



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

**Tuesday 18 November 2008**

**Mayor: Cr J van Lieshout**

**Councillors: Cr B Longland, Deputy Mayor  
Cr D Holdom  
Cr K Milne  
Cr W Polglase  
Cr K Skinner  
Cr P Youngblutt**

### **COUNCIL'S CHARTER**

Tweed Shire Council's charter comprises a set of principles that are to guide Council in the carrying out of its functions, in accordance with Section 8 of the Local Government Act, 1993.

Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

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## ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement:

*"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."*

## CONFIRMATION OF MINUTES

**Minutes of the Ordinary and Confidential Council Meetings held Thursday 30 October 2008**

### RECOMMENDATION:

**That the Minutes of the Ordinary and Confidential Council Meetings held 30 October 2008 be adopted as a true and accurate record of proceedings of that meeting with the following amendment to Confidential Item 2 - [EO-CM] Land Acquisition for Road - Kyogle Road, Uki, being:-**

**Recommendation 1 to read:**

- 1. Council approves the acquisition of Lots 1 to 4 in DP 1130130 for public road purposes under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary application to the Minister and/or Governor;**

### UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Minutes of the Ordinary Council Meeting held Thursday 30 October 2008 (DW 1923399)
  2. **Confidential Attachment** - Minutes of the Confidential Council Meeting held Thursday 30 October 2008 (DW 1923301)
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## **SCHEDULE OF OUTSTANDING RESOLUTIONS**

### **Schedule of Outstanding Resolutions**

#### **FOR COUNCILLOR'S INFORMATION:**

**12 August 2008**

#### **O20 [CNR-OC] Tweed River Estuary Recreational Boating Study**

##### **O 228 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that the Tweed River Estuary Recreational Boating Study 2008 be received and noted and further considered by the new Council.

**Current Status:** Workshop to be arranged.

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**2 September 2008**

#### **4 [EO-CM] Tugun Bypass Environmental Review Group Summary Report**

##### **C 41 COMMITTEE DECISION:**

**Administrator Boyd  
Administrator Payne**

**RECOMMENDED** that Council writes:-

1. To the proponents (Qld Department of Main Roads and the NSW Roads & Traffic Authority) requesting the following information:-
    - a) Results of the review into the groundwater management trials by CSIRO;
    - b) Results of any ongoing groundwater and vegetation die-off monitoring associated with the tunnel works;
    - c) Advice on the outcomes on studies relating to the regional hydrology; and
  2. To the NSW Minister for Planning requesting advice on whether the proponents of the Tugun Bypass have complied with the requirements of their Part 3A consent approval.
-

**Current Status: Response to Council Resolution Recommendation 1a:*****Background to Groundwater Management Trials***

In June 2007, ground water monitoring at three of the total 15 shallow long-term monitoring bores adjacent to the Tugun Bypass tunnel and approach ramps indicated localised reductions in groundwater level and pH. This suggested the possible exposure and subsequent oxidation of potential acid sulphate soils. As a consequence, soil, groundwater and ecological investigations into the source, cause, severity, and extent of acidity were undertaken.

Two areas for further management were delineated east and west of the Tunnel area of the Tugun Bypass following consultation with industry experts and NSW State agencies. Four methods were proposed for trial and in general, involved active and passive management of soils and groundwater in 400m<sup>2</sup> plots nested within the management areas.

Amendments to Pacific Link Alliance's (PLA) existing Environment Protection Licence and Ground Water Management Plan were required prior to commencing the trials. These were subsequently approved and trials undertaken between the 17<sup>th</sup> April 2008 and the 13<sup>th</sup> June 2008.

***Review of the Groundwater Management Trials***

On the 23<sup>rd</sup> July 2008, a report titled Final Performance Report – Groundwater Management Trials, June 2008 for the Tugun Bypass (Rev. 0) was issued to stakeholders on the Tugun Bypass Environmental Review Group Committee (which includes Tweed Shire Council). The results of the trials were presented and discussed at the final ERG meeting held on the 24<sup>th</sup> July 2008. An independent review of the trials was proposed and supported by the ERG members.

