

**Draft Minutes of Broken Head Protection Association 1<sup>st</sup> AGM  
Held at 'Serendipity' 7 Mile Beach Road Broken Head, 7 September 1997**

**Present: Fiona Parsons, Holly North, John Corkill, Jan Barham, Ian Cohen,  
Dianne Mackey, Jo Peoples, Penny Young, Terry Banks, Angus Ferguson.**

**Meeting commenced at 3.45p.m.**

**Angus Ferguson was appointed facilitator and Dianne Mackey minute taker.**

**1. Angus Ferguson presented the Annual Report as follows:**

**Major initiatives**

**Incorporation**

**Coastcare project  
including employment of two contractors**

**Three Coastcare applications prepared**

- stage 2 of current project
- 7 Mile Beach SEPP 26 Littoral rainforest fringe rehabilitation
- Rehabilitation of the road reserve adjacent Broken Head Nature Reserve

**Input to Broken Head Working Party on Broken Head Draft LEP**

- considerable conservation outcomes
- explanatory note largely removed from DLEP
- good public response to DLEP
- issues outstanding include zoning of wildlife corridors and riparian areas for environmental protection

**Telstra optic fibre cable laying Lennox to Suffolk**

**The group was alerted to work on the Lennox Head heathlands and investigated the route on ABC Investments land. Negotiation with Telstra resulted in rerouting of cable on ABC's land to a more environmentally appropriate location.**

**Ted Byrne's appeal against penalties imposed for illegal clearing on his property at Broken Head. Appeal lost by Byrne, Court affirmed penalty.**

**Development on the 'Academy' land. Still awaiting exhibition of a DA.**

**Roading on Stahman's property, Broken Head**

**Council refused to change its position regarding the need for a DA.**

**2. Membership**

**25 current members, 1 membership pending.**

**3. Financial Report**

**Tabled and accepted. Coastcare accounts being handled separately.**

**BHPA operating account \$631.56**

**Coastcare account \$17263.35**

**4. Changes to Constitution**

**Existing situation re account signatories in constitution affirmed. Issues relating to banking are referred to Management Committee or general meeting.**

**5. Election of Office Bearers and Committee**

**All positions were declared vacant and nominations called for. The following persons were elected**

**Convenor - Angus Ferguson**

**Secretary - Jo Peoples**

**Treasurer - Holly North**

**Committee - Penny Young, Jan Barham, Fiona Parsons, Ian Cohen**

**6. Membership Fees**

**Existing situation confirmed. Fees are \$20 or \$10 self selecting concession.**

- 7. There was some discussion of establishing a supporters group. Powers are available in the constitution for this to occur. The issue was referred to the management Committee.**

**The meeting closed at 4.20p.m.**

# BHPA Financial Report for AGM 7 September 1997

Current Balance 631.56

Balance at formation of Association on 16/2/97 424.67

Income from membership fees + fundraising 855.00  
between 16/2 and 7/9/97  
Bank interest - income 1.59

Expenses 16/2 to 7/9/97

NCEC membership	25.00
Incorporation fee	75.00
Public liability insurance	328.75
Fundraising expenses	206.25
Legal expenses	400.00
Bank charges	16.00
<b>TOTAL COSTS</b>	<b>1051.50</b>

## CONSTANCE GRANT

### INCOME

24.6.97 Grant from DLAWC	18,750.00
Interest accrued	10.80

### Expenses

Advertising	362.50
Petty cash	312.50
Wages - coordinator	720.00
Community information dg	125.00
Bank charges	30.60
<b>Total costs</b>	<b>1520.00</b>

Balance as at 7/9/97 \$17,263.35

BROKEN HEAD PROTECTION ASSOCIATION  
Minutes General Meeting 7Sep97

Present: Jan Ian Di Fiona Holly John C. Penny Jo Terry Angus

Adoption of minutes of 7July97 BHPA Meeting - Proposed Angus,  
second Fiona

1. Treasurers Report:

See attached financial statement

The meeting agrees that the signatories to the general account are:

Angus Ferguson

Holly North

Dianne Mackey

Fiona Parsons

The signatories to the Coastcare account are:

Holly North

Angus Ferguson

The next management committee meeting will create standing orders as to the financial arrangements for these accounts.

2. Correspondence

-Letter from forest Regional Reference Group with the request that we provide our mailing list to contact people concerned about forest protection. This was agreed to by the meeting.

-NCEC AGM and general meeting at Bundagen 13Sep97. John C will be our delegate if he is able to attend.

-NCEC tickets sent for function at Coffs Harbour 15Nov97.

3. Business Arising

- 3.1 Telstra - Holly wrote to Telstra requesting a copy of their Environmental Impact Assessment for the completed optic route through ABC land and received a reply that because of confidentiality they could not provide that information. They suggested contacting NPWS who could only locate documents referring to the originally proposed route, and Byron Shire Council who could not locate anything. Holly to write to BSC to confirm this and then to Telstra to again request the required information.
- 3.2 NSW Coastal Conference in Ballina in November - Angus is presenting a paper to the conference and will also be a delegate from BHPA. The registration is \$200 student rate and the meeting agreed to contribute \$50. Angus will write to NCEC to request further funding and to ask if they would require him to represent them.
- 3.3 Ted Byrne - Has appealed his prosecution in court and subsequently lost incurring further costs.
- 3.4 Phone/Fax tree - Holly tabled draft. Call for any further numbers, to be finalised.
- 3.5 ESD LEP - Council called for further submissions to their draft but we didn't make one

Stahman road - Jan has spoken to Wroth and he is too busy at this time. We had only six months to commence action to appeal the decision of councils development control officer

(query as to whether this is from the date the work commenced or when it was completed). The meeting resolved not to take any legal action on this matter. Holly will however draft a letter to the minister for local government to advise him of councils process on this matter with a cc to BSC. Forward to John C for comment.

#### 4. General Business.

##### Reports

4.1 Coastcare\_- reports tabled from the co-ordinator and the supervisor

- works plan is being finalised ..
- good attendance on the last community day
- also some volunteers available to work during the week
- there is a need to prepare a progress report
- preparation of a herbarium is continuing at Serendipity - Penny coordinating
- inaugural edition of the Pandanus Times is out now
- next steering committee meeting at Serendipity

Mon 8th September

##### **4.2 Cape Byron Consultative Committee**

Holly and Jan and Jo attended the first meeting since August 1996 on 14Aug97 at the Lighthouse. Subcommittees were formed to finalise consensus on the recommendations of the report to the minister with BHPA to be represented on some of these (minutes not yet available for confirmation). Holly to convene a meeting with the sisters some time in October to discuss some of their issues and to check on why Angus's report has not been seen.

##### **4.3 National Parks Foundation**

Jan and Ian and Holly attended a meeting with Jo Ridley and discussed

- concerns over visitor impact
- pursuing sponsorship for assistance on land acquisition by NPWS ie St George and ABC lands
- issues regarding eco tourism
- information will be forwarded to us on these issues

##### **4.4 Academy Site**

We have been advised that the current owners are preparing a DA for the site. With the limited time available to make a submission once this is lodged with council, it was proposed that we approach the landholders to request that they meet with us to discuss their intentions. Di will draft a letter to go to the next management committee.

##### **4.5 Broken Head Leisure Resort**

Peter has a proposal to request all information regarding the resort and the recent sewage works that were done to facilitate the development of the site. It was proposed that the FOI application to council be made by BHPA and that Jan and John C would assist Peter with his letter, including that we request the liberty to copy what we require. We will assist with the funding of the application up to \$80. It was noted that we are already in possession of Taylors DA.

##### **4.6 St George land**

Development Applications for three lots (3+4+7) have been approved by council. The land is still for sale and this consent will give some certainty for prospective buyers. This needs to be assessed for potential impacts. We have the site plans but

council has advised that the architectural plans are confidential.

#### 4.7 Environmental Defenders Office

It has been proposed that BHPA makes an application for membership - Holly has the forms and will send the application unless the fees are more than \$100 in which case we will discuss this further.

#### 4.8 Two Sisters Track

Work has commenced on the track by NPWS which needs to be documented in photos. It is proposed that we write to NPWS expressing our concerns. We had raised these at a previous meeting but they didnt appear to have been acted upon. As a matter of protocol, we note that the outcomes of all such meetings will be documented and sent to NPWS for their confirmation.

#### 5. New Members -

The meeting notes that Terry Banks was accepted as a member at a management meeting prior to the AGM.

Lori Cameron has been nominated for membership and the meeting agreed with consensus that this be accepted.

Next meeting of BHPA will be announced

**Broken Head Protection Association**

**Minutes General Meeting 7.7.97**

Present: Angus, Jo, Jan, Holly, Wayne, Bridget, Richard, Fiona, Penny

Apologies: Di, Ian, Elloise

Adoption of minutes of 14.5.97 BHPA meeting

Proposed: minutes be adopted by Jo, second: Jan

*Bridget facilitated  
Holly took minutes*

**Treasurer's Report:**

Handover details between Holly and Fiona will be worked out this week before Fiona goes OS.

Holly and Angus are signatories to new Coastcare account, Holly is additional signatory to BHPA account and will keep books and pay accounts while Fiona is away.

**Business Arising**

- Phone/fax tree of members - Jan to help Jo complete tree - for quick contact of members when urgent issues arise, doesn't need to be a comprehensive list
- Photocopy account at Community Centre - BHPA account set up and will be invoiced monthly
- Telstra - Holly has written requesting info on new route -, no reply from Telstra, Holly will write again and Angus will check out route
- Legal action - Stahman road. Noted that in 10.6.97 Ordinary Meeting road was added to Schedule 8 of Broken Head DLEP. Proposal to pursue legal action moved by Jan, seconded by Jo - Jan will get further advice from Wroth this week - to see if it is deviation from the LEP. Fiona will give Jan background information from her discussion with Wroth.
- Ted Byrne - site inspection hasn't happened. Richard reported the case was partly heard on June 16 in Lismore and will continue in Sydney on August 4 - we should check if Council is defending the appeal properly - Jan to ask Councillors
- Araucaria onsite meeting - Dave Milledge and Holly had meeting at Serendipity with Ian, Jan and Angus on 14 June 97. Main issue raised was proposal in DA to use mains power. Jan is looking into on site power system - sustainable energy fund to subsidise rural areas. Holly and Dave Milledge will talk to Aruacarians about using alternative sources of power and further researching budgets and technologies.
- Coastcare - minutes tabled from 18.5.97 meeting at Serendipity

**Correspondence In**

**NCEC**

- meeting held 17<sup>th</sup> May - agenda attached
- draft position paper on Aboriginal people and the National Parks Estate (response to the NPW Aboriginal Ownership Act) OUR COMMENTS SOUGHT  
Jan says Aboriginal ownership bill went through last year - has heaps of info about it for anyone who wants to read up on it - Jan, Penny, Jo, Richard, Angus interested in following up - Jan suggests entering into a regional agreement with Sisters - Gus suggests getting input from Steve - incorporating name changes of Broken Head beaches-
- vegetation clearance - old SEPP 46 watered down, committees forming administered by DLAWC, draft legislation coming out in a few months, Greens will prepare amendments, may be regional forums
- 20<sup>th</sup> birthday celebration
- EDO funding cuts - Jan to ask Wroth if he is doing a submission to federal govt on EDO funding
- Proposal to supply letter to NCEC re Aboriginal significance of Broken Head - Jan copy of letter re Progress on Aboriginal heritage conservation to Jan

**Invitation from Ballina SC to NSW Coastal Conference at Ballina 12-14 November 97**

Holly will send off to get registration

**Byron Shire Council**

- ESD LEP invitation from Council for further comment - tabled with our original submission
- Roadworks - Stahman Broken Head - Council Memorandum via Richard Staples
- Broken Head LEP: Working Party Report to Ordinary Meeting of 10 June 1997, Strategic Planning Manager's Report to Ordinary Meeting of 10 June 1997, Letter of 2 June 97 informing us DLEP will go to Council 10 June 1997, letters 23 June 1997 advising us of Council's resolution

**Correspondence Out**

**Telstra Optic Fibre cable - letter requesting more information about new route from Telstra**

**Byron Shire Council - letter requesting extension of submission for St George DAs**

### General Business

#### **Constitution**

Angus will give Constitution on disk to Holly. Copies will be generated to distribute to potential members who have requested a copy.

#### **Members list**

Angus will give disk to Holly

#### **St George development applications**

St George has lodged three DAs with Council three lots with one house site on each. Submission deadline extension was applied for by Holly. Angus and Bridgid will check site plans against draft LEP map and vegetation on the ground, and write submission to Council.

#### **ABC Investments**

State government is pursuing Ian's proposal for acquisition by NPWS.

Proposal: to start preparing a proposal for NPWS acquisition of St George lands or parts thereof. Write letter to NPWS pointing out land still for sale, are you interested in purchasing it / alternative option is bush heritage fund. Action by?

#### **Fundraising**

Richard reports that Charity of the Day at Byron Markets is likely to be early next year.

#### **Suffolk park progress assn**

Ron Brown has requested that BHPA reps attend SPPA meetings to share information. Jo is planning to attend for BEC. Other BHPA members interested?

#### **Coastcare**

- Proposal for Steering Committee to be formed with 3 BHPA members, 2 employed people, and a NPWS representative with all decisions by consensus - resolved.
- Jan will talk to Echo about reduction in rate for Coastcare job ads
- Next Coastcaresubgroup meeting **Mon 6pm at Serendipity July 14<sup>th</sup> 1997** - draft agenda attached
- Holly to ring Sara Williams in Sydney for progress report form, final report form, and Coastcare design guide.
- Advertise in pin-ups and classifieds for our 20th July Community Day get into next weeks Echo - Penny to do.
- Larry Anthony's office is sending us an application form to register as Work for the Dole organisation, deadline is end of July.

#### **Action summary**

advertise Coastcare community day in 15 July Echo (pin ups and classifieds)	Penny
ask Echo to reduce rate for Coastcare job ads	Jan
ring Sarah Williams in Syd - Coastcare info package not received	Holly
comments to NCEC on Aboriginal Ownership Act/draft position paper	Jan, Penny, Jo, Richard, Angus
submission on St George Development Applications	Angus, Bridgid
EDO funding cuts - ask Wroth if he is writing submission	Jan
send for registration for NSW Coastal Conference	Holly
update Coastcare attendance book	Holly
hand over BHPA and Coastcare accounts	Fiona, Holly
Telstra fibre optic route through ABC land, write again for environmental assessment and route map	Holly
Telstra ABC route site inspection	Angus
Stahman road (Lot 5) legal action, speak to Wroth again	Jan
Ted Byrne appeal, talk to Councillors about whether Council defending properly	Jan
copies of Broken Head working party report, ESD LEP letter from Council, original BHPC submission on ESD LEP and NCEC letter re progress on Aboriginal heritage to Jan	Holly

NEXT BHPA MEETING MONDAY SEPT 1<sup>ST</sup> 6PM AT  
SERENDIPITY - BRING FOOD TO SHARE FOR DINNER



## **DRAFT AGENDA for COASTCARE meeting Monday 14 July**

6pm at SERENDIPITY

- cull applications for supervisor and coordinator
- date for interviews
- more than one grant application.
- workers comp for supervisor and coordinator
- NPWS have advised us there are a variety of agencies that will organise payroll payments incl super, tax, and worker's comp for a percentage of the hourly rate paid to staff if we wish to explore that. have provided us with name of agency NPWS uses to pay their contractors -  
Personnel employment 07 55729622
- NPWS have given us 2 copies of volunteers guidelines from NPWS field management - includes volunteer register, sign-on register, other handy hints. Some of this info would be useful to incorporate into day to day operation of the project. Needs to be reviewed by Steering Committee/Sub-C'tee
- Need to invite the custodians and their families to next community day and organise transport if required. Make sure we acknowledge them at beginning of the day - feedback from information day.
- Report from Coastcare information meeting. Next grant application due July 25 1997.
- NPWS want to see a copy of our public liability insurance and know what we organise about workers compensation.
- Need a camera - need someone to take photos of site and document our community days etc.
- Di has requested a range of handtools from National Parks. Angus to organise materials eg duckboards, fencing materials with Sally Semmel at NPWS.
- Need to update Coastcare attendance book.
- Di's work number at NPWS in Coffs Harbour is 598254 (direct line) she's working full time in coffs at the moment and can't be involved in steering committee but will be there at Community days. Let her know in advance what we want her to do.

# Broken Head Protection Association

Treasurer - PO Box 812 Byron Bay NSW 2481

Secretary - PO Box 337 Byron Bay NSW 2481

Minutes of the inaugural meeting of the Broken Head Protection Association  
16 February 1997 at Broken Head Hall

Meeting commenced at 4:30 pm.

Facilitator and Minute-taker were appointed.

Facilitator: Di Mackey, Minute-taker: Holly North.

Present: Ian Cohen, Angus Ferguson, Bridgid Pearse, Lisa Oppy, Dianne Mackey, Holly North, Nigel Skyring, Bruce Blackford, Judy Blackford, Penny Young, Jo Peoples, Richard Conrad, Elloise Farrow-Smith, Wayne Power, Fiona Parsons, Kim Calder, Stephan Schnierer, Mary Burg, Julie Rowe (visitor).

Apologies: Harry Brown, David Milledge, Annette McKinley, Jan Barham, Peter Helman

Welcome by Dianne Mackey, and introduction by John Corkill to formal incorporation process and its benefits.

## 1. Proposal to form the Broken Head Protection Association

Minutes of Broken Head Protection Committee meeting of 15 January 1997 tabled by John Corkill who noted that BHPC resolved at that meeting to pursue incorporation.

Moved by Ian Cohen: that we form the Broken Head Protection Association and seek incorporation. 2nd: Angus Ferguson. Consensus.

Dianne Mackey and Ian Cohen as BHPC spokespersons signed a letter agreeing to BHPA taking over BHPC.

## 2. Purpose, aims and objectives of BHPA

Draft 3 of BHPA Constitution tabled. Comments have just been received from John Whitehouse on draft 3 but have not been read yet by John Corkill. Draft 4 of page 1 of draft Constitution, covering the purpose, aims and objectives of the Association was discussed.

1.3 (b) CHANGE 'Lake' to 'Lakes'

1.3 (c) CHANGE 'heathlands' to 'heathlands and wetland systems'

ADD 1.3 (d) and private lands adjacent to (a)-(c) above.

2.1 DELETE 'endorses...National Strategy for Ecologically Sustainable Development' after 'achievement of ecological sustainability' ADD 'as defined in Appendix 1' (This term needs to be defined)

2.2 (b) CHANGE 'Lenox' to 'Lennox' and 'heath' to 'heath and wetlands'

2.2 (c) CHANGE 'Lake' to 'Lakes'

2.2 (d) CHANGE 'indigenous' to 'Aboriginal'

Steve Schnierer to consult with local Aboriginal Elders and suggest a reworking of this clause if appropriate.

ADD: 2.2 (e) To pursue the repair and restoration of natural heritage values on environmentally degraded lands.

ADD: 2.2 (f) To raise public awareness of the value of protecting the Broken Head area's natural and cultural heritage.

2.3 (f) CHANGE 'Lake' to 'Lakes'

Due to issues raised by members and the lack of time available at the meeting to deal with all issues, it was moved by John Corkill: To refer draft #4 of page 1 as amended at the meeting and draft #3 of the rest of the Constitution to a Constitutional Sub-committee. 2nd: Ian Cohen. Consensus.

Sub-committee members: John Corkill, Angus Ferguson, Ian Cohen, Kim Calder  
Stephan Schnierer to report on 2.2(d) to sub-committee.

### 3. Constitution

**Action:** Constitutional Sub-committee to produce draft 4/5 of Constitution and send to all Association members to consider before the next general meeting on 16.3.97.

### 4. Determination of fees for BHPA membership

Moved by Dianne Mackey: To set membership fees at \$20 with a \$10 self-selecting concession. 2nd: John Corkill. Consensus.

Those present paid membership fees.

### 5. Membership

Moved by John Corkill: Those who have paid membership fee at this meeting be recorded as Foundation members of BHPA. 2nd: Angus Ferguson. Consensus.

All membership fees will be due for renewal in July 1998. Those joining after Christmas 1997 may pay half the membership fee.

### 6. Election of inaugural management committee

Nominations were sought for office bearers and committee members. The result of election is as follows:

Convenor: Angus Ferguson

Secretary: Di Mackey

Public Officer: Holly North

Treasurer: Fiona Parsons

Committee: Ian Cohen

Jo Peoples

Penny Young

Jan Barham

Stephan Schnierer

Elloise Farrow-Smith

Kim, Jo and Stephan offered to assist the Secretary in her duties.

The Committee will be known as the Broken Head Protection Committee and will function as the management committee of the BHPA until the AGM. Any member may attend committee meetings.

### 7. Proposal to complete the process of applying for incorporation

**Action:** Management committee to deal with insurance, letter of agreement. When the draft Constitution is adopted by BHPA, the Public Officer is to apply for incorporation.

### 8. Proposal to take out Public Liability insurance

\$2 million public liability insurance is required for incorporation.

**Action:** Holly to find out if more than \$2m public liability insurance is required to operate the restoration project funded by Coastcare. Fiona to ask Peter Wrightson if NCEC insurance will cover BHPA up to incorporation.

3.

