who are leaving, including myself, I feel confident we have all applied ourselves diligently to the role and each of us have worked to achieve outcomes.

35

To our longest serving Councillor of 21 years, Ross Tucker, I offer my respect for his long service and his ongoing advice and input. I personally appreciate the opportunity that Ross and I have had to work together on the Byron Regional Sport and Cultural Complex project together despite many other differences.

40

Richard Staples has been a Councillor since 1995 and was the first Green elected to Byron Shire Council. He has applied himself for many years to the key areas of wastewater management and waste and has always been, along with Ross a great source of historical information.

45

Many thanks to Councillors Tabart, Morrisey and Heeson for their commitment and contribution.

Byron Shire Community

50

The experience of being an elected representative and particularly Mayor, has been an opportunity to get to know the people of Byron Shire. I have been privileged to meet so many of our residents and to have been invited to share their lives in a variety of ways. There have been many celebrations and sad times when we lose a much loved local. I have attended many meetings and functions and learnt so much about the past, and been informed of the dreams and aspirations of young and old. Citizenship ceremonies have provided a great insight into the special relationship that people have with our Shire and community.

55

BYRON SHIRE COUNCIL

ORDINARY MEETING

30 AUGUST 2012

(20)

5 It is a documented fact that the residents of Byron Shire are the most involved volunteers in the country and that is something to be proud of. It is the people who make sacrifices and contribute their time to help others that makes this Shire so special. The media often portrays us as a divided community but I believe that despite the differences, most people share a very strong community spirit and love of the area. The issues that sometimes divide us can cause pain and anguish but in the next moment you are able to witness the strength of community working together when the need arises.

The future

10

Council will have a new elected body very soon and I will enjoy the opportunity to return to Council as a resident and hopefully be involved in a committee or two and come along to meetings to make submissions. I look forward to seeing new faces in the Chamber and how the challenges of the future are addressed.

15

On a personal level I will now focus on my State Parliamentary role but will continue to provide representation for the Shire in that forum. I hope that I can still be of service to the people of Byron Shire and will provide my assistance to the Council and community if requested.

20

As a final point, I again thank the community for the privilege and honour of serving the people of Byron Shire.

Yours in service of Byron Shire

25

Mayor Jan Barham

RECOMMENDATION:

30

That the report be noted.

Attachments:

35

- Mayoral Report – Final Report 2008 #DM787355 [13 pages].....**Annexure 30(a)**
- List of Notices of Motions and Urgency Motions #E2012/1387 [3 pages] **Annexure 30(b)**