On the 3<sup>rd</sup> September 2008, a Revised Version of the Final Performance Report (Rev. 1) was issued to ERG members. This revised report included recommendations from an independent peer review undertaken by Freeman Cook of CSIRO (Reference: Cook, F.J., 2008. Review of Final Performance Report – Groundwater Management Trials June 2008, CSIRO Land and Water, Indooroopilly, Queensland).

The issuing of this report to Tweed Shire Council satisfies Council Resolution 1a.

It was concluded that with the exception of one area, the groundwater trials did not result in any measurable improvements in groundwater chemistry beyond that produced by natural processes (natural processes being inundation with seawater at high tides increasing alkalinity). Natural processes have reduced groundwater acidity during the trial period without effect on the areas ecology; the latter statement supported by vegetation monitoring undertaken at the site.

The independent peer review supports the recommended strategy of passive management with ongoing monitoring.



**Response to Council Resolution Recommendation 1b and 1c:**

Regarding Council Resolution 1b, correspondence has been prepared requesting monitoring results for water chemistry and any ongoing vegetation monitoring in relation to the tunnel area.

In regards to Council Resolution 1 (c), advice from the Department of Main Road's consultant (Jon Alexander, SMEC) is that no studies into the regional hydrology have been commissioned or requested by the Agencies. Some internal site works on airport land have been targeted to allow surface water to flow onto crown land east of the tunnel area although these works have not been commissioned at this stage.

**Response to Council Resolution Recommendation 2:**

On the 14th of October, Council received a document titled: Environmental Impact Audit Report – Construction, Tugun Bypass Project, September 2008, prepared by Pacific Link Alliance. The report has been prepared to meet the requirements specified under the NSW Minister for Planning Conditions of Approval (CoA) 10 and the Commonwealth Minister for Environment, Water, Heritage and the Arts CoA 6 for the Tugun Bypass. Essentially, both CoA's require that an environmental impact audit report (construction) be prepared and submitted to the Director General of the Department of Planning (DoP) and to the Commonwealth Minister (DEWHA) at a maximum of 3 months after construction is complete and must:

- Identify the major environmental controls used during construction and assess their effectiveness
- Summarise the main environmental management plans and processes implemented during construction and assess their effectiveness
- Identify any innovations in construction methodology used to improve environmental management and
- Discuss the lessons learnt during construction, including recommendations for future activities.

An Environmental Impact Audit Report 'Operation' is also required 24 months from project opening; the project was declared open on the 2/6/08 and was open to traffic on the 3/6/08.

The audit report only considers construction environmental management measures. A number of additional non-construction project conditions including development of a compensatory habitat package for the proposal are not discussed within the audit report.

Therefore, correspondence will be prepared seeking advice on the status of the compensatory habitat package (including status of the Long-nosed Potoroo Plan if Management) and feedback as to whether the DoP is satisfied with the Environmental Impact Audit Report (Construction).

**30 October 2008**

**O11 [EO-OC] Chinderah Bay Drive - Chinderah**

**O 21 COMMITTEE DECISION:**

**RECOMMENDED** that:

1. A workshop be scheduled to discuss the LES for Chinderah.
2. The Tweed River Committee be requested to consider revetment of the river bank at Chinderah in the 2009/10 Tweed River Committee budget.

**Current Status:** A workshop is to be organised.

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**4 [NOM-CM] Aboriginal Flag and Torres Strait Islander Flag**

**42 COUNCIL DECISION:**

All Councillors attend a Cultural Awareness Workshop to be conducted by the Local Government and Shires Associations.

**Current Status:** A workshop is to be organised.

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## MAYORAL MINUTE

### M1 [MM] Mayoral Minute - 18 November 2008

Councillors,

Within the Tweed Shire Council there are several major projects with a capital cost in excess of \$5 million in various phases of design and development. All of these projects have a total estimated value of \$200-300 million.

Many of these projects have been called in by the Department of Planning however in many cases issues are referred back to the Tweed Shire Council for consideration and input particularly in respect of the design of the public domain and public infrastructure.

It is important that these major development projects lead to sustainable urban design and high quality - well designed public spaces - roads - footpaths and public infrastructure.

The Council believes that the manner in which these developments are handled will have a major bearing on the sustainability, character and beauty of the Tweed Shire Council into the short, medium and long term. It is important that Council understand how these projects are progressing through the Department of Planning and to the extent that the Councillors have a role as well. As many items may not come to Council for determination or the issues coming for determination are only a fraction of the whole development, it is also important in the interests of transparency that Council have an understanding of how these projects are progressing and what input if any - Council can and should have into their development.