#### **9. Coastcare grant**

John Corkill reported that the BHPC's grant application was successful, with \$18,750 granted by Coastcare, an additional \$14,000 contribution by NPWS and an \$11,000 contribution by BHPA. The grant is to address soil erosion and degradation due to weed infestation at two sites in the Broken Head Nature Reserve. The project includes training, education and supervision of volunteers. BHPA may wish to apply for Stage 2 funding for the project next year.

John tabled ideas raised by Jan Barham and himself for implementation of the grant. Angus Ferguson suggested that a Steering Committee be formed.

The following persons comprise the Steering Committee: Jan Barham, Peter Helman, Angus Ferguson, Bridgid, Ian Cohen, Di Mackey.

**1st meeting: Sunday 23 February 6pm at Serendipity**

The Steering Committee is to report to the Management Committee, which meets 26.2.97.

#### **10. Installation of Telstra optical fibre cable on land owned by ABC Investments**

Di Mackey reported that Telstra stopped work on site on Thursday 14.2.97. The cable route was previously altered, which Telstra states was insisted upon by the landowner due to their development plans. This route will encroach on the buffer to rainforest gullies containing Red Lilly Pilly *Syzygium hodgekinsoniae* which is protected under the Commonwealth Endangered Species Act and will threaten a White-bellied Sea Eagle's nest on the site. NPWS, ANCA (now Environment Australia), Byron Shire Council, and AUSTEL have been contacted on this matter. A formal complaint has been lodged with AUSTEL.

Ian Cohen reported that the latest message is that Telstra's National Construction Manager will call Dianne Mackey on Monday 17.2.97. BHPC has recommended a new route and if Telstra proceeds down the environmentally insensitive path will call members for an on-site action.

#### **11. Broken Head draft LEP and LES**

The Broken Head Working Party meets Monday 17.2.97 to discuss the draft Broken Head LEP and LES prepared by Balanced Planning consultants (Rob Doolan and Malcolm Scott). Di-Mackey will attend as BHPA representative. Dianne tabled criticisms she has prepared relating to the criteria used to identify the Environmentally Sensitive Land for Environmental Protection Zoning and implications for application of these criteria in the Broken Head area and shire-wide.

**Action:** A display to be erected at Byron Environment Centre and a flyer for submissions prepared.

Broken Head 1(d) area landowners will meet with Council strategic planners and the consultants the same day to discuss the draft LEP and LES. Ian Cohen and Holly North plan to attend. Reports will be made at the next meeting.

#### **12. National Estate nomination**

Di Mackey tabled a letter received from the Heritage Commission which stated that the nomination will be dealt with sometime this year. Di to liaise with Jan on furthering action on the nomination.

### 13. Development on the old Academy site rears its ugly head again

Action: Richard to research companies involved.

Meeting closed at 7:25 pm.

at Wayne and Fiona's, Lot 2 Bundaleer Rd Broken Head - (877619)

**next management committee meeting Wednesday 26 February 1997**

**coastcare steering committee meeting Sunday 23 February 1997**

A hand-drawn map of the Lennox area in Suffolk. The map is oriented with a vertical line representing the coast or a major road. To the left of this line, a road is labeled 'To Wayne & Fiona's' at the top. Below this, a road is labeled 'Suffolk'. A road labeled 'tar' leads to a building labeled 'Wayne + Fiona's'. Another road labeled 'dirt' leads to a building labeled 'Foot Rot Flats'. A road labeled 'Lennox' leads to a building labeled 'Broken Head Hall'. A road labeled 'Midgert Flat Rd.' leads to a building labeled 'Broken Head Hall'. A road labeled 'sugar cone Rd.' leads to a building labeled 'Zundaleer'. A road labeled 'Beach Rd.' leads to a building labeled 'Suffolk'. A note on the right says 'NB If you wind up driving through the heath north of Lennox, you've gone too far.' and 'see inset'.

To Wayne & Fiona's

Suffolk

Wayne + Fiona's

Foot Rot Flats

Lennox

tar

dirt

Midgert Flat Rd.

Broken Head Hall

sugar cone Rd.

Zundaleer

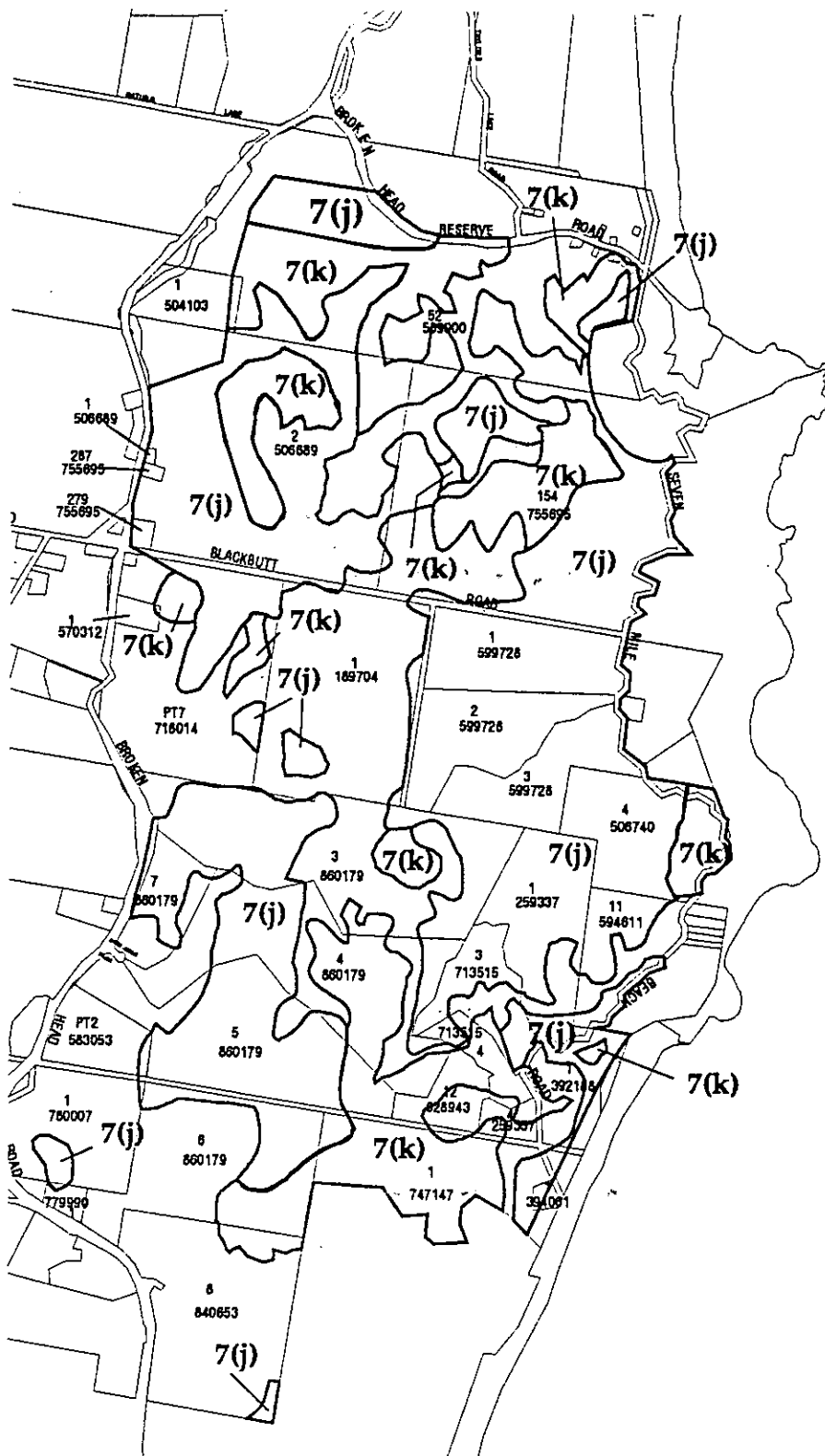
Beach Rd.

Suffolk

NB

If you wind up driving through the heath north of Lennox, you've gone too far.

see inset



Statement of relationship with other plans  
AMENDS BYRON LOCAL ENVIRONMENTAL PLAN, 1988

Certified in accordance with the Environmental  
Planning and Assessment Act 1979, and Regulations

M. NORRIS Acting General Manager. Date:

NOTE: The information shown on this map is a  
copyright of Byron Shire Council and the  
"(c) Land Information Centre (1991)".

ENVIRONMENTAL PLANNING  
BYRON LOCAL ENVIRONMENTAL PLAN

AMENDMENT

DRAFT

**7(j) SCIENTIFIC ZONE**

**7(k) HABITAT ZONE**

**EXPLANATORY NOTES:**

The 7(j) (Scientific Zone) includes environmentally sensitive lands of National significance. The 7(k) (Habitat Zone) includes environmentally sensitive lands of State, Regional or Local significance.

It should be noted that the act of zoning lands as Environmental Protection Zones does not ensure their effective environmental management and protection as existing use rights will apply. The environmental repair and management of lands as envisaged in the Environmental Protection Zones may only occur when there is a change of landuse. Thus, Council may consider concurrent Rezoning and Development Applications for lands proposed for 7(k) (Habitat Zone) where that land is of Regional or Local significance, but not of State significance, if the type of development aims to enhance or at least maintain the Regional and Local environmental significance of the lands. This would be achieved as part of Council's further assessment and consideration of the 1(d) (Investigation Zone) lands, and a consequent amendment to the Byron Local Environmental Plan 1988 pursuant to the requirements of the Environmental Planning and Assessment Act, 1979.

NG & ASSESSMENT ACT, 1979  
ENTAL PLAN, 1988

NO. 4/96

T

Locality : BROKEN HEAD

Drawn by : LM

Scale 1: 25000

Date : 12/02/1997

Strategic Planning Manager : DRK

Council File No : PLN 555905 Dept. File No : C90/00328

Govt. Gazette of :

# Broken Head Protection Association

## Meeting - Wednesday January 20th 1999 6pm

### AGENDA

#### 1. Attendance

#### 2. Previous Minutes

#### 3. Finances

#### 4. Correspondance

- Oceanwatch ~~water~~ Quality campaign
- NCEC ~~minutes~~ ~~into~~
- Coastcare offer of further grant
- NPWS response to concerns re: spraying in NR

#### 5. Coastcare

- Update - Terry
- Finances - Fiona away
- Correspondance
- Grant - Stage 2 - Jan OK Jan to accept sum
- Community Meeting - Broken Head Hall ~~at~~ 28 Feb 5-10pm
- Media Release
- Plan Community Dates 1st Sat. 8th Sat
- Newsletter 8-11 3-5.30

#### 6. Other BHPA Activities

- Guided walks through project, story & ad in Echo - Jan
- Broken Head Community Work Days - BSC

#### 7. Snapper Track Destruction - report BHPA to NPWS - Penny

#### 8. Roadworks - previous correspondence & response

#### 9. Academy update, submission and court

- BHPA submission ✓
- L & E Conditions of Consent

#### 10. Batson's update, Commissioners report and submission

send last pp. NCEC Sub

JRC to do letter to NCEC re Co.I.

#### 11. Other Business

BHPA MR



# Broken Head Protection Association

Meeting Serendipity 20.1.98

Present: John Corkill, Jenita, Ian C, Angus, Jo, Jan, Terry

Apologies: Peter Helman

## AGENDA

Surfrider Report - Taylors Lake

Green Corp

Batsons

Jobs

Finances

Coastcare Report

Taylors

Tourism Report

CBCC

### 1. MINUTES & BUSINESS ARISING

- Two Sister Track - need to check track with and materials, (enzyme not tested) -

JB - check REF

Gus checked 14.1.98 some weathering on surface

DI and Holly had phoned re track after visit, waiting for comments

IC & JB to check and take photos

- check with Yvonne Stewart (Arakwal Corp) re any action on Brays Beach name change
- JO - SEPP 26 check BSC re maps and info
- Coastal Council meeting date changed

Minutes Accepted

### 2. CORRESPONDENCE

Coastcare letter of confirmation and Summer notes

NCEC minutes and info

Henry James SEPP 14 & 26 discussion paper

### 3. FINANCES

Fiona has done Treasurer's report

BHPA Balance = \$3,380.41 (Ad placed in Byron Echo 20.1.98 for Batson's submissions = \$330)

Coastcare Balance = \$6,271.28

Fiona to check when Public Liability insurance is due - Fiona

Fiona to check with Holly re discrepancy re transfer of CC funds to BHPA in March '97 \$328

Treasurer's report accepted with thanks and appreciation to Fiona

Byron Market Charity of the Day collection = \$2879.00

JB - Letter to c'tee to thank them and donation of \$50.00

### 4. JOBS

- SEPP 26 Project - \$3,535 proj officer, consultant \$500 Total = \$4,025 summary attach

- Brays Project - Madeline to finish end January, Terry end February

Consultant/Wages expenditure as 15/1/98 = \$9828.50 Project Allocation = \$18,750

Other Expenses = \$1,811.85 (advertising, camera, photo dev, community day expenses)

Balance of job allocations for Coastcare Project = approx \$5,600

Continuation - Madeline 5 hrs per week = \$300 month + 8hrs(2x4hrs C'ty days) = \$420 per month

Terry 10hrs per week = \$600 + 8hrs (community days) = \$720

Monthly Total = \$1140

Proposal for additional regen supervisor, monitoring supervisor ???

1 x 5hrs per week = \$300 per month

- BHPA agree to allocate \$1500 to jobs projects.

- PROPOSAL to continue Madeline and Terry and, or employ additional regen person

see attached breakdown of possibilities

Jenita - check flora consultant

**5. BATSON'S - submissions due 5/2/98**

IC &amp; JB report

8/1/98- meeting with Peter Parker, Jim Croft, Mark McDermid and others  
public meeting at Suffolk Park Community Hall called by SPPA

14/1/98 - BSC, Crs, Batsons and groups - Suffolk Park Hotel

**\*\*\*possible on site tour, JB to contact Peter Parker, David Milledge etc and Cr's ??\*\*\*\*\***

Submission display boxes at Santos, Fündies, Crosby's, Suffolk Fruit &amp; Veg

Carl doing submissions stall on Jonson St

So far, 310 submissions sent to BSC

Echo ad to go in next week with cut out submission, cost = \$330

Echo story from BEC, BEACON and BHPA -JB

BHPA submission draft available, must get John Whitehouse to check before final -JC

**JB - Letters and info re Batsons submissions**

Cape Byron Trust re scenic quality, NCEC, TEC, NCC,

BHPA letter to all Crs re submission

**6. GREEN CORP**

NPWS have applied for continuation of project and seek our support

**AF - check Brian re chemical use and agreement****JB, IC, AF - Letter to do ASAP to NPWS****7. TAYLOR'S LAKE**

IC spoke to Fairlie, letter to editor possibly

BHPA have ordered a copy of Surfrider Report on Taylor's Lake

**8. BROKEN HEAD RD**

Helman doing FOI on sewage

check with Margaret re clearing

**9. COASTCARE**

Works plan to be completed by 28/1

no comments from John Hunter

**Terry to check re current works, check seedling stocks, track remediation techniques, planting**

Confirmation letter re SEPP 26 project, sign and send, deleted project officer for seed collections = \$525

see above 4. Jobs for breakdown

**JB check with Sara re Stage 2 and no funding for seed collection**

Discussion re lack of State Gov funding for coast programs (IC MLC letter to Premier) the State diminishing Commonwealth funding, no committed support

**JB Check on \$3m state allocation for weeds programs****10. CAPE BYRON CONSULTATIVE COMMITTEE**

JB &amp; IC attended last two meetings 15/12/97 and 15/1/98

Issues re Arakwal Agreement delay, Feely attended last meeting, processes can be expedited

Arakwal funding support letter to Minister to allow their continued involvement costs

**JB - prepare submission on Tourism Strategy to present to CBCC****Gus to phone Peter Hamilton**

Questions regarding ROM gazettal re Louise comments, field station being demolished in March

John O'Gorman has made contact to confirm and respond to concerns raised re Overview Management Strategy **\*\*\*Meeting Serendipity Fri 30th January 9am\*\*\*please attend or supply notes, agenda items****12. NPWS - meeting with John O'Gorman**

Request copy of Plan of Management

Discuss visitor use, non authorised uses and enforcement action, filming

Two Sisters Track, Headland Track, dogs, fox sightings

Annual funding, NPWS Works Plan, Green Corp chemical use

Coastal Inventory - when will this be completed, what stage is it at

**MEETING CLOSED 9.15****NEXT MEETING - 3rd February 6pm Serendipity**

# Broken Head Protection Association Inc

## COASTCARE STEERING C'TEE

Meeting 13th January 1998 6pm Serendipity

Attendance- Jo Peoples, Jan Barham, Fiona, Angus Ferguson, Ian Cohen, Margaret, Jenita, Peter Helman, Penny Young

Apologies - Madeline

### AGENDA

Minutes

Business Arising

Correspondence

Finances

Jobs

Herbarium

Signage

Newsletter/Adv

### 1. MINUTES ACCEPTED

### 2. BUSINESS ARISING

- 1. Check **Madeline** re letter to Arakwal re invite on Steering C'tee
- 5. Query with NPWS re monitoring technique advise, talk to Brian
- 6. Dunal grasses - increase since wind breaks- **Terry to check with Envite Jan** to check site inspection notes, letter to John Hunter re advise
- 8. Signage - sub c'tee to form

### 3. CORRESPONDENCE

- Coastcare confirmation
- Coastcare Summer programme

### 4. FINANCES

**Fiona** to continue doing accounts, report ready by next week

BHPA Charity of the Day Market \$2,800? - BHPA will consider how to spend

### 5. HERBARIUM

**Penny** has no time to continue & will pass on the 3 names and contacts to Madeline

### 6. WORKS PLAN

Hugo is leaving end of January

Gus has handed on comments for Hugo to do integration and will get disc from him to do final John Hunter's comments still not received, **Gus to check**

## **7. NEWSLETTER**

No. 3 due - native/weed profiles to be included

Advertising Community Days - Brunch at Broken Head, 17th and 31st January 8am

Suggestions try advertising in Lismore Echo, uni paper, Byron Shire News (community announcement) **Madeline**

new leaflet needed with dates, **Jan to do** with Jan/Feb dates & contact

**Jan** to get on list for community group info in NCC newsletter

## **8. SIGNAGE**

NPWS Balance = \$565.60

Need to do informative signage about project

**Sub C'tee** - Terry, Jo, Gus, Jan to see how we can best utilise the funds,

**check Carl for signwriting**

**Terry to check with Brian** re available materials and cost

## **9.DISPLAYS**

**Jan & Jo** to do display boards for BEC, Big Scrub, Suffolk Veg shop

## **10. MEETING CLOSED at 7.20pm**

## **NEXT MEETING**

27th January 6pm Serendipity

## **Broken Head Protection Association Inc**

### **Meeting 22nd December 1997 6pm Serendipity**

**Attendance** - Madeline Shaw, Terry Banks, Bridgid Pearse, Ian Cohen, Jo Peoples,  
Jan Barham, Penny Young, John Corkill

**Apologies** - Angus Ferguson, Peter Helman

#### **AGENDA**

Minutes and Business Arising

Correspondence

Finance Report

Coastcare

■ Works Plan

■ new project

Batsons

Dions

CBCC

NPWS Tourism Strategy

Coastal Policy

NPWS

#### **1. MINUTES ACCEPTED**

**BUSINESS ARISING** - check issues

*Holly* - correspondence re Telstra, Starman, EDO, Brays name change and ph tree

*Helman* - status re FOI for Broken Head

*Gus* - need report on Two Sisters Track

Report from John Corkill re Coastal C'tee - *Coastal Lands Inventory by mid '98*

- *BHPA to liaise with BEC, BEACON*

#### **2. CORRESPONDENCE**

Scouts

NPWS - rec'd 1:4,000 Brays Beach aerial photo and Two Sisters Track comment

NCEC info

#### **3. FINANCE**

*Fiona to do* and will be at next Steering C'tee meeting

#### **4. COASTCARE**

**Works Plan**

Comments from Di and waiting for Arakwal statement for plan

Waiting for John Hunters comments

Jo and Sandy to do comments

*Gus* due back on the 5th to *coordinate comments* for draft to pass on to Hugo

Madeline requested an Arakwal rep on steering c'tee, comments requested

Hugo has been paid \$800 Balance of \$200 on completion

**Project**

*Terry and Madeline* to give *written reports* next meeting

**New project**

no confirmation received yet, submission brief to be circulated with minutes

**5. BATSONS**

submissions time extended to 19.1.98

**Public meeting Suffolk Park Hotel Wednesday 14th January 10am**

Jan report- Market day 21 Dec, display and submissions

4.1.98 BHPA Charity of the day and stall -

Meetings with BEACON and others, Helman has EIS and back 5.1.98

**Taylors Lake**

Fairlie in Echo - *IC to speak* with her re statement advocating swimming in the lake

*JB to speak to Andy Baker* re testing

**6. DIONS DA**

check SEPP 26, 7(f)

*Jo and Jan to follow up with BSC*

*Terry to follow up on scar visible from Lennox Head*

**7. CAPE BYRON CONSULTATIVE COMMITTEE**

Jan report on previous meeting, minutes tabled

need to clarify status of recommendations before next meeting

requested sub c'tee to do submission to Tourism Strategy

consultant to prepare draft of Strategic Planning Overview

*Jan and Terry to follow*

**8. TOURISM STRATEGY**

submission due 5.2.98

BHPA meeting 6.1.98 and 20.1.98 6pm to do submissions

**9. COASTAL POLICY**

BHPA copy with Gus

John Corkill report tabled

Coastal Inventory to be followed up

Check EPA Contaminated Submerged Lands

Bitou - W3 environmental weed, DLaWC & Dept of Ag \$13m for program, June/July

Report on Bitou Fly

Water Quality testing and monitoring overseen by the Coastal C'tee

Coastal Council - next meeting 23.1.98

**10. NPWS**

Need to make contact with Brian and catch up regarding works in NR and particularly

Two Sister's Track

Gus and Jan to do after 10.1.98

**NEXT MEETING 20TH JANUARY 7PM SERENDIPITY**

\*\*\*\*tourism strategy c'tee 6PM

Applications of Environmental Policy

Case Study: Expansion of Quarry at Broken Head.