### RECOMMENDATION:

That:-

- 1. A new committee of Council called the "Major Projects Committee" be created which all Councillors are entitled to join and attend to be formed as soon as is practicable to allow the backlog of assessments to be cleared.**
- 2. The Committee will receive within 7 days – a report of current projects of \$5 million or more. The report will address the nature and extent and status of each project and will include any recommendations made by the Council or Council Staff to State Government Planning or for Court proceedings and thereafter the Committee will receive regular reports not less than every 2 months of the progress of major developments within the Tweed Shire area.**
- 3. Where necessary in the opinion of Council, the Committee appoint an expert Design Panel to be drawn from a list of people with relevant**

skills. Such people will be selected as identified by the Committee. The Committee shall appoint a panel of experts for each major project as the skills required for each major project may vary.

4. The Design Panel will advise the Committee and through the Committee will advise Council on the best available urban design options which will achieve a design excellence and sustainable high quality design.
  5. The Panel will also advise on the merit of the current retail strategy and advise any recommendations for a new retail strategy which will sufficiently provide visionary information to adequately decide infrastructure requirements for the expected increase in population and service needs for the community.
  6. The Committee will decide when and if the "Panel" is no longer needed to make those relevant decisions.
-

**M2 [MM] Inaugural Meeting of Australian Council of Local Government**

Councillors,

I wish to advise that I will not be attending the Inaugural Meeting of Australian Council of Local Government in Canberra scheduled for 18 November 2008.

Following the decision by Council at its meeting on 30 October 2008 where it resolved that the meeting dates for the months of November and December 2008 be changed (and a failed attempt to amend the motion as it was in conflict with my diary dates already set), the decision to remain here and attend the meeting on 18 November 2008 was made with the intent that there is a need for the community to be fully represented at such a crucial time where many sensitive issues are being considered within such a short time frame.

The invitation was extended to the Deputy Mayor to attend on my behalf, however, Cr Longland also declined.

**RECOMMENDATION:**

**That this advice be received and noted.**

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**M3 [MM] Signing of Documents**

**Documents signed**

**Mayor - Councillor Joan van Lieshout**

23 October 2008      Transfer - Lot 4 DP 1017336 - Road Closure - Silkwood Road,  
Tweed Heads West  
23 October 2008      Request - Acquisition of crown land, Kirkwood Road, Tweed  
Heads.

**RECOMMENDATION:**

**That the documents signed by the Mayor for October be received and noted.**

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## ORDINARY ITEMS FOR CONSIDERATION

### REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

#### 1 [SUB-TRC] Minutes of the Tweed River Committee Meeting held Wednesday 22 October 2008

VENUE:

Canvas & Kettle Meeting Room

TIME:

9.10am

PRESENT:

Cr Kevin Skinner (Chair); Cr Katie Milne; Robert Quirk (NRCMA & NSW Cane Growers' Association); Richard Hagley (Department of Environment & Climate Change); Carl Cormack (NSW Maritime Authority); Bob Loring (Department of Primary Industries - Fisheries); Martin Dobney (Action Sands Chinderah); Claire Masters (Tweed Landcare Inc); Errol Wright (Tweed River Charter Operators); Rhonda James (Caldera Environment Centre); David Oxenham, Jane Lofthouse, Tom Alletson, Sebastien Garcia-Cuenca, Mark Kingston, (Tweed Shire Council).

INFORMAL:

Sally Jacka (Tweed Shire Council) ; Cathey Philip (Minutes Secretary)

APOLOGIES:

David McPherson (Department of Lands); Lance Tarvey (Department of Environment & Conservation); Peter Baker (Tweed Agriculture Representative); Kyle Slabb (Tweed Byron Local Aboriginal Land Council).

ELECTION OF CHAIRMAN:

David Oxenham called for nominations for the position of Chairman. Robert Quirk nominated Cr Kevin Skinner. There being no further nominations, David declared Cr Skinner as Chairman of the committee for the next four years.

MINUTES OF PREVIOUS MEETING:

Moved: Robert Quirk

Seconded: Richard Hagley

RESOLVED that the Minutes of Meeting held Tuesday 12 August 2008 be accepted as a true and accurate record of the proceedings of that meeting.

BUSINESS ARISING:

Item from Meeting held 9 April 2008

#### 2. NSW Department of Environment & Climate Change regarding Conditions of Approval & Long Term Monitoring at Tugun Bypass

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Tugun Bypass; Cobaki Broadwater

Tom updated members and read out a draft memo from David Hannah, Council's Environmental Scientist, to Director Engineering & Operations.

*Cr Milne attended at 9.20am*

After discussion regarding concerns over surface waters with elevated iron levels flowing to Cobaki Broadwater, the committee requested that David Hannah and Lindy Smith attend the next meeting to provide further information regarding this matter, and that Lance Tarvey of DECC be requested to advise on progress of habitat compensation plans.

- 
2. Item from Meeting held 12 August 2008  
Tweed Coast Regional Crown Reserve Draft Plan of Management  
Tweed Coast Regional Crown Reserve Draft Plan of Management

Claire read to the meeting Tweed Landcare's submission to Department of Environment & Climate Change and the Department's response.

Claire will provide copies to Tom for distribution to committee members.

Claire stated that most community groups had lodged submissions and the new Council needed to look at the long term management of reserves. Claire said that Tweed Landcare would like to address council. Claire encouraged all members to read the submission.

Katie congratulated Claire and Landcare members on the work undertaken regarding this matter and Claire thanked Robert for the information provided by CMA.

---

Item from Meeting held 12 August 2008 - Correspondence In

1. International River Foundation - Thies National River Prize Finalist 2008  
River Symposium; Tweed River Festival

Jane advised that Tweed Shire Council was runner up again. The prize is getting bigger each year and although Council didn't win, it was provided with good feedback.

Jane also updated the committee on the release of the Tweed River Projects DVD and the success of this year's Tweed River Festival, outlining the various events that were carried out. She commented on the success of the Sustainable Living Centre and advised it is hoped to have an open day on a regular basis.

Carl commented on the immaculate condition of the park on the Monday after the event and also offered kudos to the staff who prepared the beach.



Item from Meeting held 12 August 2008

3. Draft Tweed River Domestic Foreshore Structure Strategy

Pontoons

Jane referred to above strategy and passed around a few copies. There was a general discussions on where pontoons can and cannot be built.

Tweed Shire Council will push for audit on current pontoons.

A Memorandum of Understanding is still being developed and when available will go to Council to be signed off.

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The committee suspended standing orders to deal with Item 4 of the agenda as Robert Quirk needed to leave early.

4. Dredging Stotts Channel

Coastal Management; Dredging; Stotts Island Nature Reserve

A fee proposal from consultants has been received to undertake investigations required to proceed with removal of the sediment plug at the downstream end of Stotts Channel.

Robert declared an interest and stated he was available only for consultation if required.

A lengthy discussion followed with members raising various issues of concern.

*Robert Quirk left the meeting at 10.11am*

Moved: Carl Cormack

Seconded: Bob Loring

RESOLVED that issue be deferred to allow new committee members to further investigate the history of this issue.

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CORRESPONDENCE IN:

1. Department of Environment & Climate Change regarding the Formation of a Coordinating Group for Land Management at Cobaki Foreshore

Cobaki Broadwater

NSW DECC has sent its final recommendations for implementation of a coordinating group for Cobaki Broadwater Foreshore Land Management. This includes the group being facilitated by Tweed River Committee/Tweed Shire Council. All details and implications of the proposal were discussed.

Moved: Rhonda James

Seconded: Carl Cormack

RESOLVED that the following recommendation be made to Council.

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RECOMMENDATION:

That Council:-

1. Sign the Memorandum of Understanding with an amendment requesting community representation be included on the coordinating group.
2. Write to all parties advising that Council will support the process with a view towards meeting in early 2009, and that council will call for expressions of interest from the community for two coordinating group representatives.

- 
2. NSW Lands regarding Funding for Navigational Dredging  
Waterways; Boating; Dredging; Crown Lands

An invitation has been received for Council to submit applications to Department of Lands for up to 50% of project costs to undertake navigational dredging.

Tom to liaise with Carl and Errol to prioritise a list of areas to be submitted to the next meeting. Expressions will then be forwarded to Department of Lands requesting funding if still available.