## Introduction

I have lived at, or been a regular visitor to, the Broken Head area since early 1995. The area is unique for its relatively undisturbed ecological values and diversity from which I derive considerable personal enjoyment. I have chosen this case study because I have been involved in evaluating and preparing objections to the current Development Application since its exhibition for public comment in December 1997 and subsequent referral to a Commission of Inquiry which completed hearings in late July 1998.

## Background

The history of this quarry is long and complex. (Summary at Appendix 1)

The 1986 amendment of the Environmental Planning and Assessment Act 1979 (EP&A Act), clarified 'existing use' rights requiring quarry operators to submit a Development Application (DA) for any substantial expansion of their existing operations.

Between 1986 and late 1992, there was protracted correspondence between the quarry owners and Council, the (then) Soil Conservation Service, the (then) State Pollution Control Commission, various other government departments and assorted legal advisors, ultimately (and not before time) leading to the lodgement and exhibition of DA 92/0455.

Several of my friends were involved in challenging the 1992 DA, that was granted, with that decision upheld by the Land and Environment Court [PERLMAN, C. BHPC & Peter Helman v. Byron Shire Council & another. May 1994], then refused on appeal in the Supreme Court [Helman v. Byron Council & another. 4 August 1995], a decision which was subsequently upheld by the High Court.

The current DA requests a smaller area of proposed operations than the 1992 DA, but still constitutes a significant expansion. In the meantime, the quarry has been operating and expanding without formal approval, conditions or appropriate contributions to Council for 12 years since the EP & A Act was amended in 1986.

In that time, the Company has remarkably improved its operational efficiency, reduced some environmental impacts of its activities and begun to explore the possible advantages of 'ecologically sustainable development'. Measures such as staff training, improved water quality monitoring and management, trial revegetation initiatives, adoption of Australian Mining Industry Council environmental codes and (Quality Standard) QS9002 and willingness to engage in community consultation are to be applauded as positive steps towards ecological rationality, even if, at times, on a steep learning curve.

An element of that learning curve is the complexity of the legislation under which such matters are decided and administered; a problem for all participants in development approval processes, be they developers, government officials, elected Councillors, consultants, local residents, Aboriginal elders or environmentalists.

This particular case is unusual in that the quarry site has both urban and natural environmental impacts, a range of ecological values at issue, and social and cultural impacts. Although the Batson family have other interests, the Company is a small local family business which does not have the R&D capacities of a multi-national conglomerate to guide its operations on this unique and significant site of both economic and ecological value.

## Aim

The aim of this study is to examine the effectiveness of NSW environmental legislation, policy and processes in the consideration of Development Application 97/0465 for the expansion of Batson's sand and gravel quarries at Broken Head near Byron Bay.

Although the approval or refusal of the quarry expansion is site specific, there are also broader issues relating to ecologically sustainable resource use, security and planning in the region.

The questions I wish to explore are:

Why has it taken 12 years to approve (or refuse) the expansion of this quarry?

If the processes set up under environmental legislation do not work, then why?

How can these processes be improved, with or without further legislative amendment?



## Political Context

The development of environmental policy and legislation in Australia (and elsewhere) has been marked by continuing controversy and strong systemic resistance.

Increasing awareness of urban pollution issues in the 1960s led to a first round of pollution control measures, particularly in relation to air and water quality. Much of what followed in the 1970s were similar "knee-jerk" responses to emerging urban environmental issues, such as waste disposal (both toxic and bulk), and the 1980s saw conservation of cute furry animals and (some of) their habitats in non-urban environments, and, most centrally, preservation of the idea that human knowledge and political power could control the forces of nature: Bob Hawke even going as far as saying that the election of his government broke the 1982-83 drought.

However, this focus on particular environmental issues led to an incremental and fragmented policy approach to ecological imbalances. It was not until the United Nations sponsored report, *Our Common Future* [1987] recognised the global implications of environmental degradation that "sustainable development" became recognised globally as a legitimate political agenda item.

Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs. [WCED 1987: 43]

In the subsequent debate, the concept of "ecologically sustainable development" became the catchcry with which to pepper government rhetoric, replacing "rapid economic growth and development" in policy and speeches. In Australia between 1989 and 1992, an extended exercise of rhetorical posturing, known as "the ESD process" produced a swathe of bland and unimaginative reports. These essentially said that ESD was a very fine principle, albeit incompatible with the existing status quo of "economic rationalism" founded on utilitarian, market-based and deregulatory precepts, that Pusey (1991) has identified as the dominant ideology of the elite and closed 'policy community' which advises government.

At no point was this existing (and causal) status quo questioned, and debate was stifled. As a placatory measure, the ESD principles of sustainability, equity, diversity & the precautionary principle are now enshrined in "over 560 Commonwealth and State and territory statutory instruments" [Bates 1995, quoted in Dovers, 1997: 309], and assorted policies, guidelines, Local Environment Plans, Development Control Plans and so on, but decision-making processes continue to be driven by economic rather than ecological principles.

In the current context of economic uncertainty and high unemployment, governments are again focussing attention on a "develop or perish" mentality. This is reflected in the low profile of environmental issues in what passes for public debate and the current national government's narrow vision "of a natural and cultural environment valued and enhanced and protected in harmony with the nation's social and economic goals". [John Howard, in Woodford, 1998]

That is, 'social and economic goals' are leading the tune while the values of the 'natural and cultural environment' must play second fiddle. Recent government policy at both national and State level, such as the NSW *Environmental Planning and Assessment Amendment Act 1997* and the Commonwealth *Environment Protection and Biodiversity Conservation Bill 1998*, reduce the scope for government leadership and community participation in environmental decision-making. [Connor, 1998]

In Development Applications considered by local government, community consultation is required after the DA has been lodged with strict statutory time limits. The onus is on the community, and the individuals and groups which constitute it, to prepare and submit a thorough and rigorous case against an inappropriate development, voluntarily, in under six weeks. Councils have only a short time to consider objections before they must make a decision, or face a 'deemed refusal' case in the Land and Environment Court. Meanwhile developers appear to have unlimited time to prepare their DAs.

Many business and industry leaders claim that existing regulatory environmental protection measures are an 'unworkable' impediment to investment and should be abolished.

Given that the use of "legal rationality" to adjudicate between "ecological rationality" and "economic rationality" [Walker, 1994] is by definition divisive and adversarial, it is little wonder that government and business leaders hold this view. Contentious cases therefore maintain a "jobs versus environment" perception of the choices available. This construction precludes the possibility of other, more co-operative approaches which explore ways to obtain consensus for "jobs and environment" outcomes.

## Ecological Context

The quarries occupy a hilltop, 50-60 metres above sea level, 600-900 metres from Tallow Beach forming the upper catchment of three drainage systems. (See maps at Appendix 2 & 3.)

The eastern drainage runs into the northern lobe of a coastal ti-tree lake, a fish breeding habitat and sacred Aboriginal women's site. This catchment contains unique ecotones of heath, wallum and littoral rainforest which supports 24 (known) species of threatened flora and fauna. The entire area between the eastern quarry and the sea was declared part of the Cape Byron National Park by the NSW Premier, Bob Carr, in August 1998 (yet to be gazetted).

The western drainage runs into the North Creek catchment through sensitive bangalow palm forest and the smaller northern drainage runs into Tallows Creek, which flows into wetlands already under extreme ecological pressure from the South Byron Sewerage Works.

The proposed expansion of the quarries involves the removal of 11.8 hectares of vegetation, the construction of a 20 megalitre settling dam and a road underpass, and the extraction of three million cubic metres of sand and gravel over a period of 27 years.

## Ecological Implications of Proposed Development

The substantive environment issues can be summarised under four main headings:

### 1. Water management

- Significant hydrological implications of the removal of the hilltop for all relevant catchments, particularly loss of groundwater reserves and increased rainfall runoff.
- Design limits for engineering works are based on 1 in 10 year, or at best 1 in 100 year rainfall events. Rainfall is highly variable and extreme events (such as cyclones) may (catastrophically) exceed design capacities for both settling dams and the underpass.
- Loss of 'resilience' and increased vulnerability to global warming/cooling cycles, particularly rainfall variability.
- Accelerated siltation of the ti-tree lake system (decades rather than centuries) with consequent loss of fish habitat and pollution of the lakes and coast.

### 2. Species impacts

- Threats to endangered fauna, including the long nosed potoroo, wallum froglet, powerful owl, masked owl, white eared monarch, and several bat species.
- Unknown risks to invertebrate species particularly several rare butterflies, some of which have unique codependencies with particular flora [Helman 1993].
- Loss of genetic diversity, threatened flora and unique ecotones due to vegetation clearing at the quarry site and subsequent 'edge' effects such as invasion by introduced species (cane toads, foxes, bitou et cetera)
- Effects of noise and dust disturbance on flora, fauna and human populations.

### 3. Rehabilitation measures and long-term impacts

- Loss of unique soil profiles, including microbial communities, may mitigate against proposed revegetation plans. The study of microbial contributions to soil profiles is not well developed, however it is likely that stockpiling soil for later rehabilitation will not preserve the microbial profiles found in undisturbed soil.
- High risk of erosion of steep slopes and potential difficulties for revegetation plans.
- Final land use is unclear and rehabilitation measures reflect this uncertainty.

### 4. Human impacts

- Potential adverse impacts on Aboriginal sacred sites and cultural values downstream of the eastern quarry.
- Increased truck movements, impacting on traffic and other local business, especially in the town centre and on rural backroads.
- Loss of visual amenity and possible impacts on tourism.

## Types of Power

### Legislation

Although the Environmental Planning & Assessment Act is the 'umbrella' legislation for considering this DA, there are several other Acts, Regulations, planning instruments, policies and guidelines which are relevant. A full list, including dates of operation and excerpts of relevant sections, is at Appendix 4.

### Council Powers

This is a difficult topic to discuss in detail without reference to confidential material obtained under *sub poena* during the 1992-1995 court processes. Suffice to say that Byron Shire Council seems either reluctant or resourceless to use its legitimate powers to investigate the possibility of illegal activities or to require their cessation and/or regularisation.

It would appear that responsibilities devolved to Councils under various environmental laws are far greater than the resources and/or expertise of Council officers to implement. Councils must rely on expensive legal advice or specific expertise of State government departments before they can proceed with decisions and actions under environmental planning laws that have strict time constraints for Council deliberations.

### Powers of Government Departments

Officers in government departments also experience time and resource constraints, as well as competing priorities. Comments on the 1997 DA from some government Departments were cursory, reflecting these constraints. Serious concerns expressed by NPWS and DLWC were contrasted by unbridled support of the DA by the RTA and DMR.

Primary submissions from Departments to the Commission of Inquiry reflected more thorough examination of the issues. However, the Inquiry proceedings raised further questions, demonstrating that full consideration of development implications is rarely undertaken in the normal course of events.

### Powers of Community

The majority of Byron Shire residents are opposed to rapid 'Gold Coast' style development and there is a strong network of formal and informal community groups and concerned individuals who actively monitor and object to inappropriate and ecologically unsustainable development. Notwithstanding the difficulties of inadequate resources, Council and government departments do respond to (at least some of) the concerns expressed by the community.

In the drawn out history of the previous DA, several community groups (Beacon, BHPC & SPPA) called repeatedly for a Commission of Inquiry under section 86 of the EP&A Act (1979) so that the matter could be considered fully and Council could make an informed decision.

Community action in relation to the 1997 DA included an extensive media campaign (print and radio), organising street stalls and community meetings, and engaging in consultation with the developer (perhaps not as fruitfully as might yet be possible). In sum, there were 2143 submissions, 665 in support of DA, all but 4 on form letters, 1418 against DA, 61 of which were detailed, plus one petition of 108 signatures against DA. [Kanaley, 1998: 31.]

Due to the level of community objection and the complexity of the issues, Byron Shire Council requested the Minister for Planning to set up a Commission of Inquiry to determine the matter.

### Political Powers

The draft terms of reference for the Commission of Inquiry proposed by Council [Kanaley, 1998] covered virtually all the relevant issues of concern to the community. Council was concerned that it could not bear the financial cost of a s. 86 Commission of Inquiry and that it may lack the scientific expertise to make a decision on a Commissioner's recommendations.

The Minister chose to invoke s. 119 of the Environmental Planning and Assessment Act (1979), which provides for public hearings to be conducted by an 'independent' Commissioner who will then make recommendations for Ministerial decision, at his discretion. The Minister also decided the terms of reference for the Commission of Inquiry, discounting the social, legal and economic issues and prescribing terms of reference relating only to "the environmental aspects of the DA."

The Minister's decision is not appealable.

## Power and Processes

### Due Processes

As Mr Helman rightly points out (pers. comm. 1998), the 1992 DA approval would not have been appealed in the Land and Environment Court if Byron Shire Council had observed due process and ensured that the DA, EIS and FIS met statutory requirements.

The Company's decision to lodge the current DA three weeks before the commencement of the NSW Coastal Policy may have been serendipitous. The timing of Council's exhibition of the DA (with a closing date of 24 December 1997!) may have been dictated by statutory limitations, but gave Councillors little time to consider objections before making a decision.

These statutory limitations are designed to protect developers from untimely delays and, in this case, after some lobbying and consultation, the Company agreed to extend the exhibition period till the end of January and engaged in several consultations during that month.

If nothing else, we all agreed that we didn't want to go through the court process again!

Unfortunately, the DA was already a *fait accompli*, so the value of consultation was reduced because the community did not have input into the Development proposal and could only ask questions to clarify its content. In contrast, another quarryman in the region engaged in extensive protracted consultation with his local community before he lodged his DA, resulting in no serious objections and, in fact, support from a range of community groups.

The Company did, in fact, make some attempt to consult with the community in mid-1996, with the intent "to educate people about our aims with the property". [Hammond quoted in Conrad, 1996] However, many within the community were unable or unwilling to volunteer their time and resources after the protracted effort of the previous DA. Mr Helman and BHPA refused to be involved until costs awarded by the Courts were paid.

### Risks of Exclusion through Process

The provisions governing the conducting of Commissions of Inquiry require advertising of the intent to conduct the Commission in relevant local print media and written notice to all objectors to the DA. Although seemingly open and fair, this process does not reach some stakeholders, particularly those who live outside the Shire and/or who, due to age, health and rural location, are not newspaper readers. The Arakwal elders living in the next Shire were unaware of the Commission of Inquiry until BHPA members contacted them and briefed them on proceedings. None of them were in a position to prepare written submissions.

### Commission Hearings

In his opening address, Dr Carleton stressed that the Commission hearings would be conducted in "a spirit of co-operation". Overall, this was the case, with most parties respectful of other speakers and amenable to necessary changes in the schedule. Discontent when Mr Corkill had to defer his NCEC presentation subsided when the reason was explained: an urgent meeting with Mr Robert Carr, Premier of NSW (re forest issues).

Commissions of Inquiry are not Courts and are not bound by the rules of evidence (or oaths of truthfulness). Anyone who makes a written submission to the Commission is entitled to present their submission to the Commission. The Commissioner did, however, hear oral submissions from the Aboriginal presenters without insisting on written transcripts.

There was no official recording or transcripts of proceedings, requiring extensive briefings for those who were unable to attend all sessions. BHPA recorded the Primary Submission hearings and the hearings in reply. A list of participants is at Appendix 5.

The Commissioner almost balked at the arrival of Blue the Potoroo and Wallum Froglet, late in a long day, until he noticed David Bradbury with video rolling, a local newspaper photographer with camera flashing and a packed gallery of government agency staff who'd stayed for the entertainment long after they could have gone home. Everybody was highly amused by Wallum's request for recognition of her "existing use" rights too!

There is considerable scope in Commission of Inquiry proceedings to present both information and opinion in non-written forms. Theatre and video presentations were both useful tools to convey the extent and depth of community concern about qualitative issues, such as impacts on threatened species, Aboriginal cultural values and visual amenity.

## Scientific Issues

The concept of "Environmental Impact Assessment" was developed in the United States in the early 1970s, based on the Cost-Benefit Analysis (CBA) model of economics. Walker describes CBA as "a comprehensive technique" which seeks to "assess all the benefits, and all the costs" of a proposal, "and assess definitively whether it is worthwhile". [1994: 285]

Both these processes attempt to quantify qualitative elements to assist decision-making and rely on the ability of evaluators to identify, quantify and value all of the actual and potential costs and benefits of a proposal.

In the case of environmental impact assessment, there is vast scope for errors of omission and serious gaps in the knowledge base leading to unknown risks and biases which mitigate against the usefulness of this method for assessing environmental impacts.

### *Expertise in Flora and Fauna Assessment*

There is no standard, agreed measure for biodiversity loss. [Stedman-Edwards, 1998: 22]

The Company's flora and fauna consultant, Alison Martin of Greenloaming P/L, prepared both the original Fauna Impact Study for the 1992 DA and the 1997 Species Impact Study.

Walker notes that consultants "make a living by pleasing their clients", hence "Inadvertent' omission of data is bound to occur, and failure to identify, let alone address, major research needs is normal." [1994: 291] Indeed! It is also interesting that there is no national professional body or register of environmental consultants. 'Expertise' is measured purely by academic qualification, regardless of local knowledge or specific areas of competence.

Local resident and environmental consultant, Peter Parker, who also presented evidence in the 1992 case, provided Council and the Commission of Inquiry with a detailed and comprehensive report of flora and fauna surveys around the quarry, which highlighted methodological and identification errors and other inconsistencies in the SIS. [Parker, 1998] Another local environmental consultant also produced a strong critique of the SIS. [Milledge, 1998] Both were of the view that the SIS was inadequate and misleading.

The initial NPWS response noted several concerns, particularly in relation to conservation value classification of flora, failure to conduct a tree hollow survey, and fauna identification errors.

In the Commission proceedings, DUAP found that Ms Martin had not done an Eight-Part Test for threatened species, nor had she surveyed for the presence of three species added to the Threatened Species Schedule of the *Threatened Species Conservation Act 1985*.

Ms Martin's response was to argue that a tree hollow survey was unnecessary, and that her flora classification was superior to NPWS's and to criticise the Eight Part Test methodology.

Under direction from the Commissioner, Ms Martin subsequently conducted a survey of tree hollows, checked for the presence of the three newly listed threatened species and conducted Eight Part Tests for threatened species known to inhabit the site. Results of this research have been made available to the relevant government departments and Mr Parker and Mr Milledge.

Four NPWS officers attended the Commission of Inquiry site inspection and discovered a threatened shrub not identified in the SIS.

As a result of these assessments of the conservation values of the site, the Company offered a revised and reduced area of operation for the proposed activities (from 10.8 to 8.9 hectares) to exclude areas of high conservation value from disturbance.

### *Water Management*

A separate water management report, prepared by Ray Sargent, was provided with the EIS.

The initial DLWC response to the DA was perfunctory. However, the DLWC submission to the Commission noted several serious concerns, including the use of an unlicensed bore, unlicensed groundwater withdrawal, concern about water withdrawal from the ti-tree lake catchment and the need for a licence to divert a watercourse on the western side of the quarry.

Several issues were eventually dealt with in a separate Commission of Inquiry on the water licencing aspects of the DA in late July 1998. It does not appear that any retrospective action will be taken for illegal water extractions prior to the Commission of Inquiry.

Peter Helman, Angus Ferguson, Baker & Pont [1998], and Duncan Dey also raised concerns.

The variability of rainfall is extreme and Mr Sargent's calculations were based on 1 in 10 year rainfall event data from the 60 year rainfall record for the Cape. However, rainfall for the 1997-98 summer period (October to March) was the lowest ever recorded. It was also apparent from inspection of the eastern perimeter of the quarry that water withdrawals by the Company during that period resulted in extensive vegetation dieback downstream of the quarry.

Consequently, DUAP has recommended that the proposed development be modified to restore environmental flows to the ti-tree lake catchment, which may be costly and difficult to engineer.

#### *Engineering and Risk Assessment*

Engineering standards for the proposed 20 megalitre settling dam on the eastern perimeter of the quarry, road underpass and batter slopes are also based on 1 in 10 year rainfall events (the current engineering standard). In the context of increasing global climate fluctuations and the relatively short rainfall record, the risk of catastrophic failure of any of these structures is potentially greater than Mr Sargent estimates. Cyclonic events produce extended intense rainfall events, resulting in high runoff, sedimentation and potential for landform destabilisation.

"How do you manage a system where you know what 0.1 per cent of it looks like?"

[Tim Flannery (re ecosystems): in O'Reilly, 1996]

Environmental risk assessment cannot be founded on "a single measure of objective risk". [Levidow, 1992] However, it would appear that an underlying assumption of development approval processes is an "innocent unless proven guilty" principle which assumes that development will be "harmless" unless "proven" otherwise. The principle of "reasonable doubt" in civil jurisprudence has several handicaps in the judgement of environmental impacts.

The null hypothesis is the starting assumption in an experiment that events have a chance link rather than a causal one, within a chosen measure of probability. [Milne, 1993: 36]

Levidow notes that there are major divides "between those who would refine the attempt to put numbers on risk, and those who would deconstruct its latent assumptions", based on "two underlying dichotomies - between real and perceived, or objective and subjective, risk, and between risk analysis and its management". [Levidow, 1992]

Analysis of the probability of a risk event does not constitute capacity to manage the scope of an occurrence. There are two factors here: likelihood and impact. Chernobyl and Exxon Valdez were low risk events in terms of likelihood, but high risk events in terms of impact. High risk, low impact events are relatively easy to identify, analyse and manage, but low risk, high impact events are unlikely to be considered (or managed) adequately.

In this case, for example, concerns about the structural integrity of engineering works are directed at reducing both the likelihood and the impact of risk events. If no 1 in 100 year rainfall event has occurred in the last 60 years, and the quarry will operate for another 30 years, then the probability of an extreme event in that time-frame is significant, especially in the context of increasing global climatic instability.

There can be no absolute proof of "safety" or "harmlessness" even if we want there to be one. We have to live with risk. [Milne, 1993: 36]

#### *Precautionary Principles*

The concept of the "precautionary principle" originated in 1965 when a committee of German civil servants coined the term *Vorsorgeprinzip* ("foresight principle"). [Milne, 1993: 35]

Environmental activists have embraced the precautionary principle as a fundamental basis of ESD in an attempt to cope with "the inherent characteristics of environmental issues: invisibility, irreversibility, indivisibility, and urgency". [Walker, 1994: 43]

Although highly laudable as an ethical precept, the precautionary principle is not science and is essentially invoked in cases where science cannot ascertain or exclude causal links between human actions and environmental impacts. As such the precautionary principle is intended as a risk management tool for administrative and legislative decision-makers in cases of uncertainty in risk analysis. However, Milne notes that the legal system, which bases decisions on 'proof beyond reasonable doubt' and 'the balance of probabilities', "cannot measure how much caution is required, or how much harm may be done." [1993: 36]

As statute, rather than common law, legislation for environmental protection has few precedents and interpretations of ecologically rational principles vary widely from case to case.

## **Economic Issues**

### **Cost-Benefit Analyses**

The traditional cost-benefit analysis supplied by the Company demonstrated positive economic outcomes for the proposal [EIS, 1997]. This analysis completely externalised all social and environmental costs. Walker notes that "CBA consistently underestimates costs", especially non-economic costs, "borne by the community at large". [1994: 286]

"Environmental management standards take social, cultural and economic impacts into account and treat both human and environmental health."  
[Moy, 1996]

In contrast, Terry Digwood (1998) presented a broader analysis of the social and environmental costs associated with the project which resulted in a zero-sum or negative economic outcome.

Techniques for quantifying social and ecological impacts are not well-developed and are relatively untested. DUAP has only recently released draft guidelines for such assessments (Wiener, 1998). In Wiener's assessment, Digwood's analysis essentially met those guidelines.

### **Resource Demand**

"The normal house uses 120 tonnes of sand and 30 tonnes of crushed rock, not including the clay for bricks." [Keith Batson quoted in Conrad, 1993]

Mr Batson is referring to the "normal" concrete slab, brick veneer and tile house. He has argued that these are more 'sustainable' to build than timber houses, because "timber resources are scarce, and there's plenty of sand". [Keith Batson, 1998a]

Several local Councils also appear to hold this view, requiring significant areas of new urban housing to be constructed of brick on concrete slabs in their building regulations.

There is currently significant demand for sand and gravel resources for road-building associated with the upgrade of the Pacific Highway, which will be completed in the next five years. The specific qualities of the sand at the Broken Head quarry are apparently ideal for this purpose and conveniently located to supply these works.

### **Resource Supply**

Timber is a renewable resource and plantation supplies are increasingly available, whereas sand and gravel products are non-renewable and easily accessible local supplies are limited.

According to Mr Brownlow, the rare geological features of the Batson's quarry site, the unique particular (sic) qualities of the sand and its location identify it as a "resource of regional significance". (1994, 1998) At the current usage rates, there will be a critical undersupply of sand and gravel in the region within thirty years. (Brownlow 1998)

In 1993 there were 42 quarries in Byron Shire, "of which 20 are now operating." [Byron Shire Echo, 10 March 1993] Not all of these are sand and gravel quarries. However, for reasons unknown to the author, there has been a significant reduction in the number of operating sand and gravel quarries in the region in the past decade. Two quarries in Byron Shire run by the RTA now appear to be defunct.

Stricter environmental regulation may have discouraged quarry owners from seeking to extend their operations or to establish new quarry sites. However since the repeal of SEPP 37, five DAs for expansion of existing quarries were lodged with Byron Shire Council in June 1995, none of which have been processed or withdrawn [Anon. 1998]. It is not clear if any of these are sand and gravel quarries. Council refused to answer questions in relation to these DAs.

Both demand reduction strategies and improvements to development approval processes are necessary to ensure that the supply and use of sand resources is ecologically sustainable.

Incrementalism of decision-making, a 'protective' attitude by government of existing supplies and a concomitant failure to plan for future needs appear to forestall the possibility of refusal of this Development Application.

## **Legal Issues**

One central concern to both the community and Council is the legal status of the current "existing use" rights for the quarry and the expansion of the quarry since 1986. Mr Corkill [1998] risked and invoked the Commissioner's wrath in raising this issue with supporting opinion from local solicitor Wroth Wall. There is considerable community concern that an approval by the Minister could legitimise past illegal operations. Unfortunately, the Terms of Reference for the Commission of Inquiry exclude clarification



of this legal question.

Given that there are several other quarry DAs on Council's books, it appears that the Batson's Quarry may be a "test case" for the industry in the Shire (since none of the other operators have invoked action for "deemed refusal" of their DAs). This particular question was not raised in the Commission of Inquiry process because there was insufficient data and Council refused to clarify the status of these DAs of the nature of the operations for which approval is sought. Time constraints precluded further 'on the ground' investigation.

Another legal issue raised by Sean Docker (NSW Land Council) and Frank Khoury (on behalf of the Arawkal elders) is the question of pending land and native title claims for the areas east of the quarry. There is evidence that the quarry has caused siltation of the ti-tree lake in the past [Baker & Pont, 1997] and any successful land or native title claims may require the Company to restore the lake to its original condition. [NSW Land Council, 1998; Khoury, 1998]

## **Analysis and Discussion**

### *Community Contributions*

Participatory democracy does not work unless the community engages in the relevant processes. However the level of responsibility placed on the community by the current processes is essentially unmanageable. The immense amount of time, energy and resources invested by individuals and community groups in consultation and investigation of development proposals is rarely acknowledged and is often under-valued by Council, some government agencies, and decision-makers (be they Commissioners, Ministers or judges).

Although the final outcome remains to be seen, community concerns in this case were of sufficient power to result in a Commission of Inquiry. This process has stimulated proper consideration of environmental issues by government departments and has already resulted in concessions to these issues in the Company's offer to reduce the proposed area of operation.

In this case, the community was able to provide a wide range of qualified expert opinion: local flora and fauna knowledge, water management and engineering skills, economic analysis, and legal opinion. In the initial responses to the DA, community expertise was significantly more evident than application of the expertise potentially available in government agencies.

The tasks of co-ordination and administration of community responses also require skills and time and energy. The support of family and friends who make coffee, photocopies and meals, take messages and endure our distraction must also be acknowledged. Some community members have other priorities (particularly employment and children) yet offer encouragement and financial donations to help us to present community concerns.

One major contribution to our activities on this matter was the extraordinary dedication of Christine Wall in the 1992 DA process. Although she had other problems in life, Christine was so devastated by Council's decision to approve that DA that she committed suicide shortly after the decision was made, leaving her estate to BHPA for the purpose of ensuring that the quarry did not harm the natural values of the area which she loved so much.

As with ecological values, social values are not easily quantifiable in dollar terms. Suffice to say that communities make significant contributions to environmental decision-making which yield no financial benefits and involve substantial financial and social costs that may not be offset by social benefits, such as network-building, and positive environmental outcomes.

### *Attitudes*

It is therefore somewhat disheartening that legitimate community participation in responsible environmental management processes is viewed and represented as divisive, unprofessional, emotive and counter-productive.

Despite his sustained efforts at poker-faced impartiality, the Commissioner's frequent references to the importance of government agency staff time and expertise and his lack of patience with community concerns nominally outside the Terms of Reference for the Inquiry gave the impression that he thought that community contributions were neither professional nor relevant and that he had already decided to recommend an approval.

In this context, Walker notes that: "Community groups ... are generally treated as marginal, placated or ignored, depending upon the political climate." [1994: 279-280]

The Indicative Conditions of Development Consent proposed by DUAP [1998] appear to take on board



several of the consent conditions suggested by BHPC in the 1994 Land and Environment Court case, including a recommendation for a Community Environment Committee to review environmental management of the site. The proposed Batson Quarry Community Consultative Committee was also supported by NPWS and the EPA.

It must also be acknowledged that Keith Batson attended every session of the Commission and was observed to listen attentively to all presenters. Although frustration with some community concerns was evident in his Submission in Reply, he appeared to be trying to understand the issues and their implications for his quarry operations and freely acknowledged that some past practices have been cause for concern.

### *Recent Developments*

The 1997 amendments to the EP&A Act, which came into operation on 1 July 1998, introduce Integrated Development Assessment, requiring government departments to identify and define licensing and other conditions required for approval of a proposed development, before Council makes a decision to approve or refuse a DA. This change reduces uncertainty for developers and may improve the quality of government department advice on development applications, provided that sufficient resources and expertise are allocated to thorough assessment. There is a serious risk that government agencies will not have adequate resources to properly assess the ecological implications of DAs within the given time frames.

The 1997 amendments to the EP&A Act also restrict matters to be considered in the assessment of Development Applications [s. 79C] and remove "key tools for community involvement" [Connor, 1997], reducing opportunities for the community to voice informed concerns.

Greens MLC, Ian Cohen, recently introduced the Environmental Planning and Assessment (Public Participation and Environment Protection) Bill to the NSW Parliament, which aims to redress this loss of "the community's opportunities to have input on local planning issues". [Cohen, 1998] This Bill also includes provision for direct notification of adjoining land owners to proposed developments and provides definitions of "environmentally sensitive area" and "principles of ecologically sustainable development". The Bill however does not address the fundamental need for extensive open-ended community consultation in the project design stage.

None of these measures address the fundamental need for long-term regional planning for sustainable outcomes, even if they improve the quality of incremental decisions.

### *Ecological Sustainability*

The onus on local government to consider the principles of ESD in development decisions is not matched by the expertise and resources necessary to properly assess environmental impacts.

Although scientific knowledge is increasing, there are still critical gaps in the knowledge base. Focus on scenic shrubbery and furry fauna, for example, ignores the fact that 'flora and fauna' are often reliant on invertebrate and microbial biota, which are little studied and understood despite comprising the majority of species. Pathogen indicators have been developed to determine limit conditions for human safety, and there has been some work on soil microbes in mining rehabilitation, but the roles of invertebrates and microbes in ecosystems and the risks of disturbance are still areas of unknown uncertainty.

Intra-generational equity may be addressed by broader guidelines for cost-benefit-analysis methods, such as those for social and ecological values developed by DUAP, but these tools do not account for the unknown or the unforeseen and hence can only be regarded as indicative rather than comprehensive tools for assessment.

Inter-generational equity can only be addressed through comprehensive and integrated long-term planning at local, regional, state and national levels. The fact that local government decisions can be overridden by State government in matters of regional or state significance mitigates against responsible planning at the local level.

The financial position of councils can also limit the resources available for integrated planning for ecologically sustainable outcomes in addition to those needed for incremental decisions. Local Environment Plans and Regional Environment Plans do provide at least a skeletal framework for integrating individual decisions in a broader context of ecological sustainability.

Planning which takes account of the "invisibility, irreversibility, indivisibility, and urgency" [Walker, 1994: 43] of environmental issues must be both scientifically robust and politically resilient. Even with the best available scientific knowledge, application of the 'precautionary principle' is a value judgement and the commitment of individual Councillors to the principles of ecological sustainability is subject to

popular veto or ratification at election time.

The responsibility for a strong 'political will' for decisions to be made in accordance with 'ecological rationality' ultimately lies in "the will of the people" [Clarke, 1991: 15].

The 'environment movement' has lobbied extensively for legislated environmental protection. The resulting legislative framework has developed in an unintegrated and piecemeal manner, reflecting both the urgency of environmental problems and the limits of 'economically rational' sectoral frameworks in addressing them.

Any change in cultural values and political processes is subject to a transitional learning curve. The development of industry standards and guidelines for environmental management indicates that developers are also moving towards ecologically rational principles and practices, albeit mostly where there are confluences of increased economically rational efficiencies.

The inclusion of 'ecological rationality' as a guiding principle for political and economic decision-making is still in its early phases. As with biological systems, an emerging cultural system is neither stable nor resilient. The systems instituted to resolve problems of integration of 'ecological rationality' and 'economic rationality' require further refinement to evolve as robust tools for ecological assessment.

Conflicts between ecological and economic rationality remain problematic. In this transitional context, the tools and strategies of state and national level legislative power remain important, although formal adversarial resolution processes must be viewed as a tool of last resort.

#### *Future Directions*

So the answer is to redesign the system to cost less. ...

A board of review, rather than a court. A process of mediation and conciliation.

A system where these objections are more effectively dealt with in the first place.

[Editorial, Byron Shire Echo, 18 May 1994]

Sutton distinguishes between the project assessment emphasis of current approaches and an ESD approach which would focus on project design.

A successful project generation process would need to involve businesses, unions, social welfare and conservation organisations, as well as the various levels of government. ...

It is in the project generation phase that major trade-offs between society's major goals can be avoided or designed away, thereby achieving win-win solutions. [Sutton, 1991: 12]

The inflexibility of the Batson's 1996 community consultation position: "We wish to implement a set plan. It's not just open slather." [Hammond in Conrad 1996] precluded the exploration of a wide range of possibilities between a concrete 'set plan' and chaotic 'open slather' in the design of the current DA. It is possible that the 'all cards on the table' Commission of Inquiry process and the necessity of a 'spirit of co-operation' may have laid the groundwork for more productive and open consultation with this Company in the future.

#### *Conclusion*

At the time of writing, the outcome of the Commission of Inquiry process remains unknown. It is certain that there will be an approval. What is not clear is the extent, duration and conditions of that approval and whether the activities undertaken under that approval will protect the unique environmental values of the area and, at the same time, allow the Batson families to continue to manage a profitable and respected local business.

It is yet possible that Managing Director Keith Batson's expressed desire to make the quarry "a showcase of ecologically sustainable development" [1998b] can be a reality, although it will require significant further evolution of the Company's ESD practices and a stronger commitment to co-operation from all parties involved.

The community as a whole must take responsibility for developing and refining the co-operative 'ecologically rational' tools needed to incorporate ESD principles at the planning stage of development proposals and to ensure that development practices meet ecologically sustainable standards. Voluntary community involvement in both formal and informal consultation, monitoring and planning processes will continue to be an essential part of this process.

FACULTY OF SOCIAL INQUIRY  
ENVIRONMENTAL POLICY (ASEC 82)

Dear Margaret,

Feedback Sheet

I'll structure my feedback along the lines of what I handed out as the main questions to consider, while recognising that not all the questions will be appropriate for all case studies. *Even though you've enrolled in the GESC subject (Env, Econ. & Science), the Env. Policy Feedback questions are more relevant to your case study.*

1. Nature of environmental policy case study. Is it issue specific (e.g. waste incineration), site specific (e.g. future development of North Head) or both? *Using a site-specific case study of Broken Head to examine larger issues of workability of legislative, legal and policy provisions to deal with environmental conflicts*

2. The personal and professional significance of the case study for you - why did you select this one?

*You are very terse about your motivation (personal and professional) in selecting this case study. You said much more verbally at Carington's without than in your report. It would have added some depth and personal context if you had included a fuller introduction at the top of page 3 with the reasons why you wished to pursue the 3 questions listed at the bottom of that page.*

3. Policy context of the case study. What other existing policies are relevant or part of the background of the study?

*Between the Background, Political Context and Appendices, you give a broader political understanding of the issues, as well as the specific details. Appendix 4 is particularly thorough although it goes on to you further with this document it would suggest discussing the implications of this Appendix (e.g. massive overlapping zoning policies, yet having little effect on the ground) in the text.*

*I also note a very good summary of ecological issues at stake (Question 3 in the EE&S questionnaire) on page 5*

4. Stage of the policy 'life cycle' the case study is currently in. Look at this from a process-oriented perspective.

*In EE&S, you do not discuss it at all, but your Appendix 1 and discussion in the text identifies this as being about the implementation of a set of policies, and questioning the adequacy of the policy network. You have a good process-oriented perspective in your analysis and conclusions.*

5. Who are the major stakeholders in the issue? What are the dynamics of their interactions? What different types of power are held by the different stakeholders?

*Clearly identified in Figure 1, and fleshed out in text and Appendices. I'm interested in your observations about how the stakeholders and their dynamics have changed over time - e.g. how Brisbane have changed in attitudes and practices. Good discussion of types of power on page 6/7 - you looked at power in 'power of community' that the community does have the power to under the terms of debate (e.g. in the Commission hearings) in a way that other stakeholders do not (quite, very constrained by political procedures)*

6. Does it make sense to look at the stakeholder groups or the policy community around this particular issue as a socio-political system? If so what are its characteristics?

Again, not required. However, in your analysis and discussion, you should look at the system as a whole - particularly question how well the current legalistic/adversarial processes are serving anyone's interest (except maybe the lawyers!).

7. The relevance or implications of Walker's general analysis of environmental policy for the case study. Consider some of his concepts such as rational-comprehensive versus incremental policies and the notion of policy communities.

I was impressed by your grasp of Walker's analysis of policy - comprehensive vs incremental, types of power and especially the relationship between legal, economic and ecological rationality. I think your case study illustrates the limitations of our current ways of dealing with the contradictions between these three, and suggests a way forward. (You might want to look at fleshing out these possibilities further, even twinning some, in your subsequent university work).

8. What policy implications, conclusions and recommendations can you make from your case study?

I think you have more conclusions and more implications than you state on page 14. You could go back over your analysis and discussion, and summarise at least half a dozen implications.

As to your last paragraph: Is it the community's responsibility for developing and refining the ecol. net. tasks? Doesn't this perpetuate the government's abdication from proactive environmental institutional and process work? Why is the innovative work on co-operative processes coming from community? Can we not conceive of governmental responsibilities including institutional and process design for ESD?

9. What personal and professional understandings of your relationship with the environment or place in the world have you gained from the study?

Again, Margaret the person is rather much in the background. Her social ecology, one of the key skills must be to include your own motivation, response to and meaning-making processes as an integral part of your work.

## 10. Overall comments

10. Overall comments  
A highly competent professional report, Margaret, quite satisfactory even at the Masters level (which is why I used this feedback sheet). You have a good mind for analysis, can grasp the larger themes and connect them to the details of the case study. I hope you are planning to continue postgraduate university work, because you are very capable and a thoughtful researcher. We just have to get you to include yourself more in the research! Well done!  
John Cameron

photos - 10 was a good day, ok

P.S. Thanks for the

BPHA Coastcare Committee Meeting  
18th May 1997  
'Serendipity', 7 Mile Beach Road, Broken Head

Present: Angus, Penny, Jo, Bridgid, Dianne, Fiona

Timing of community information day

First option is Sunday 15/6, then Sunday 8/6. A weekend preferred to allow greater participation. Proposed to advertise start time as 2.30pm. Need to check proposed dates with Ian and Jan. Bridgid to book Broken Head Hall. (hourly).

Details of community information day

A number of boards with information under different topics. A number of people to speak relating to each board, short speakers (3-5 mins) and an MC. Food, music, social time. Contributions of display information, archival material, photos etc. requested be dropped at Serendipity.

**MC** - a character, suggested Bridgid and/or Gus would be good in this role.

**'Aboriginal Significance'** - general discussion on what type of information to present and if text is the most appropriate form - pictures and speakers preferable. Di to contact the sisters re the info day and invite them. Penny to contact Steve Schneirer and Ron Heron. Would they like to participate, do they have any suggestions?

**Nature Reserve History Board** - Gus and Jo to prepare, Bridgid to contact Jim Armstrong and check out if he would be suitable as a speaker. NPWS involvement.

**BHPA History Board** - Ian as speaker

**Coastcare Project Board** - Penny, Jo and Gus to prepare. Speakers Di & Gus.

**NPWS Board** - invite NPWS to speak if they wish to contribute a board.

**Volunteer/Information Table** - book for volunteers to provide contact information and how they wish to be involved. Ask Elliose to staff this table. We need to work out the next meeting date for volunteers and provide this at the meeting.

Prepare a **flyer** (Gus/Di) on the project to distribute at the meeting.

Possibly incorporate reading of poem by Wayne Armitage in the presentations.

After the MC wraps and invites people to ask questions, have a cuppa etc. quiet **acoustic music** by Bridgid and Penny.

**Lighting** Wayne/Fiona/Gus

Organise a **slide show** showing the **video** (continuously)

**Fire** outside - Fiona to provide firewood.

**Food** - hot drinks, cakes (Fiona), soup, bread, dahl, rice - Jo, Fiona, Elliose?

**Invitations** - Fiona to send out to all members and others. If you wish specific people get an invite, contact Fiona (877-619).

Publicity

Penny to contact Echo. **WED Article** - Gus to do (need photo). Penny to advise Gus re word limit. **Poster** - Jo to organise and distribute.

Gus to talk to SCU lecturers and ask if they would announce meeting/project in class. Gus or Peter to invite Richard Hagley. Fiona to invite Byron Councillors. Fiona to chase up a logo with Coastcare, inform them of our incorporation (Send copy) and ask them to send \$. Fiona will send out formal invites to the custodians when Di gets back to her after speaking to them.

NPWS meeting

Meeting date set for 9.30am Tuesday 3/6 (location to be advised)

Project organisation

Gus has started working on the management strategy and operational plan - needs to be worked up further prior to community meeting. A draft needs to be commented on widely prior to a final plan/s.

Structure

Briefly discussed employing a co-ordinator and a supervisor who has specific regeneration skills. Need to work on job descriptions, advertise or invite people to apply (are we required under the grant to advertise)? Other workers can be 'green jobs' (need to investigate subsidised funding possibilities further) or volunteers.

# Action Summary

who to do	what to do	by when
Bridgid	book hall on hourly basis	asap date confirmed
Bridgid/Gus	MC event as characters	at event
Di	contact custodians, invite them & families	ASAP
Penny	contact Steve S. & Ron H. re their involve	after Di talks to sisters
Bridgid	Talk to Jim A re possibly speaking on Nature Reserve History	ASAP
Ian	Speak on BHPA History	at event
Gus/Jo/others	Prepare display boards	prior to event
Elliose?	Staff volunteers table	at event
Gus/Di	Prepare flyer on project	prior to event
Penny/Bridgid	Acoustic music	at event
Wayne/Gus	Lighting	at event
Fiona	Fire/firewood	at event
Fiona	cakes	at event
Fiona/Jo/Elliose	soup, dahl, rice, bread	at event
Fiona	send invites to all members & others as advised (eg. byron councillors)	ASAP
Penny	contact Echo re publicity	ASAP
Gus	Prepare WED article for Echo	by Echo deadline
Jo	prepare poster and distribute	a week or 2 prior
Gus	ask SCU lecturers re publicise in lecture	ASAP
Gus/Peter	invite Richard Hagley	
Fiona	chase up Coastcare logo for publicity	ASAP
Fiona	send Coastcare copy of inc. and ask re money	ASAP
Di	Organise meeting with NPWS	
	Advise: Bridgid, Jo, Fiona, Gus, Penny	ASAP
Gus/Di/Peter	Work up rehabilitation strategy and operational plan	by meeting?
???	Further investigate 'green' job subsidies and conditions	



***BROKEN HEAD PROTECTION  
ASSOCIATION  
INVITES***

***ALL MEMBERS TO:***

COASTCARE COMMUNITY INFORMATION  
\*\*\*\*DAY\*\*\*\*

VENUE: BROKEN HEAD HALL

DATE: SUNDAY, 15TH JUNE 1997.

TIME: 2.00 pm for 2.30 pm start

PROGRAMME: INTRODUCTION  
INFORMATION BOARDS &  
SPEAKERS  
VOLUNTEERS REGISTER  
ACOUSTIC MUSIC  
FINE FOOD AVAILABLE

Hope to see everyone get behind this significant event.  
Bring a positive attitude & lots of friends

Further information as it comes to hand or contact Bridgid on 877-248 or Fiona on 877-619



BROKEN HEAD PROTECTION COMMITTEE

Meeting Minutes: 25/03/97

Lot 2, Bundaleer Road Broken Head 7 p.m.

**N.B.!!! CHANGE OF MEETING DATE FOR  
NEXT BHPA TO WEDNESDAY 14 MAY  
(6.30 TO 8.00PM) AT WAYNE & FIONA'S (877619)  
BRING FOOD TO SHARE...**

***Agenda items for this meeting need to be given to the Secretary (DI) by  
Wednesday 7th May. Phone/Fax: 857-607...***

Present: Richard Conrad, Elliose Farrow-Smith, Peter Helman, Kim Caldwell, Jo Peoples, Jan Barham, Holly North, Dianne Mackey, Fiona Parsons, Wayne Power, Bridgid Pearse.

Apologies: Ian Cohen, Mary Burg, Gus Ferguson, John Corkill

Minutes: previous committee minutes (04/03/97) confirmed  
previous committee minutes (26/02/97) amended  
general meeting minutes (16/03/97) tabled

Agenda: Academy site up-date  
Ted Byrnes up-date  
L.E.S. Action  
Public Liability Insurance  
Coastcare Up-date  
Broken Head Working Party  
Telstra Up-date

Academy Site:

\* Richard reported that the owners of the Academy site will be lodging a DA around late April consisting of cabin style accomodation for 40 people, restaurant and conference centre.

Ted Byrnes:

\* At the previous meeting BHPA decided to invite Ted Byrnes to tonight's committee meeting however we were unable to contact him. Richard Conrad reported that he had been contacted by Mr. Byrnes and subsequently an onsite meeting took place. He informed Richard that he is appealing the Court decision to replant the area that he cleared for his house site.

Proposal: Fiona to contact Mr. Byrnes and arrange meeting.

Action: Wayne, Gus (?), Ian (?) and Fiona to meet Mr. Byrnes on-site.

Insurance:



Group informed that 5 mil public liability was necessary which would also cover the coastcare work.

Action: Fiona to confirm with her insurance broker to go ahead with the cover at a cost of \$328-00.

Broken Head Working Party:

There is a meeting to be held on Monday 7th April from 10 am to 12 noon. Dianne informed us she can not attend.

Proposal: Gus and Kim to go along and represent us.

Action: Meet with Dianne prior to meeting for briefing

Jan informed us of an on-site meeting on St. George land where concerns were aired over riparian and corridor areas. There were people present who felt an extension of these areas was not necessary, that 20 metres was sufficient. Some negative comments regarding rezoning. General feeling however was good.

Telstra:

Di informed us that a letter had been received from Austel and that they are processing our complaint against Telstra.

L.E.S.:

Proposal: Form sub-committee to handle writing of submission on behalf of the group.

Action: Sub-committee consisting of Di, Gus, Peter, Holly & John C (?) to meet at Serendipity on Friday 28th March at 10am.

Proposal: Information stall in town on Tuesday 26/03

Action: Jo and Fiona to set up and hand out flyer, stickers and encourage people to make a submission. Remind people of public meeting Wednesday at Broken Head Hall.

Proposal: Market stall for Easter Monday 31/03

Action: Elliose to co-ordinate with BEC re: access to info and stall location. Fiona to help out after 12 noon. Wayne to transport displays from BEC to market site.

Proposal: Bridgid to write a letter to the Editor.

Action: To be done ASAP

Proposal: More copies of primary flyer, Mary Burg has offered to pay for copying done at the Community Centre.

Action: Fiona to confirm with Mary payment and copy same.

Proposal: Distribution of flyers in Suffolk Park, Beach Road, Caravan Park and Kings Carpark.

Action: Kim and Peter to do Beach Road, Penny to do Kings with Richard.

BROKEN HEAD PROTECTION ASSOCIATION INC.  
GENERAL MEETING Minutes 14/05/97  
Lot 2, Bundaleer Road Broken Head 6.30pm

Present: Elliiose Farrow-Smith, Jo Peoples, Holly North, Dianne Mackey, Fiona Parsons, Bridgid Pearse.

Apologies: Wayne Power, Richard Conrad, Bruce & Judy Blackford, Angus Ferguson, John Corkill, Penny Young

Minutes: previous committee minutes (25/03/97) tabled

Treasurers Report: Balance as per 14/05 \$204-73 Cr. Santos require more T-Shirts and money to be collected for sale of six. Holly to organise.

Business Arising: T. Byrne: Could not be contacted  
Public Liability: Copy to Holly  
BH Working Party: Gus attended on behalf on Di  
LES: Submission written and tabled  
Information Stall: Held outside BEC by Jo & Fiona  
Easter Market Information stall: Held and attended by Elliiose

Agenda: Telstra  
Broken Head Working Party  
Broken Head Submission  
Dean Stahman  
Ted Byrnes  
Coastcare  
Araucaria Up-date (Rezoning)  
General Correspondence

Telstra:

\* Letter tabled by Di from Telstra dated 28/04. Decision made for proposed routing of cables thru ABC land. BHPA have not been informed of route but Council have been notified. They thanked BHPA for our concerns and advised we may contact them should we require any further information.

Proposal: Write to Telstra requesting proposed route, copy of their Environmental Assessment and proposed timetable for work.

Action: Holly to write to Telstra.

Broken Head Working Party:

\* Final meeting of the working party was held 05/05. A report is now being prepared for Council. General feeling that there was a lack of environmental study shown. Hoping to re-convene the Working party and deal with the remainder of the land zoned 1(d).

Broken Head Submission - DLEP:

\* Informed there was over 70 submission received by Council relating to the DLEP. Most of the submissions were written in accordance with what was outlined and distributed in the BHPA flyer. Council may deal with this issue in its June meeting.

Proposal: Enquire what meeting will deal with the DLEP and have as many people attend as possible.

Action: Holly to follow-up and confirm date of meeting and begin phoning members.

D. Stahman:

\* Press release completed by Di & Mitch (BEC) and in Nth Star 17/04. Meeting held with Paul Montgomery (TPO), Peter Fryar (Planner), Fiona Parsons & Pauline Shelldrake Monday 12/05/97. Paul Montgomery inspected site around 02/04, felt no DA was necessary. According to Peter Fryar, who has not been on-site, he did not consider the construction to be a road, rather the upgrading of an existing track and that this track was supporting and ancillary to agriculture. LEP clearly states roads in land zoned 1(d) require Council Consent, and the work completed does not comply with the zone objectives. Environmental management in regard to siltation had occurred by placing three hay bails by the bridge. TPO felt this was adequate. Council informed us that no further action will be taken unless there is evidence of further siltation or soil erosion. On advice received from Wroth Wall, he feels we have sufficient grounds for prosecution.

Proposal: Call sub-committee meeting to discuss whether legal action should be taken and invite Wroth Wall, Pauline Shelldrake and Peter Helman. Follow-up press release.

Action: Fiona to follow-up further media attention and ring members and organise meeting.

Ted Byrne:

\* A DA was lodged with Council for construction of a home on the cleared site in question and subsequently withdrawn by T. Byrne. Regeneration plan tabled for his land but not for the cleared block. An appeal date has been set for Lismore, Monday 16th June at 9.30am

Proposal: Members to attend Court hearing. Ted Byrne to be contacted and arrange an on-site inspection.

Action: Fiona to contact Ted Byrne. Di, Holly, Elliose, Jo and Fiona to make themselves available for a site inspection.

Coastcare:

\* Bridgid tables minutes from last Coastcare meeting outlining ideas for a community consultation evening to be held at Broken Head Hall on Saturday 7th June.

Proposal: Sub-committee meeting to discuss further and organise who will do what. NPWS to be contacted and invited to come along for some of their views and ideas.

Action: Meeting set for Sunday 18/05 at 2pm at Serendipity. Di to talk to NPWS

Araucaria:

\* Council has written a letter to the shareholders informing of the proposed rezoning and DA to be dealt with in the first council meeting in June. Council to vote to prepare LEP, then to go on public display. Holly assumes the DA and rezoning will be displayed together. Holly and other shareholders are keen for BHPA members to view the land and their plans ASAP.

Proposal: Organise meeting on-site between 5-16 June.

Action: Members to contact Holly (857607) with time and date.

Correspondence

\* Council responded to concerns of Seven Mile Beach Road. They state that sign and road has been repaired.

\* Pandanus dieback concern. Keep alert to the health of local pandanus. Outbreak of dieback occurring in southern Queensland.

**NEXT MEETING: JULY 7TH - 6.30 P.M.**  
**WAYNE & FIONAS (877619)**  
**BRING FOOD TO SHARE**

Meeting closed: 8.30pm

# ACTION SUMMARY BHPA 14/05/97

ACTION REQUIRED	BY WHOM	WHEN
Write to Telstra re. route, timetable copy of Env. Ass. for ABC land	Holly	ASAP
Contact Cnl & find out what mtg will handle BH DLEP	Holly	ASAP
Once date is confirmed contact members to attend Cnl meeting	Phone tree	
Sub-committee to decide whether or not to take legal action over the D. Stahman road		
Ring & confirm date of meeting	Fiona	ASAP
Follow-up story with Nth Star	Fiona	ASAP
Contact Ted Byrne and organise on-site inspection of & discuss regen..inform members of time & date of meeting	Fiona	ASAP
Organise meeting on-site at Araucaria to view plans for home sites and regen...If interested contact Holly	Members	5-16/06

# Broken Head Protection Committee (BHPC) activist/members

(and therefore prospective BHPA Inc members!)

Invite Notice	Name	Phone	Address	BHPA Invite Delivered
✓	{ Dianne Mackey )	876 497		} ✓
	{ Holly North )	"		
✓	Fiona + Wayne	877 619	P.O. 812 Byron Bay 2481	
✓	Kim	854 004	Beach Road, Broken Head	
✓	Peter Helman	041.2251 496 w /		
		853 474	87 Alcorn St Suffolk Park	
✓	Jo Peoples	853 441	28 Alcorn Street, Suffolk Park	✓
✓	{ Angus Ferguson	877 248	Serendipity	} ✓
	{ Penny Young	203 158 w		
		877 248		
✓	{ Richard Conrad	858 883 w / 015 594 144/		} ✓
	{ Elloise Farrow-Smith	877 647		
✓	{ Ian Cohen	877 248 / 02 230 2603w / 019 989 466		} ✓
	{ Jan Barham	" / 01		
✓	Harry & Anna Brown	015 788 633	Bunjum community	✓
✓	John Corkill	224 737	1 Oliver Place Lismore 2480	✓
	Geoff Teasel	871 515		
	Nigel (@ BHPA Park)			
	beach road residents (see Peter H. for specifics)			
	Mary Burg	803 817		
✓	Bridgid	877 248	Serendipity	
	Annette + David	882 148		
	+ Bruce + Judy	857 607		
	Blackford			
	Wroth Well			
	David McKenden			

# Broken Head Protection Committee

A local member group of the North Coast Environment Council Inc.  
PO Box 691 Byron Bay 2481

## NOTICE of a

## General Meeting

## of Broken Head Protection Committee

To be held on

Serendipity verandah

5.30 pm for 6.00 pm start - til 7 or 7.30 pm

on Wednesday 15 January 1997

draft AGENDA

Appointment of Facilitator and Taker of Minutes!

Present and Apologies

Business arising from the last meeting

\* reports from 'on site' meetings with NPWS

\* progress on Plan of Management for BHNH

\* update on Taylor's lake and native title claim

\* Latest on Batson's Quarry and new DA mediation

\* progress on BHPC incorporation

\* CoastCare funding application

*ACC delegate*

Correspondence IN/OUT

Finance Report

New Business

\* Broken Head draft Local Environment Study / draft Local Environment Plan

\* Optical fibre cable corridor: Lennox - Suffolk

\* National Estate listing

General Business

*Lot 1 - B+B - John Ward -*

Next Meeting date:

per JR Corkill 9/1/97

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# **Broken Head Protection Association**

PO Box 812, Byron Bay NSW 2481.

---

Dear *Di + Holly* ✓

## **NOTICE of & INVITATION to the Inaugural Meeting of the Broken Head Protection Association**

**to be held at  
Broken Head Hall,**  
cnr Midgen Flat Road & Broken Head Rd, Broken Head,

**on Sunday 16 February 1997  
from 4.00 pm - 6.30 pm  
with a 'bring-food-to-share' supper and 'social' to follow.**

The Broken Head Protection Committee has been an unincorporated association for over ten years, fighting to protect the natural and cultural heritage values of the Broken Head area. Our 'unincorporation' limits our possibilities for legal actions and our eligibility for government grants. Late in '96 the BHPC agreed to take the necessary steps to become incorporated under the NSW Associations Incorporation Act 1984. At its last meeting on 15 January '97, the BHPC resolved to be 'taken over' by the proposed incorporated association - to be known as the Broken Head Protection Association Inc.

The purpose of the meeting is to form the new incorporated association, adopt Aims & Objectives and elect the first Management Committee. Would you like to be on the management committee? The management committee of the proposed Broken Head Protection Association Inc. will undertake the bulk of the group's work and will be known as (wait for it) the Broken Head Protection Committee! (Novel huh?!) BHPA membership fees (\$20.00 or \$10.00 self-selecting concession) can be paid at the meeting.

The management committee is proposed to be 4 general committee members plus four officers of the Association: Convenor, Secretary, Treasurer, and Public Officer. A Constitution has been drafted and will be available at the meeting on the 16/2/'97. Anyone wishing to obtain this 4th draft beforehand, should call J. Corkill 066 224 737. This draft Constitution will be discussed but may not be finalised at this first meeting. Its completion is a pre-requisite for the BHPA to become formally incorporated.

This meeting will not be 'public'. You're among only a limited number of people who have been invited. Please attend & become a 'foundation member' of the new BHPA.

See over for a rough draft Agenda for the meeting. See you there! *J. R. Corkill.*

John R Corkill 16/1/97

---

# ***Broken Head Protection Association***

PO Box 812, Byron Bay NSW 2481.

---

FOR MINUTES

## **Draft AGENDA for the BHPA's Inaugural Meeting**

3.30 pm Gather

4.00 pm Begin

Facilitator and Minutes Taker:

Present:

Apologies:

Initial Business to form the BHP Association

- ① Proposal to form the BHPA
- ② Proposal to adopt a Mission Statement, Aims and Objectives
- Proposal to adopt draft 4 of the Constitution on an Interim basis
- Proposal that those present (who wish to), pay the membership fee and be listed as BHPA 'foundation members'
- ✓ Proposal to set annual membership fee at \$20.00 or \$10.00 (self-selecting concession)
- Election of Inaugural Management Committee
- Proposal to complete the process of applying for incorporation
- Proposal to take out Public Liability Insurance

Brief Report on Business Arising from the BHPC meeting of 15 January 1997,  
including:

Proposed track construction options  
'On site' meetings reports  
Progress on Plan of Management BHNR  
Update on local development proposals  
Latest on Broken Head draft LES and draft LEP amendment  
Correspondence  
Finance report

New Urgent Business

Next Meeting date:

by 6.30 pm Close meeting

6.40 pm -> 9 ish Stay on, have supper and interact socially!

*National Strategy of Ecological Sustainability*

JRC 16/1/97



## Broken Head Protection Committee

A local member group of the North Coast Environment Council Inc.  
PO Box 812 Byron Bay 2481

### Minutes of a General Meeting held on 15 January 1997 at Serendipity MO, 7 Mile Beach Road, Broken Head.

Present: Holly North, Fiona Parsons, Di Mackey, Jan Barham, Jo Peoples, John Corkill, Harry Brown, Ian Cohen, David Eisler, Bridget Pearse, Angus Ferguson, Penny Young,

Apologies: Peter Helman, Richard Conrad, Elloise Farrow-Smith,

Facilitator: Di Mackey agreed to facilitate; John Corkill agreed to take minutes  
The meeting began at 6.20 pm.

#### BUSINESS ARISING FROM THE LAST MINUTES

##### Incorporation:

John C reported on progress on preparation for incorporation  
a draft 3 of a Broken Head Association Constitution has been circulated and various comments received.  
Thanks Di and Harry! Draft 3 included comments from John Whitehouse solicitor, who will be asked to review the next draft too!

John tabled information leaflets from the Department of Fair Trading on the Roles of Committee members and another on the role of the Public Officer under the Associations Act 1984.  
he also tabled the necessary forms from the Department, for reserving the proposed name and for applying for incorporation.

John advised that it would be necessary for the BHPC to carry a resolution agreeing to its takeover by the new incorporated association.

##### Proposal:

That the Broken Head Protection Committee agree to be taken over by a new incorporated association, the Broken Head Protection Association Inc.

Moved Di Mackey                      2nd: Ian Cohen                      CONSENSUS  
Di and Ian to sign a letter on BHPC letterhead to this effect.

The meeting agreed to accept Holly North's offer to complete the form to apply for the reservation of the name 'Broken Head Protection Association Inc'.

John advised that it will cost \$25.00 to apply to reserve the name + \$75.00 to apply for incorporation.

In addition, a \$2 million Public Liability insurance policy must be effected before incorporation, as a pre-requisite for incorporation approval.

He reported that he had spoken to the GIO (Michael Carne?) after inquiring at the Big Scrub Environment Centre Inc re: their insurance.

GIO quoted \$278.75 for a \$2 million cover or \$334.50 for \$5 million public liability policy.  
Jan raised a question as to whether a minimum of \$5 million was required for groups receiving government funds. She agreed to seek an immediate answer on this question.



*Proposal*

That the BHP Association's annual membership fee be set at \$20.00 and \$10.00 concession (self selecting) and be payable at the inaugural meeting.

Mvd: Ian

2nd: Angus

CONSENSUS

Next meeting: 4.00 - 6.30 pm Sunday 16 February 1997

With a 'bring-food-to-share' supper & social afterwards

Venue: Broken Head Hall, Lennox Head road.

Track Construction Issues in BH NR

Jan, Di and Gus reported on 'on-site' meetings with NPWS staff re track issues.

*Proposal*

That BHPC respond to the NPWS letter of 20 November 1996 by writing to asking NPWS to advise BHPC on any recent advice from the Southern Cross University on gravel samples for possible use on BH NR tracks, and advice on pre-fabricated concrete for possible use in the Two Sisters Track.

Mvd: Jan Barham

2nd: Gus Ferguson

CONSENSUS

It was further agreed that the letter to NPWS should include a request for NPWS officer Brian McLachlan to meet members of the BHPC to discuss options for surface cover and the Two Sisters Track generally. Specific issues raised were: colour matching, foot friendliness,

Options for Road Closure of 7 Mile Beach Road

Di tabled her Notes on a meeting she'd had with Holly, Gus and Brian McLachlan on 7/11/1996 on possible road closure of 7 Mile Beach road.

After discussions, it was agreed that BHPC reps should meet with NPWS reps and Byron Shire Council planning staff by end of January to discuss the possible 7 Mile Beach Rd closure. Reps to be Di Mackey, Angus Ferguson and Ian Cohen.

Bridget agreed to continue to monitor track maintenance work in the BH NR and report to the next meeting.

Batson's Quarry

John reported that Peter Helman apologised but provided a short report.

Batson's have sought mediation over its planned further DA for the quarry extension. Peter's position to Keith is that he will not engage in any further discussions with Batsons Quarry until the costs in his earlier proceedings had been paid. The meeting agreed to leave the matter in Peter's hands, the ball being firmly in Batson's court.

CoastCare application

An application for a CoastCare Grant was made by Jan Barham on behalf of a BHPC.

The application was jointly made with NPWS, to do rehabilitation works at Bray Beach and on the old field station site. NPWS has made significant offers to contribute to the projects.

The announcement of the CoastCare grants has not been made yet but is expected soon?

Native Title Claim on Taylor's Lake

No progress has been made on this recently. NPWS Northern Zone has now appointed an archaeologist. They need to address the request for an 'aboriginal place' under the NPW Act.

Di advised that the Cape Byron Consultative Committee finalised a report to the Minister for Environment on possible conservation reserves between Cape Byron and Broken Head. She agreed to provide a copy.

Progress on Plan of Management for Broken Head Nature Reserve

Jan advised that deputy NPWS Director, Alistair Howard suggested that the draft PoM be amended by including a preamble which specifies that the PoM would be revisited once natural resource management issues relating to the whole area Cape to 7 mile Beach had been considered by the Cape Byron Consultative Committee.

Jan to follow up with Alistair on the whether the Minster has made the necessary changes to the PoM.

Correspondence

OUT

To: Brian McLachlan re Notes on a Meeting on Site on 5/11/96 - Noted

IN

From: RACAC enclosing their latest newsletter. - Noted

Finance Report

Bank balance \$302.00

In addition Fiona reported on Tshirt sales of \$233.00

Di advised that \$450.00 of this money is owed to Fiona and Wayne for their backing of the Tshirts production.

There was discussion of possible additional stockists for the T shirts, and the need for additional orders.

It was agreed to refer action on further merchandising to a sub-committee of Penny and Fiona to organise T shirt print run up to \$250.00 as soon as possible.

NEW BUSINESS

Newrybar Swamp drainage

Ian reported on advice he'd had from a local landholder who is concerned about drainage at the Newrybar swamp affecting the Ballina Nature Reserve, involving the local drainage union. Ian, Gus and Jan to follow up and report back with more information at the next meeting.

Bed and Breakfast on Lot 1

Ian advised of an approach from a person who wants to discuss the idea of a bed and breakfast facility.

It was agreed that Jan will phone John Ward to advise him that BHPC reps will meet with him after the meeting of landholders with Byron Shire Council to be held on 17 February. It was agreed to thank John for his approach.

NCEC delegate

Peter Helman has previously held this position but has resigned due to work pressure.

Proposal

That Fiona Parsons be the BHPC delegate to NCEC Inc. and that NCEC Secretary Jim Tedder be advised of the new contact name and address for all correspondence.

Moved: Ian Cohen

2nd: Di Mackey

CONSENSUS

National Estate Listing

Di advised that Laurie Cameron has been following up on this but has returned the file to Di due to her accepting work in Victoria. The last word in March! was that the National Estate nomination has been sent to the Australian Heritage Commission for preparation of a map for advertising possible listing.

Di to follow up with AHC.

Optical Fibre Cable corridor location

Di tabled the 'Review of Environmental Factors for Optic Fibre Cable Route - Lennox Head to Suffolk Park August 1996'. No action has been taken by BHPC on this to date.

Di advised that NPWS has put a series of concerns to the TELSTRA but she is uncertain how these issues have been addressed. There was discussion of the various alternate routes, with Di suggesting that the proposed route is the least impacting. A 3 metre wide track needs to be cleared but it is not required to be maintained free of vegetation.

It was agreed that Angus Ferguson would review Acid Sulphate Soils (ASS) issues and locations. Ian Cohen MLC's office will contact the consultant to query the issue of the need for ongoing inspection sites, and concern at the loss of wallum froglet habitat, before issuing any relevant correspondence to highlight outstanding concerns.

It was agreed that Ian's office should write to the NPWS to ask whether NPWS is satisfied that the issues they raised with the Optic Fibre Cable's consultant have been adequately addressed in the REF, specifically impact on endangered species. If not what further action will NPWS take?

#### Araucaria D.A.

Holly tabled a Statement of Environmental Effects for a Development Application for a Multiple Occupancy at Blackbutt Lane Broken Head (Araucaria site).

She invited members to attend a site inspection at a time to be fixed to discuss the proposal.

Holly advised that the DA would not go on public display until March 97 at the earliest.

#### Broken Head Working Party Meeting - L.E.P. and L.E.S.

Di reported that she has recently received an invitation to attend the first meeting of this working party! The meeting was advised that the draft LEP and LES had been prepared by council consultants and were asked to agree to the release of the drafts for public comment. Di reported that she and others were very disappointed that the Working Group had not been involved at all to date. Council refused to release a copy of the draft LEP at this stage.

The Mayor insisted that public display will not commence until there has been a meeting with local landholders, proposed for 17 February 1997. David Kanaley said at the meeting that the remaining 1D lands would not be further reviewed until the landholders sought to develop or use the land (which could be well into the term of a future council).

Di reported on several issues of concern: the omission of cleared land within areas to be zoned 7 and their continued zoning as 1D; the process for resolving these 1D lands; the delineation of a secondary buffer zone based on as yet undecided adjacent landuses;

Di will research the Councils agreement on a timetable for finalising that 1D lands.

Di also reported on the Council's proposal to adopt the criteria for sites listing as 7 j and 7 k zones.

#### Proposal

That BHPC write to Byron Shire Council complaining at the non-involvement of the Working Party in the development of the draft LEP and LES, other procedural defects, asserting that the omission of cleared land from 'environmentally sensitive lands' was inappropriate in a number of cases, and advising Council of their earlier resolution to finalise the rezoning of all the remaining 1D deferred lands in Broken Head by (date to be inserted).

Moved Jan B

2nd: Holly

CONSENSUS

#### SEPP 15 Multiple Occupancy

##### Proposal

That BHPC make a submission on the draft SEPP 15, to be prepared by a sub-committee of Jan B, Holly North, Angus and Ian.

Movd: Jan B

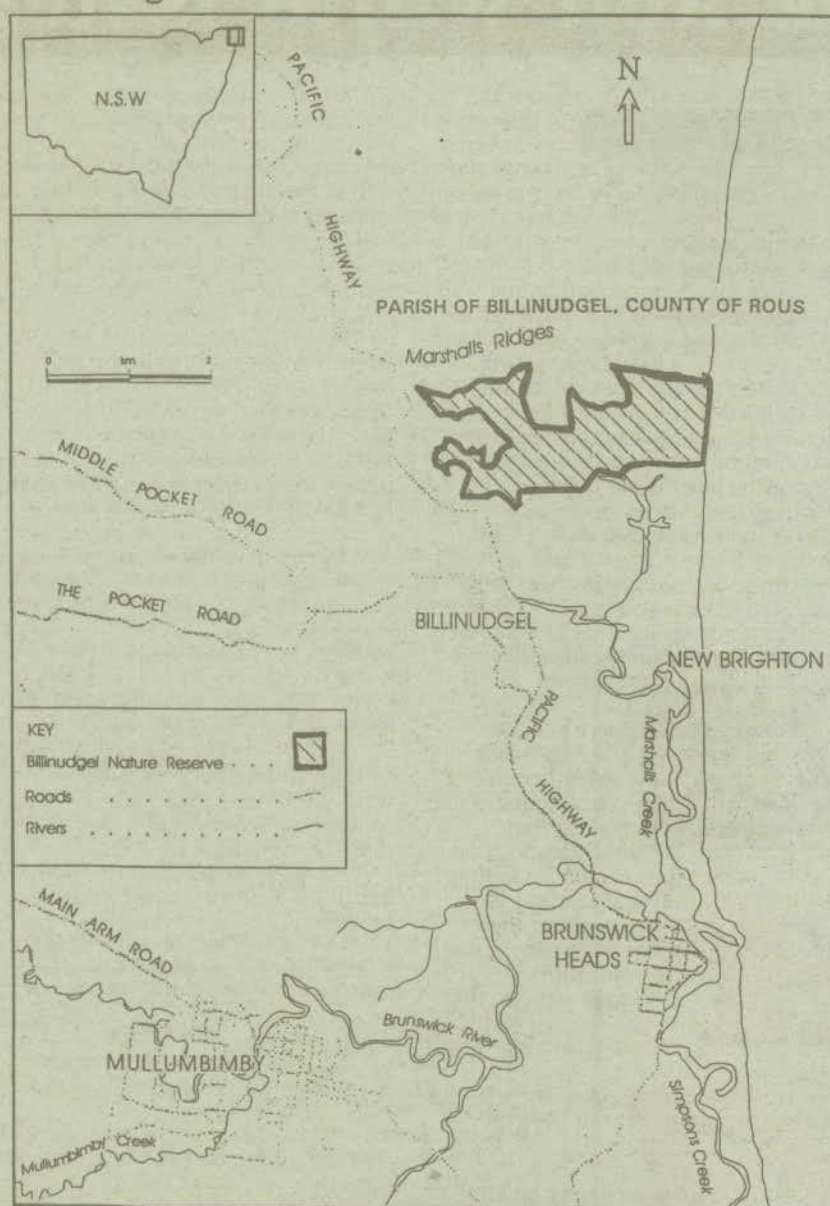
2nd: Angus

CONSENSUS

Meeting closed at 9.25 pm



## Billinudgel Nature Reserve



# Coastal forest wetland rich in flora and fauna

By ranger **DWAYNE BINGE**

**B**ILLINUDGEL Nature Reserve is about 350 hectares in size and is located about 20km north of Byron Bay.

The reserve represents the last remaining coastal forest wetland of its kind from Noosa Heads National Park, north of Brisbane, to Coffs Harbour in the south.

The area is rich and varied in its flora with over 400 species, including 11 rare and endangered species as well as a range of vegetation types adapted to the wetter habitats.

The area supports numerous vertebrates, including several listed as rare and vulnerable. Of these, several are northern Australian species which reach the southern limits of their range in Australia in far north-eastern NSW.

They include the red goshawk, brush hen, black flying fox and a little bent winged bat. In contrast the long-nosed potoroo, also a vulnerable species, is a southern Australian species and occurs in Billinudgel or close to the northern limit of its range. Other

## Wildlife Notes

vulnerable species here include koala and osprey.

The land also contains a number of archaeological sites including middens, camp sites, work areas and scarred trees.

Because of its high nature conservation values and cultural values the National Parks and Wildlife Service (NPWS) will manage the area as a reserve rather than as a national park.

NPWS will work with local fire committees to develop fire management plans which take into account life and property protection and manage fire in sensitive vegetation areas such as paperbark and rainforest areas.

Attention will be paid to a number of important management issues including pest species management.

Neighbours will be consulted about issues of interest and concern to them and opportunities to work co-operatively to address them will be promoted.

Appropriate recreational, edu-

cational and research opportunities will be explored and assessed through the plan of management process.

Careful consideration of the high conservation values of the Billinudgel Nature Reserve will be given throughout this process.

The NPWS will liaise closely with neighbours, the local community, other government departments and the shire council in the preparation of the plan of management, the fire management plan and in the implementation of pest control programs such as weed eradication and feral animal control.

NPWS also plans to work with neighbours and interest groups to address other identified management issues of interest or concern.

If you would like more information about Billinudgel Nature Reserve, contact the NPWS Lismore District office at Suite 9, Colonial Arcade, Alstonville, NSW 2477 or phone (066) 281 177. Office hours at Alstonville are 8.30am to 4.30pm, Monday to Friday.

**Star OFFICE SUPPLIES**

**EXECUTIVE DIARIES**  
**1997 OUT NOW**

**LISMORE**  
83 Keen Street  
Phone (066) 20 0611  
Fax (066) 22 2912

**BALLINA**  
Shop 7 Tamar Village,  
Tamar Street  
Phone (066) 86 4866  
Fax (066) 86 4571

**BYRON BAY**  
107 Jonson Street  
Phone (066) 85 7097  
Fax (066) 85 6897

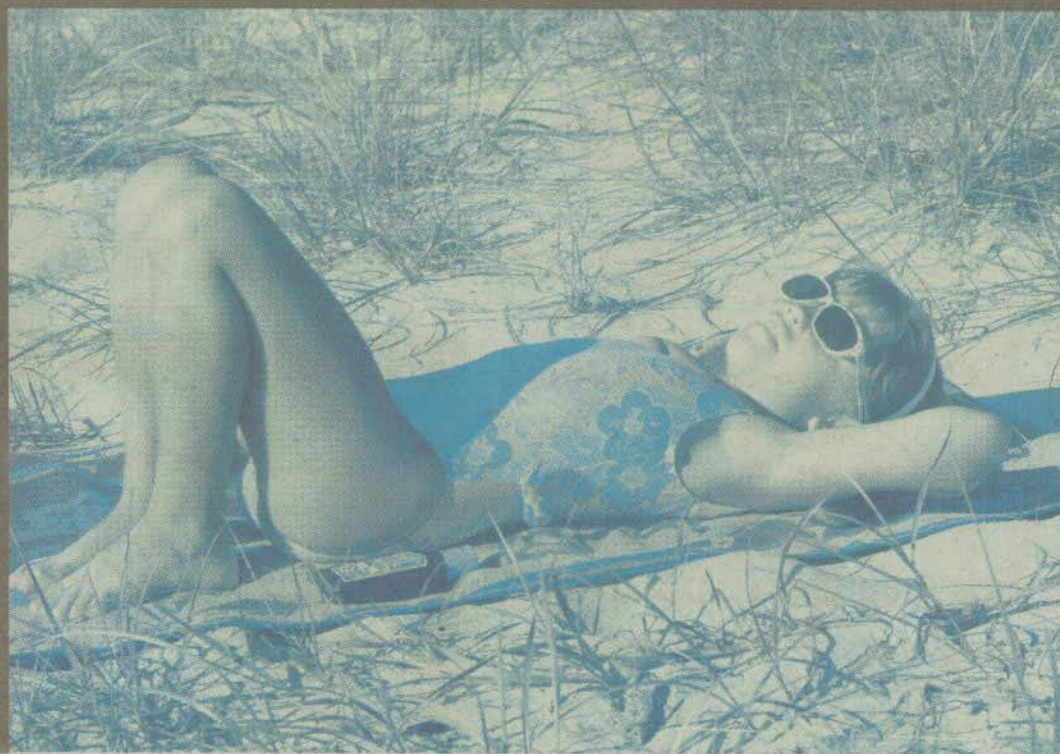
**MULLUMBIMBY**  
McGougans Lane  
Phone (066) 84 2026  
Fax (066) 84 1707

**TENTERFIELD**  
91 High Street  
Phone (067) 36 2332  
Fax (067) 36 2381

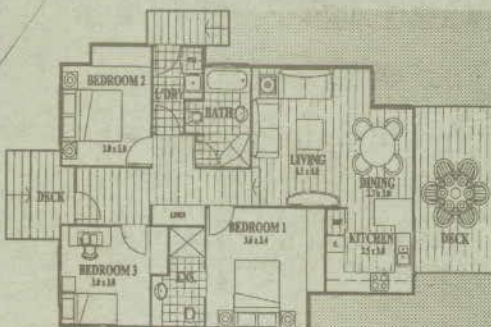
**CASINO**  
105 Barker Street  
Phone (066) 62 2215  
Fax (066) 62 1330

**KYOGLA**  
133 Summerland Way  
Phone (066) 32 1877  
Fax (066) 32 2406

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when it  
was all  
sun and  
sand.



**Beachside house & land from \$147,900, includes the lot!**



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- Three Bedroom plus Ensuite
- Walk in Robes
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- Carpet to the Bedrooms
- Quality kitchen including:  
European Omega appliances
- Decking, Fences & Letterbox
- Light fittings in all rooms
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**WIN!**

**A \$5000 Furniture Package from Harvey Norman Bundall.**

Entry Forms available from the Koala Beach Display Office. Conditions Apply





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# ***Broken Head Protection Association***

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PO Box 812, Byron Bay NSW 2481.

---

## **Draft AGENDA for the BHPA's Inaugural Meeting**

3.30 pm Gather

4.00 pm Begin

Facilitator and Minutes Taker:

Present:

Apologies:

Initial Business to form the BHP Association

Proposal to form the BHPA

Proposal to adopt a Mission Statement, Aims and Objectives

Proposal to adopt draft 4 of the Constitution on an Interim basis

Proposal that those present (who wish to), pay the membership fee and be listed as BHPA 'foundation members'

Proposal to set annual membership fee at \$20.00 or \$10.00 (self-selecting concession)

Election of Inaugural Management Committee

Proposal to complete the process of applying for incorporation

Proposal to take out Public Liability Insurance

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including:

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'On site' meetings reports

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Update on local development proposals

Latest on Broken Head draft LES and draft LEP amendment

Correspondence

Finance report

New Urgent Business

Next Meeting date:

by 6.30 pm Close meeting

6.40 pm -> 9 ish Stay on, have supper and interact socially!

JRC 16/1/97

---

# ***Broken Head Protection Association***

PO Box 812, Byron Bay NSW 2481.

---

Dear

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**to be held at  
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cnr Midgen Flat Road & Broken Head Rd, Broken Head,

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See over for a rough draft Agenda for the meeting. See you there! *J. R. Corkill.*

John R Corkill 16/1/97

---

# **Broken Head Protection Association**

PO Box 812, Byron Bay NSW 2481.

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Dear *Fiona + Wayne.* ✓

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The Broken Head Protection Committee has been an unincorporated association for over ten years, fighting to protect the natural and cultural heritage values of the Broken Head area. Our 'unincorporation' limits our possibilities for legal actions and our eligibility for government grants. Late in '96 the BHPC agreed to take the necessary steps to become incorporated under the NSW Associations Incorporation Act 1984. At its last meeting on 15 January '97, the BHPC resolved to be 'taken over' by the proposed incorporated association - to be known as the Broken Head Protection Association Inc.

The purpose of the meeting is to form the new incorporated association, adopt Aims & Objectives and elect the first Management Committee. Would you like to be on the management committee? The management committee of the proposed Broken Head Protection Association Inc. will undertake the bulk of the group's work and will be known as (wait for it) the Broken Head Protection Committee! (Novel huh?!) BHPA membership fees (\$20.00 or \$10.00 self-selecting concession) can be paid at the meeting.

The management committee is proposed to be 4 general committee members plus four officers of the Association: Convenor, Secretary, Treasurer, and Public Officer. A Constitution has been drafted and will be available at the meeting on the 16/2/'97. Anyone wishing to obtain this 4th draft beforehand, should call J. Corkill 066 224 737. This draft Constitution will be discussed but may not finalised at this first meeting. Its completion is a pre-requisite for the BHPA to become formally incorporated.

This meeting will not be 'public'. You're among only a limited number of people who have been invited. Please attend & become a 'foundation member' of the new BHPA.

See over for a rough draft Agenda for the meeting. See you there! *J. R. Corkill.*

John R Corkill 16/1/97



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# ***Broken Head Protection Association***

PO Box 812, Byron Bay NSW 2481.

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## **Draft AGENDA for the BHPA's Inaugural Meeting**

3.30 pm Gather

4.00 pm Begin

Facilitator and Minutes Taker:

Present:

Apologies:

Initial Business to form the BHP Association

Proposal to form the BHPA

Proposal to adopt a Mission Statement, Aims and Objectives

Proposal to adopt draft 4 of the Constitution on an Interim basis

Proposal that those present (who wish to), pay the membership fee and be listed as BHPA 'foundation members'

Proposal to set annual membership fee at \$20.00 or \$10.00 (self-selecting concession)

Election of Inaugural Management Committee

Proposal to complete the process of applying for incorporation

Proposal to take out Public Liability Insurance

Brief Report on Business Arising from the BHPC meeting of 15 January 1997.

including:

Proposed track construction options

'On site' meetings reports

Progress on Plan of Management BHNR

Update on local development proposals

Latest on Broken Head draft LES and draft LEP amendment

Correspondence

Finance report

New Urgent Business

Next Meeting date:

by 6.30 pm Close meeting

6.40 pm -> 9 ish Stay on, have supper and interact socially!

JRC 16/1/97

12 DEC 1996



NSW  
NATIONAL  
PARKS AND  
WILDLIFE  
SERVICE

Ian Cohen MLC  
PO Box 161  
BYRON BAY NSW 2481

30 November 1996

Dear Ian

Thank you for your letter dated 23rd October, 1996 confirming the decisions of our recent meeting about the plan of management for the Byron Coast Group of Nature Reserves.

As agreed, I have amended the Foreword to be recommended for signature by the Minister and this redrafted page of the plan is enclosed for your information.

Could you please consider this draft at your earliest opportunity. As soon as you indicate that it is satisfactory I will finalise the plan for adoption by the Minister. As advised previously, my telephone number is (02) 95856 6302 and the fax number is (02) 95856 6455.

Yours sincerely

Alastair Howard  
Executive Director Operations

Head Office  
43 Bridge Street  
Hurstville NSW  
Australia  
PO Box 1967  
Hurstville 2220  
Fax: (02) 585 6555  
Tel: (02) 585 6444

## FOREWORD

The Brunswick Heads, Tyagarah and Broken Head nature reserves cover about 922 hectares. These three areas lie within a regionally important landsystem which comprises both erosional and depositional landforms on the coast within the ancient valley of the Brunswick River and its related streams. The NSW Government is also finalising proposals for a significant new nature reserve and an addition to Broken Head Nature Reserve in the Byron Bay area which will complement these existing conservation areas.

The three existing nature reserves and the proposed new areas contain remnant communities of littoral rainforest, wet and dry heathland, eucalypt forests and woodlands as well as areas of undisturbed freshwater and estuarine wetlands. This produces a high level of habitat diversity which in turn, supports a diverse range of wildlife communities, including refuges for numerous threatened plant and animal species.

In the context of the Richmond-Tweed region, the Byron Coast group of nature reserves are of even greater importance not only because they are essential links for species migrating both north-south and east-west, but also because they complement other groupings of protected areas such as the Big Scrub Nature Reserves and the Caldera Parks and Reserves which conserve different but related natural heritage of the region.

The Byron Coast group of nature reserves and the proposed new areas are however pressed on all sides by urban, tourist and rural developments. An important strategy in this plan of management is to ensure their survival as remnant natural areas within the highly modified landscape of the far north coast of NSW.

A second important strategy in this plan is to continue to permit low impact recreational use of the beaches within the three existing nature reserves generally based on the current pattern of roads and facilities. Many aspects of existing use do however, require more intensive management to ensure that impacts on the conservation values of the nature reserves are minimised.

This plan recognises that responsibility of ensuring these reserves are managed appropriately, lies with the Service. The community also has a vital role to play in understanding and supporting the management and protection of our natural heritage.

The new nature reserve and the proposed addition to Broken Head Nature Reserve have not been incorporated in this plan of management. As soon as the new areas are dedicated, however, this plan of management will be reviewed and a new plan of management will be prepared which will address the management of all the conservation areas along the Byron Coast.

This plan of management establishes the scheme of operations for the Byron Coast Group of nature reserves. In accordance with the provisions of Section 75 of the National Parks and Wildlife Act, 1974, this plan of management is hereby adopted.

PAM ALLAN

Minister for  
the Environment

# Broken Head Protection Committee

A local member group of the North Coast Environment Council Inc.  
PO Box 812 Byron Bay 2481

## Minutes of a General Meeting held on 15 January 1997 at Serendipity MO, 7 Mile Beach Road, Broken Head.

Present: Holly North, Fiona Parsons, Di Mackey, Jan Barham, Jo Peoples, John Corkill, Harry Brown, Ian Cohen, David Eisler, Bridget Pearse, Angus Ferguson, Penny Young,

Apologies: Peter Helman, Richard Conrad, Elloise Farrow-Smith,

Facilitator: Di Mackey agreed to facilitate; John Corkill agreed to take minutes  
The meeting began at 6.20 pm.

### BUSINESS ARISING FROM THE LAST MINUTES

#### Incorporation:

John C reported on progress on preparation for incorporation  
a draft 3 of a Broken Head Association Constitution has been circulated and various comments received.  
Thanks Di and Harry! Draft 3 included comments from John Whitehouse solicitor, who will be asked to review the next draft too!

John tabled information leaflets from the Department of Fair Trading on the Roles of Committee members and another on the role of the Public Officer under the Associations Act 1984.  
he also tabled the necessary forms from the Department, for reserving the proposed name and for applying for incorporation.

John advised that it would be necessary for the BHPC to carry a resolution agreeing to its takeover by the new incorporated association.

#### Proposal:

That the Broken Head Protection Committee agree to be taken over by a new incorporated association, the Broken Head Protection Association Inc.

Moved Di Mackey                      2nd: Ian Cohen                      CONSENSUS  
Di and Ian to sign a letter on BHPC letterhead to this effect.

The meeting agreed to accept Holly North's offer to complete the form to apply for the reservation of the name 'Broken Head Protection Association Inc'.

John advised that it will cost \$25.00 to apply to reserve the name + \$75.00 to apply for incorporation.

In addition, a \$2 million Public Liability insurance policy must be effected before incorporation, as a pre-requisite for incorporation approval.

He reported that he had spoken to the GIO (Michael Carne?) after inquiring at the Big Scrub Environment Centre Inc re: their insurance.

GIO quoted \$278.75 for a \$2 million cover or \$334.50 for \$5 million public liability policy.  
Jan raised a question as to whether a minimum of \$5 million was required for groups receiving government funds. She agreed to seek a immediate answer on this question.

*Proposal*

That the BHP Association's annual membership fee be set at \$20.00 and \$10.00 concession (self selecting) and be payable at the inaugural meeting.

Mvd: Ian

2nd: Angus

CONSENSUS

Next meeting: 4.00 - 6.30 pm Sunday 16 February 1997

With a 'bring-food-to-share' supper & social afterwards

Venue: Broken Head Hall, Lennox Head road.

Track Construction Issues in BH NR

Jan, Di and Gus reported on 'on-site' meetings with NPWS staff re track issues.

*Proposal*

That BHPC respond to the NPWS letter of 20 November 1996 by writing to asking NPWS to advise BHPC on any recent advice from the Southern Cross University on gravel samples for possible use on BH NR tracks, and advice on pre-fabricated concrete for possible use in the Two Sisters Track.

Mvd: Jan Barham

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CONSENSUS

It was further agreed that the letter to NPWS should include a request for NPWS officer Brian McLachlan to meet members of the BHPC to discuss options for surface cover and the Two Sisters Track generally. Specific issues raised were: colour matching, foot friendliness,

Options for Road Closure of 7 Mile Beach Road

Di tabled her Notes on a meeting she'd had with Holly, Gus and Brian McLachlan on 7/11/1996 on possible road closure of 7 Mile Beach road.

After discussions, it was agreed that BHPC reps should meet with NPWS reps and Byron Shire Council planning staff by end of January to discuss the possible 7 Mile Beach Rd closure. Reps to be Di Mackey, Angus Ferguson and Ian Cohen.

Bridget agreed to continue to monitor track maintenance work in the BH NR and report to the next meeting.

Batson's Quarry

John reported that Peter Helman apologised but provided a short report.

Batson's have sought mediation over its planned further DA for the quarry extension. Peter's position to Keith is that he will not engage in any further discussions with Batsons Quarry until the costs in his earlier proceedings had been paid. The meeting agreed to leave the matter in Peter's hands, the ball being firmly in Batson's court.

CoastCare application

An application for a CoastCare Grant was made by Jan Barham on behalf of a BHPC.

The application was jointly made with NPWS, to do rehabilitation works at Bray Beach and on the old field station site. NPWS has made significant offers to contribute to the projects.

The announcement of the CoastCare grants has not been made yet but is expected soon?

Native Title Claim on Taylor's Lake

No progress has been made on this recently. NPWS Northern Zone has now appointed an archaeologist. They need to address the request for an 'aboriginal place' under the NPW Act.

Di advised that the Cape Byron Consultative Committee finalised a report to the Minister for Environment on possible conservation reserves between Cape Byron and Broken Head. She agreed to provide a copy.

Progress on Plan of Management for Broken Head Nature Reserve

Jan advised that deputy NPWS Director, Alistair Howard suggested that the draft PoM be amended by including a preamble which specifies that the PoM would be revisited once natural resource management issues relating to the whole area Cape to 7 mile Beach had been considered by the Cape Byron Consultative Committee.

Jan to follow up with Alistair on the whether the Minster has made the necessary changes to the PoM.

Correspondence

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To: Brian McLachlan re Notes on a Meeting on Site on 5/11/96 - Noted

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From: RACAC enclosing their latest newsletter. - Noted

Finance Report

Bank balance \$302.00

In addition Fiona reported on Tshirt sales of \$233.00

Di advised that \$450.00 of this money is owed to Fiona and Wayne for their backing of the Tshirts production.

There was discussion of possible additional stockists for the T shirts, and the need for additional orders. It was agreed to refer action on further merchandising to a sub-committee of Penny and Fiona to organise T shirt print run up to \$250.00 as soon as possible.

NEW BUSINESS

Newrybar Swamp drainage

Ian reported on advice he'd had from a local landholder who is concerned about drainage at the Newrybar swamp affecting the Ballina Nature Reserve, involving the local drainage union. Ian, Gus and Jan to follow up and report back with more information at the next meeting.

Bed and Breakfast on Lot 1

Ian advised of an approach from a person who wants to discuss the idea of a bed and breakfast facility. It was agreed that Jan will phone John Ward to advise him that BHPC reps will meet with him after the meeting of landholders with Byron Shire Council to be held on 17 February. It was agreed to thank John for his approach.

NCEC delegate

Peter Helman has previously held this position but has resigned due to work pressure.

Proposal

That Fiona Parsons be the BHPC delegate to NCEC Inc. and that NCEC Secretary Jim Tedder be advised of the new contact name and address for all correspondence.

Moved: Ian Cohen

2nd: Di Mackey

CONSENSUS

National Estate Listing

Di advised that Laurie Cameron has been following up on this but has returned the file to Di due to her accepting work in Victoria. The last word in March was that the National Estate nomination has been sent to the Australian Heritage Commission for preparation of a map for advertising possible listing. Di to follow up with AHC.

Optical Fibre Cable corridor location

Di tabled the 'Review of Environmental Factors for Optic Fibre Cable Route - Lennox Head to Suffolk Park August 1996'. No action has been taken by BHPC on this to date.

Di advised that NPWS has put a series of concerns to the TELSTRA but she is uncertain how these issues have been addressed. There was discussion of the various alternate routes, with Di suggesting that the proposed route is the least impacting. A 3 metre wide track needs to be cleared but it is not required to be maintained free of vegetation.

It was agreed that Angus Ferguson would review Acid Sulphate Soils (ASS) issues and locations. Ian Cohen MLC's office will contact the consultant to query the issue of the need for ongoing inspection sites, and concern at the loss of wallum froglet habitat, before issuing any relevant correspondence to highlight outstanding concerns.

It was agreed that Ian's office should write to the NPWS to ask whether NPWS is satisfied that the issues they raised with the Optic Fibre Cable's consultant have been adequately addressed in the REF, specifically impact on endangered species. If not what further action will NPWS take?

#### Araucaria D.A.

Holly tabled a Statement of Environmental Effects for a Development Application for a Multiple Occupancy at Blackbutt Lane Broken Head (Araucaria site). She invited members to attend a site inspection at a time to be fixed to discuss the proposal. Holly advised that the DA would not go on public display until March 97 at the earliest.

#### Broken Head Working Party Meeting - L.E.P. and L.E.S.

Di reported that she has recently received an invitation to attend the first meeting of this working party! The meeting was advised that the draft LEP and LES had been prepared by council consultants and were asked to agree to the release of the drafts for public comment. Di reported that she and others were very disappointed that the Working Group had not been involved at all to date. Council refused to release a copy of the draft LEP at this stage.

The Mayor insisted that public display will not commence until there has been a meeting with local landholders, proposed for 17 February 1997. David Kanaley said at the meeting that the remaining 1D lands would not be further reviewed until the landholders sought to develop or use the land (which could be well into the term of a future council).

Di reported on several issues of concern: the omission of cleared land within areas to be zoned 7 and their continued zoning as 1D; the process for resolving these 1D lands; the delineation of a secondary buffer zone based on as yet undecided adjacent landuses; Di will research the Council's agreement on a timetable for finalising that 1D lands.

Di also reported on the Council's proposal to adopt the criteria for sites listing as 7-j and 7 k zones.

#### Proposal

That BHPC write to Byron Shire Council complaining at the non-involvement of the Working Party in the development of the draft LEP and LES, other procedural defects, asserting that the omission of cleared land from 'environmentally sensitive lands' was inappropriate in a number of cases, and advising Council of their earlier resolution to finalise the rezoning of all the remaining 1D deferred lands in Broken Head by (date to be inserted).

Moved Jan B

2nd: Holly

CONSENSUS

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##### Proposal

That BHPC make a submission on the draft SEPP 15, to be prepared by a sub-committee of Jan B, Holly North, Angus and Ian.

Movd: Jan B

2nd: Angus

CONSENSUS

Meeting closed at 9.25 pm

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Di also reported on the Council's proposal to adopt the criteria for sites listing as 7 j and 7 k zones.

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2nd: Holly

CONSENSUS

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##### Proposal

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Movd: Jan B

2nd: Angus

CONSENSUS

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Di reported on several issues of concern: the omission of cleared land within areas to be zoned 7 and their continued zoning as 1D; the process for resolving these 1D lands; the delineation of a secondary buffer zone based on as yet undecided adjacent landuses;

Di will research the Councils agreement on a timetable for finalising that 1D lands.

Di also reported on the Council's proposal to adopt the criteria for sites listing as 7 j and 7 k zones.

#### Proposal

That BHPC write to Byron Shire Council complaining at the non-involvement of the Working Party in the development of the draft LEP and LES, other procedural defects, asserting that the omission of cleared land from 'environmentally sensitive lands' was inappropriate in a number of cases, and advising Council of their earlier resolution to finalise the rezoning of all the remaining 1D deferred lands in Broken Head by (date to be inserted).

Moved Jan B

2nd: Holly

CONSENSUS

#### SEPP 15 Multiple Occupancy

##### Proposal

That BHPC make a submission on the draft SEPP 15, to be prepared by a sub-committee of Jan B, Holly North, Angus and Ian.

Movd: Jan B

2nd: Angus

CONSENSUS

Meeting closed at 9.25 pm

Serendip House  
Penny Gus Ian B.

# Broken Head Protection Committee

A local member group of the North Coast Environment Council Inc.  
PO Box 691 Byron Bay 2481

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## NOTICE of a General Meeting of Broken Head Protection Committee

To be held on  
Serendipity verandah  
5.30 pm for 6.00 pm start - til 7 or 7.30 pm  
on Wednesday 15 January 1997

### draft AGENDA

#### Appointment of Facilitator and Taker of Minutes!

#### Present and Apologies

#### Business arising from the last meeting

- \* reports from 'on site' meetings with NPWS
- \* progress on Plan of Management for BHNR
- \* update on Taylor's lake and native title claim
- \* Latest on Batson's Quarry and new DA mediation
- \* progress on BHPC incorporation
- \* CoastCare funding application

#### Correspondence IN / OUT

#### Finance Report

#### New Business

- \* Broken Head draft Local Environment Study / draft Local Environment Plan
- \* Optical fibre cable corridor: Lennox - Suffolk
- \* National Estate listing

#### General Business

#### Next Meeting date:

per JR Corkill 9/1/97

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# **Broken Head Protection Association**

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PO Box 812, Byron Bay NSW 2481.

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Dear

## **NOTICE of & INVITATION to the Inaugural Meeting of the Broken Head Protection Association**

**to be held at  
Broken Head Hall,**  
cnr Midgen Flat Road & Broken Head Rd, Broken Head,

**on Sunday 16 February 1997  
from 4.00 pm - 6.30 pm  
with a 'bring-food-to-share' supper and 'social' to follow.**

The Broken Head Protection Committee has been an unincorporated association for over ten years, fighting to protect the natural and cultural heritage values of the Broken Head area. Our unincorporation limits our possibilities for legal actions and our eligibility for government grants. Late in 96 the BHPC agreed to take the necessary steps to become incorporated under the NSW Associations Incorporation Act 1984. At its last meeting on 15 January '97, the BHPC resolved to be 'taken over' by the proposed incorporated association - to be known as the Broken Head Protection Association Inc.

The purpose of the meeting is to form the new incorporated association, adopt Aims & Objectives and elect the first Management Committee. The management committee of the proposed Broken Head Protection Association Inc. will undertake the bulk of the group's work and will be known as (wait for it) the Broken Head Protection Committee! (Novel huh?!) Would you like to be on the management committee? **BHPA** Membership fees, (\$20.00 or \$10.00 self-selecting concession) can be paid at the meeting.

The management committee is proposed to be 4 general committee members plus four officers of the Association: Convenor, Secretary, Treasurer, and Public Officer. A draft Constitution has been prepared and will be available <sup>meeting on the</sup> on the 16/2/97. Anyone wishing to obtain a copy should contact John Corkill on 066 224 737. It is anticipated that the draft Constitution will be discussed but may not finalised at this first meeting. Its completion is a pre-requisite for the BHPA to become formally incorporated.

<sup>behind</sup> This will not be a 'public meeting' only a limited number of people have been invited. Please come along and become a 'foundation member' of the new BHPA.

See over for a rough <sup>2</sup> draft Agenda for the meeting. See you there!

John R Corkill 16/1/97



which has been reading H. C. Martin  
Mentation

awoke this morning to find four of  
their cars locked on the chopper

stealing break in Nbu

suicide

attitude

Sue.

do  
no damage to  
chopper  
new heavy  
gun in car  
(wrote 2  
has a  
7 new  
polic  
private  
and

# Broken Head Protection Association Inc.

A local member group of the North Coast Environment Council Inc.

PO Box ??? Byron Bay NSW 2481. Ph (066) 877 ???

Fiona's

## CONSTITUTION

Draft 3 as @ 19/11/1996

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Officers' status  
if NSW Gov't  
employees?  
conflicts of  
interest?

## 1.0 Name & Purpose

1.1 The group is formed for the purpose of protecting the Broken Head area, and shall be named the Broken Head Protection Association Inc. hereafter also referred to as BHPA;

1.2 The area of immediate interest to the BHPA, is the Broken Head Area (BHA), defined as the land bounded:

- a) to the north: by Cape Byron;
- b) to the west: by the Pacific Highway;
- c) to the south: by Lennox Head township; and
- d) to the east: by NSW coastal waters (3 nautical miles);

1.3 Within the BHA, the following specific areas are of special concern to BHPA for the protection of their natural and cultural heritage values;

- a) the Broken Head Nature Reserve, (hereafter referred to as BHNr or the Nature Reserve) and *Tea Tree Lake*
- \* b) Taylor's Lake (hereafter referred to as the Lake);

1.4 Consistent with its purpose, the Committee shall pursue interests in wider activities that may have implications for the BHA, such as the policies and or laws applying in:

- \* a) the Byron Shire Council; (hereafter referred to as BSC or the Council); *Bollina Shire*
- b) the north coast generally, via Regional Environment Plans, TCM plans, etc;
- c) New South Wales as administered by the NSW Government;
- d) the jurisdiction of the Commonwealth Government; and / or
- e) bi-lateral and multi-party international agreements, treaties or protocols, as appropriate.

*is it feasible to annex this?*

## 2.0 Aims & Objectives

2.1 BHPA endorses the National Strategy for Ecologically Sustainable Development and has as its general aim the achievement of ecological sustainability through the appropriate management of the Broken Head Area, the Nature Reserve, the Lake and adjacent lands;

*including*

2.2 The specific aims of BHPA shall be to:

- a) ensure the preservation and long-term survival of a diverse range of native species and natural eco-systems within the Broken Head area;
- b) ensure that members of the public and adjacent land holders have adequate input into the management of the BHA and the BH Nature Reserve; *Lennox Head + other public land*
- c) encourage local landholders to manage their land on an ecologically sustainable basis, to both protect and enhance the natural and cultural heritage values of the Broken Head *including* area generally, the Reserve, the Lake *and nearby private land;*
- d) recognise and respect the rights and responsibilities of aboriginal people in *land* management *(of traditional areas)* and to co-operate with indigenous people in land management in the Broken Head area, as appropriate;

2.2 The objectives of BHPA shall be to:

- a) *advocate* ~~(act-as-the-public-advocate-and-community conscience)~~ for the protection of bio-diversity and achievement of ecologically sustainable management in the Broken Head area;
- b) seek the preparation, adoption and implementation of appropriate planning for effective management of the Broken Head Area, including Plans of Management for Broken Hd Nature Reserve and the Taylors Lake system;
- c) seek the preparation and adoption of Conservation Agreements, under the National Parks and Wildlife Act, and the implementation of appropriate management plans for private lands in the Broken Head area;
- d) publicly comment upon development proposals in the Broken Head area, Byron Shire, the north coast and NSW generally;
- e) participate in public decision making processes related to land management policies for public and private land in the Broken Head area, Byron Shire, the north coast and NSW generally;
- f) to take appropriate action to encourage and ensure the protection and conservation of the natural and cultural heritage values of the Reserve, the Lake, and *other* private land in the Broken Head area;
- g) affiliate and associate with other community based non-government organisations (NGOs) or business or government enterprises which share similar aims and objectives.

*what about Lennox Head heath?  
what about cultural objectives  
reconciliation etc.*

### 3.0 Powers

- 3.0 The Broken Head Protection Association Inc. shall be empowered to:
- 3.1 publicly promote its Aims & Objectives;
- 3.2 liaise with native titleholders and aboriginal people and organisations generally to seek better understanding of indigenous natural resource management; <sup>and cultural</sup>
- 3.3 speak publicly, issue news releases and comment to media;
- 3.4 develop and implement community information and education campaigns;
- 3.5 enter into contracts and agreements to further its Objectives;
- 3.6 raise and expend funds in pursuit of its Objectives or policies;
- 3.7 appoint committees to carry on projects for BHPA between general meetings;
- 3.7 make formal written delegations of authority to appropriate members of BHPA to exercise the powers of the Committee, which shall specify the powers delegated, the period of delegation, and other appropriate conditions;
- 3.8 employ staff and engage consultants, where appropriate, to pursue approved projects consistent with BHPA objectives;
- 3.9 make and adopt 'standing orders' for
- conducting its meetings;
  - electing Officers & filling casual vacancies;
  - preparation and issue of media releases;
  - publishing a BHPA Newsletter;
  - approving expenditure and paying accounts;
  - drafting, considering & adopting policies;
  - resolving disputes & mediating conflict; ~~and~~
  - other purposes which further its Objectives;

### 4.0 Members

#### 4.1 Membership

- 4.1.1 Membership of BHPA is open to people who:
- endorse this Constitution and the principles of ecologically sustainable development (ESD); *from the National Strategy for ESD*
  - are concerned about and committed to conservation of the natural <sup>and cultural</sup> heritage values of the Broken Head area, the Nature Reserve

include a definition.  
in Appendix

& adjacent areas, and in Byron Shire generally; and

- c) apply for membership, pay the membership and any application fee prescribed by BHPA, and are approved as a member by BHPA at a general meeting by consensus or <sup>by</sup> 75% of financial members present at that meeting.

4.1.2 Any financial member of BHPA may vote in any ballot, or at the next meeting of BHPA after their application for membership has been accepted;

4.1.3 Any member may nominate for election at the AGM to any office within BHPA;

#### 4.2 Members Register and fees

4.2.1 The Secretary shall enter the name, address and any phone number, and the date of the admission of the new member, in the Register of Members;

4.2.2 The Register of Members shall be kept and maintained by the Secretary who shall make it available for inspection, free of charge, by any BHPA member at any reasonable hour upon giving two hours notice.

4.2.3 applicants for membership must pay the annual membership fee and any membership application fee;

4.2.4 the AGM shall set the annual membership fee, and any membership application fee;

4.2.5 the membership year shall commence on 1 July each year. New members who join after 1 January may pay half the annual membership fee;

4.2.6 membership is renewable annually by paying the membership fee due on 1 July. Members shall remain financial until 31 August in the next financial year.

4.2.7 the liability of the member of BHPA towards the payment of the debts and liabilities of the BHPA or the costs, charges and expenses of winding up BHPA, shall be limited to the amount, if any, unpaid by the member in respect of BHPA membership fees.

#### 4.3 Unfinancial Members

4.3.1 From 1 September in any year, members who do not renew their membership by paying the annual fee are deemed to be unfinancial and cannot vote at any meeting or in any ballot held by BHPA;

4.3.2 Status as a financial member can be regained by paying the full annual fee within the current membership year;

✓ i.e. no option to pay 1/2 after 1 Jan?

- 4.3.3 On 1 July of any year, after 12 months of non-payment of membership fees, any unfinancial members shall be sent a letter prepared by the Treasurer, advising the member that they need to pay a specified amount by a specified date or their membership will be cancelled and they will need to re-apply to re-join BHPA;

#### 4.4 Termination of Membership

- 4.4.1 Membership of BHPA may be terminated by:
- a) a member providing written advice of their resignation to the Secretary;
  - b) cancellation of membership due to non-payment of membership fees;
  - c) expulsion from BHPA under s.14.2 below;
  - d) the death of a member.

#### 5.0 Disputes and Mediation

- 5.1 disputes involving BHPA members, or BHPA, shall be attempted to be resolved in a fair and timely manner in accordance with any relevant 'dispute resolution' or conflict mediation procedures adopted under s.3.9.g above;
- 5.2 members of BHPA shall exercise their best endeavours to afford natural justice, mediate, reconcile and resolve any disputes;
- 5.3 members of BHPA shall not comment publicly upon, and will maintain the confidentiality within BHPA in regard to, any dispute between members of BHPA, between BHPA and any of its members, or between BHPA and any other group;
- 5.4 members of BHPA shall not pursue disputes with other persons or groups on behalf of the BHPA, except with the support & agreement of BHPA;
- 5.5 disputes between BHPA with other persons or organisations shall be considered at a general meeting and addressed in the first instance through correspondence;
- 5.6 where this action is not possible or appropriate, or does not resolve the dispute, the matter shall be placed on the agenda of the next BHPA meeting.

#### 6.0 Committee of Management

- 6.1 The affairs of the BHPA shall be controlled and managed by a committee of management to be known as the Broken Head Protection Committee (BHPC).

- 6.2 The committee of management shall act at all times in accordance with:
- a) the Associations Incorporation Act 1984 (hereafter referred to as 'the Act') and its Regulations,
  - b) this Constitution and any relevant standing orders or policies of the BHPA;
  - c) resolutions carried and agreements reached at general meetings or an AGM;
  - d) any proper written delegation of authority;

- 6.3 The Committee shall have, in addition to association's powers cited at section 3 above, the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the association.

- 6.4 The Committee shall consist of the officers of the BHPA and four (4) committee members elected at the AGM.

#### 7.0 Meetings and Decision Making

##### 7.1 General Meetings

- 7.1.1 A minimum of 4 general meetings of BHPA shall be held in any year; each to be held in a separate month;
- 7.1.2 Additional meetings may be held from time to time as decided by the general meeting;
- 7.1.3 The Secretary shall call a general meeting after receiving a written request for such a meeting signed by 5 financial members;
- 7.1.4 The Secretary shall provide Notice of, and a (draft Agenda) for, any general meeting to all members, at least 7 days prior to the proposed date of the general meeting;
- 7.1.5 A quorum for a general meeting shall be 5 financial members or where membership of BHPA exceeds 50, 10 financial members;

##### 7.2 Committee Meetings

- 7.2.1 A minimum of 6 meetings of the BHPA's Committee shall be held in any year;
- 7.2.2 The Committee may decide from time to time to hold additional Committee meetings;
- 7.2.3 The Secretary shall call a Committee meeting after 3 Committee members request it, and shall give 7 days written notice of the meeting to all members of the Committee;
- 7.2.4 A quorum for a Committee meeting shall be 3 financial members.

### 7.3 Decision Making

7.3.1 At every general meeting the Convenor shall call for volunteers, ~~and~~ if necessary, elect a facilitator and minutes taker for that meeting as its first item of business;

to facilitate  
& take  
minutes, or

7.3.2 Minutes of the all meetings of BHPA shall include records of those present, apologies, corrections to & adoptions of previous minutes, proposals carried by consensus and such other notes as the meeting sees fit to include from time to time;

7.3.3 BHPA shall conduct all their meetings on a consensus basis and in accordance with a 'consensus meeting procedure' prepared and adopted under s.3.9a above;

7.3.4 Any decision which cannot be resolved via consensus processes, will be determined by a resolution carried by a vote of 75% of members present, by way of show of hands.

7.3.5 Decisions taken at meetings of the BHPA will be made by the financial members present, and those not present may not exercise proxy votes.

7.3.6 Meetings of the committee of management and other duly appointed committees of BHPA shall conduct their meetings in a manner consistent with procedures for general meetings, or otherwise in accordance with section 7.3.4 above;

7.3.7 Each general meeting or committee meeting shall decide the time, place and date of the next meeting or meetings;

### 7.4 Lack of Quorum at meetings

7.4.1 If within half an hour after the appointed time for the commencement of a meeting, the appropriate quorum is not present, the meeting is to stand adjourned to the same day in the following week at the same time (unless another place is specified at the time of adjournment and proper notice given to members) at the same place.

7.4.2 If, at an adjourned meeting, a quorum is not present within half an hour after the appointed time for the commencement of a meeting, three (3) members shall constitute a quorum for a general meeting, and two (2) members of the committee of management shall constitute a quorum for a meeting of the committee of management.

### 8.0 Annual General Meeting

8.1 The first general meeting in September each year shall be the Annual General Meeting (AGM);

8.2 The date, time and place of the AGM shall be set at a meeting held in July or August; *special or  
extra mtg?*

8.3 Notice of, and a draft Agenda for, the AGM shall be provided in writing to all members by the Secretary at least 14 days prior to the proposed date of the AGM;

8.4 a quorum for the AGM shall be 10 financial members or where membership of BHPA exceeds 50, 25% of financial members;

8.5 the Convenor shall assist the AGM to elect a facilitator and minutes taker for that meeting as the first item of business;

8.6 minutes of the meetings of BHPA AGM shall include records of those present, apologies, corrections to previous minutes, proposals carried by consensus and such other notes as the AGM sees fit to include from time to time;

8.7 the AGM shall be conducted on a consensus basis and in accordance with a 'consensus meeting procedure' prepared and adopted under s.3.9a above;

8.8 Decisions which cannot be resolved via consensus processes, will be determined by a resolution carried by a vote of 75% of members present, by way of show of hands.

8.9 the Agenda of the AGM shall include:

- a) the Minutes of the Last AGM;
- b) Business Arising from those minutes;
- c) the presentation of the Annual Report and Annual Financial Statement;
- d) the election of the Committee & Officers;
- e) consideration of any proposed amendments to this Constitution;
- f) any matters arising under s.26(6) of the Act;

### 9.0 Delegation of Powers

9.1 BHPA at a general meeting, or the committee of management at a BHPC meeting, may, by written notice, delegate the exercise of such functions or powers of BHPA as may be specified in the written notice, other than:

- a) this power of delegation;
- b) a function which is a duty imposed on BHPA by the Act or any other law.

9.2 A function, the exercise of which has been delegated to a person or a committee, may while the delegation remains unrevoked, be exercised from time to time by the sub-person or committee in accordance with the terms of the delegation;

- 9.3 a delegation under this section may be made subject to such conditions or limitations as to the exercise of any function or power, as may be specified in the written notice of delegation;
- 9.4 notwithstanding any delegation, the BHPA or its Committee of management, may continue to exercise any power or function otherwise duly delegated;
- 9.5 any act or thing done, or suffered to be done by a person or committee, acting under the exercise of its delegated power, shall have the same force and effect as it would have had if it had been done or suffered by the BHPA as a whole;
- 9.6 any written notice of delegation may be revoked, in whole or part.

## **10.0 Officers**

### **10.1 General**

- 10.1.1 the Officers of BHPA shall be Secretary, Treasurer, Convenor, and Public Officer;
- 10.1.2 the Officers, except for the Public Officer, and four (4) committee members shall be elected annually at the AGM in accordance with any 'standing order' adopted under s.3.9b above;
- 10.1.3 the Public Officer shall be elected at the inaugural general meeting and shall be re-elected upon the position becoming vacant in accordance with the Act;
- 10.1.4 no person, other than the Public Officer, may serve more than 2 consecutive years in any office;
- 10.1.5 an Officer's or committee member's position may be declared vacant by carrying a resolution to that effect by:
- consensus decision at any general meeting, or
  - failing consensus, by decision taken by 75% of the financial members present at the next general meeting;

### **10.2 The Secretary**

- 10.2.1 The Secretary shall be responsible for
- maintaining an up-to-date Register of Members of BHPA;
  - the preparation of minutes of general meetings and AGMs;
  - the preparation of agendas, notices and business papers for meetings of BHPA;

- receiving and reporting to the next general or Committee meeting on mail or other correspondence addressed to BHPA and on any other business carried out on behalf of BHPA since the last meeting;
- maintaining up-to-date copies of BHPA's Constitution, 'standing orders' and policies;
- ensuring BHPA acts in accordance with the requirements of the various NSW and Commonwealth laws;
- giving notice of and calling an unscheduled general meeting where a written request for such a meeting, signed by 5 financial members has been received by the Secretary;
- preparing advice of appointment of delegates;
- acting as spokesperson for BHPA generally;


### **10.3 The Treasurer**

- 10.3.1 The Treasurer shall be responsible for:

- maintaining an 'administrative' account at a financial institution on behalf of BHPA;
- maintaining a 'fundraising' account at a financial institution on behalf of BHPA;
- providing a financial report to each general meeting and an Annual Financial Statement to the AGM, on all financial business carried out on behalf of BHPA;
- submitting all accounts due to a general meeting for approval for payment;
- paying all accounts owed by BHPA;
- collecting and appropriately depositing in its accounts all monies due to and /or received by BHPA;
- ensuring that the adequate records, via books and accounts, are kept showing the financial affairs of BHPA, including full details of all receipts and expenditures of BHPA;

### **10.4 The Convenor**

- 10.4.1 The Convenor shall be responsible for:
- the election of a facilitator at the beginning of each meeting;
  - preparing, in consultation with the Secretary, Treasurer and any committees appointed under s.3.7 above, a written Annual Report which includes an Annual Financial Statement;
  - liaison with other member groups of North Coast Environment Council Inc.;

d) also for convenor? 



**10.5 The Public Officer**

- 10.5.1 The Public Officer shall be elected at the first general meeting of BHPA in accordance with the Act and shall remain in office until they resign or die.
- 10.5.2 The Public Officer shall ensure that BHPA Officers discharge their duties and fulfill their legal requirements under the Act;
- 10.5.3 the Public Officer shall keep in his or her custody or control, all records, books & other documents relating to BHPA.

**10.6 Casual Vacancies - need to specify Officers & Committee Members**

- 10.6.1 A casual vacancy occurs when an Officer or committee member of the BHPA:
- dies;
  - ceases to be a member of BHPA;
  - becomes an insolvent under administration within the meaning of the Companies NSW Code;
  - provides a written resignation letter to the Secretary, or in the event of the Secretary's resignation, the Convenor;
  - is removed from office by a motion under s. above;
  - becomes of unsound mind or a person whose person or estate is liable to be dealt with under the law relating to mental health; or
  - is absent, without consent of BHPA, from all meetings of BHPA for a period of 6 months.
- 10.6.2 A casual vacancy shall be filled at the next general meeting by the Convenor, or Secretary, calling for nominations for the vacant position;
- 10.6.3 A nomination may be made verbally or in writing and requires a proposer and seconder for the nominee. *does this need to be specified for AGM too - or leave both to standing orders*
- 10.6.4 Where only one nomination is recieved to fill a casual vacancy, the Convenor or Secretary shall declare the nominee elected;
- 10.6.5 Where more than one candidate nominates for a vacant position, the Convenor, or Secretary, shall conduct a secret ballot to elect a person to fill the vacancy;

**11.0 Finance**

- 11.1 The funds of the BHPA are to be derived from entrance fees, donations and annual subscriptions of members, and from other sources as agreed to in a resolution of the association or as determined by the Committee from time to time.

- 11.2 The finances of BHPA shall be accounted for through the creation & operation of an account at a recognised financial institution;
- 11.3 The signatories to BHPA account shall be the members of the Committee and signatories of the Treasurer and any one other Committee member shall be required to operate the BHPA accounts;
- 11.4 Funds received from any source for the benefit of BHPA shall be immediately referred to the Treasurer or Secretary, for the issuing of a receipt and the banking of the funds;
- 11.5 The financial records of BHPA shall be audited annually and an annual financial statement presented to the AGM;
- 11.6 The expenditure of BHPA funds, to pay a bill or incur expenses, shall be consistent with BHPA Objectives & shall require a relevant resolution to be agreed by consensus or otherwise by a vote carried by 75% of members at a general meeting or a Committee meeting; *on v.i.e. S.O. 3.9c.*
- 11.7 The Treasurer shall be responsible for properly operating BHPA's financial accounts and in accordance with any relevant 'standing order' adopted under s.3.9e;

**12.0 The Common Seal**

- 12.1 The common seal of BHPA shall be kept in the custody of the Public Officer.
- 12.2 The common seal shall not be affixed to any instrument except by the authority of the BHPA or its committee of management;
- 12.3 the affixing of the common seal shall be attested to by the signatures of two members of the BHPA committee of management;

**13.0 Insurance & Inspection of Books**

- 13.1 The association shall effect and maintain insurance pursuant to section 44 of the Act;
- 13.2 In addition to the insurance required under 13.1 BHPA may effect and maintain other insurance
- 13.3 The records, books, files and other documents of the BHPA shall be open to inspection, free of charge, by a BHPA member at any reasonable hour, subject to 2 hours notice being given to the relevant officer.
- 13.4 The officers, shall ensure that ~~all~~ BHPA documents, files and other records relevant to a general meetings business are present at and available to members during the AGM and, all general meetings of BHPA;

*too much  
is this a legal  
requirement*

*also where to be inspected*



## 14.0 Accountability Of Members

### 14.1 Where a member of BHPA

- add para ✓
- a) is concerned that another member has failed to act in accordance with this Constitution, any 'standing orders' made under s3.9 above, or commits an act contrary to the Constitution or Standing Orders the issue will be considered at a general meeting and an opportunity will be afforded to the member to respond to the concerns; *- how, if not present?*
  - b) having responded to the concerns at a general meeting without resolving the concerns which have arisen, agrees to do so, the matter may be referred for action under a 'standing order' made under s.3.9g;
  - c) fails to satisfy the concerns of those members present, and the general meeting decides the circumstances warrant it, the member will be issued with a verbal warning by the facilitator of that meeting and advised of courses of action which could repair the situation;
  - d) repeatedly breaches the constitution or 'standing orders' or commits acts which brings BHPA into disrepute, a general meeting may decide to initiate the procedure for expulsion of the member.

### 14.2 The procedure for expulsion of a member shall be as follows;

- a) the Secretary shall advise the member in writing of the alleged offence, stating courses of action which the member could take to repair the situation, and shall request a written response from the member within a specified period;
- b) the letter advising the member of the alleged offence and any written response provided by the member, shall be tabled at the next general meeting for further consideration and any affected members heard;
- c) where the next general meeting, having allowed an opportunity for the offending member to repair the situation, is of the opinion that expulsion of the member is required, the meeting may expel the member by a consensus decision, or failing consensus, by a resolution at the following meeting supported by 75% of the financial members present;

14.3 where a member has been expelled by a decision of the general meeting, the Secretary shall within 14 days of the decision, write to the offending member advising them of their expulsion from BHPA;

14.4 having been expelled from BHPA, a person may not apply for re-admission as a member for a period of 12 months from the date of the general meeting which expelled them;

## 15.0 Policy

- 15.1 BHPA may adopt its own policies consistent with the principles of ESD;
- 15.2 'Standing orders' for preparing and adopting local policies for BHPA may be adopted under s.3.9f above;
- 15.3 BHPA may endorse, adopt and promote the policies of the North Coast Environment Council Inc. or the Nature Conservation Council of NSW, consistent with the principles of ESD, as their own.

## 16.0 Constitutional Change

- 16.1 Changes to this Constitution may be made at the Annual General Meeting of BHPA by submitting to the Secretary:
  - a) at least 21 days prior to the date of the AGM;
    - i) a written proposal which clearly states the proposed amendment, and
    - ii) a written argument for the amendment no longer than one A4 page;
- 16.2 Where the Secretary, receives a proposed amendment to this Constitution, they shall:
  - a) provide a copy of the proposal and supporting argument to each member with the Notice of the AGM and the AGMs draft agenda;
  - b) include the proposal for Constitutional amendment on the draft agenda for the AGM;
- 16.3 the proposed amendment may be altered at the AGM, consistent with consensus decision-making practice, provided that such alterations do not completely refocus or substantially enlarge the scope of the original proposal;
- 16.4 to succeed, the proposed Amendment must be agreed to by consensus or, failing the obtaining of consensus, by its acceptance by 75% of the financial members present.

## 17.0 Dissolution and Winding Up

- 17.1 At its first general meeting, BHPA shall adopt a proposal, by carrying a formal motion, nominating an incorporated association, which meets the requirements of s. 53(2)(a)-(c), as the association in which to invest its surplus property in the event of the winding up or cancellation of the incorporation of the BHPA;
- 17.2 Proposals to dissolve and wind up BHPA may only be made at the Annual General Meeting of BHPA by submitting to the Secretary:
- a) at least 21 days prior to the date of the AGM;
  - ~~a~~ a written proposal which clearly states that BHPA be now dissolved and wound up, and
  - b a written argument for the dissolution and winding up, no longer than one A4 page;
- 17.3 Where the Secretary, receives a proposal to dissolve & wind up BHPA, they shall:
- a) provide a copy of the proposal and supporting argument to each member with the Notice of the AGM and the AGMs draft agenda;
  - b) include the proposal for dissolution and winding up on the draft agenda for the AGM;
- 17.4 to succeed, the proposal to dissolve and wind up BHPA must be agreed to by consensus or, failing the obtaining of consensus, by its acceptance by 75% of the financial members present;
- 17.5 Upon the agreement of the BHPA to windup and dissolve, the officers of BHPA shall take all necessary steps to windup all accounts and shall forward any remaining funds to the association named pursuant to section 17.1 above.

....ends.

**PLEASE note any amendments on this Third Draft (which now incorporates earlier comments and recommendations by BHPC legal adviser) & prepare to attend a meeting of BHPC to consider, amend and adopt this Constitution and the incorporation of the BHP Association.**

Written comments to JR Corkill @ Big Scrub EC,  
149 Keen St, Lismore. 2480. or fax them on 066 224 737.