- 
3. NSW Maritime Authority regarding a Proposal to Create a Water Skiing Course in the River near Oxley Cove  
Oxley River

Carl Cormack briefed the committee on a proposal to use relocatable buoys to mark a slalom ski course in the river near Oxley Cove.

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CORRESPONDENCE OUT:

Nil.

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AGENDA ITEMS:

1. Budd Park River Bank Stabilisation  
Budd Park; Riverbank Erosion

Final plans and a cost estimate for stabilisation of the river bank at Budd Park have been prepared by Council's Design Unit. The plans were presented and options to proceed discussed.

Claire noted that the cost implication for the built environment is considered very high compared to outcomes for similar amounts of money for rehabilitation eg. weed control.

Tom to provide a detailed briefing to Councillors prior to next meeting advising on the preparation of the Murwillumbah Reach Bank Management Plan and detailed design issues related to stabilisation of the river bank at Budd park. It is to be decided at next meeting how to proceed with project.

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2. Acid Sulfate Soil Research Proposal - Contribution of Funds by Tweed River Committee

Acid Sulfate Soils

Researchers from ANU wish to resubmit an application for Australian Research Council funding to on ASS impacts on the Tweed River. A cash contribution is required from Tweed Shire Council to support the work.

Sebastien updated the committee on the proposal and requested committee's support. The level of support required is \$40, 000 per year for 3 years.

Researchers will attend meetings to provide details of research and findings.

Moved: Rhonda James

Seconded: Claire Masters

RESOLVED that the Tweed River Committee support the work by ANU to resubmit an application for Australian Research Council and provide funding of \$30,000 from the acid sulfate soils budget and \$10,000 from the monitoring budget.

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3. Proposal for a Riparian Revegetation Project - Rous River

Rous River; Riparian Projects

Tom provided details of a request from a Tumbulgum cane farmer, John Quann, for assistance to fence off and revegetate a section of the Rous River. The committee agreed to support the project proposal by allocating \$20,000.

Moved: Bob Loring

Seconded: Claire Masters

RESOLVED that \$20,000 be allocated to fencing and revegetating one kilometre of the Rous River bank on property owned by Mr John Quann.

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4. Dredging Stotts Channel

This item was dealt with earlier in the meeting.

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*David Oxenham left the meeting at 11.00am*

GENERAL BUSINESS:

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5. Community Support Officer

Landcare

Jane introduced Sally Jacka and explained her role within Tweed Shire Council. An article will be placed in the Tweed Link providing details of Sally's role.

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6. Sanding Up of Entrance to Anchorage Islands Canal

Canals; Water Quality

Errol suggested that the flood gates underneath the bridge to the Anchorage Islands be opened for a six month trial to see if this would stop the area from sanding up.

Tom stated that if gates are to be opened some areas may be flushed well while others not flushed at all. Local residents have volunteered to do some low-cost monitoring of water quality.

Tom to arrange for appropriate method to open gates.

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7. Monitoring of Water Quality

Water Quality

Katie asked if Council is able to assist with water quality monitoring.

*David Oxenham returned to meeting at 12.25pm*

Jane suggested a workshop be held with Councillors regarding work being done for water quality monitoring in the Tweed River, Coastal Creeks and Cobaki and Terranora Broadwaters.

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8. Critically Endangered Species

Endangered Species

Mark Kingston advised members that several birds species known from this area have recently been proposed by the NSW Scientific Committee for listing as "Critically Endangered" under the Threatened Species Conservation Act 1995. These include:

Beach Stone-curlew *Esacus neglectus*  
Black-breasted Button-quail *Turnix melanogaster*  
Coxen's Fig-parrot *Cyclopsitta diophthalma coxeni*  
Northern subspecies of Eastern Bristlebird *Dasyornis brachypterus monoides*  
Red Goshawk *Erythrotriorchis radiatus*  
Red-tailed Black-Cockatoo subspecies *Calyptorhynchus banksii banksii*

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9. Thank You to Outgoing Chairman

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On behalf of the committee, Martin thanked David Oxenham for presiding over meetings for past three years.

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10. Few trees along the Riverbank

Riverbank Erosion

Katie asked how riverbanks could be improved and Jane provided details on what Council and the local groups are doing to improve the situation.

Mark will provide information on biodiversity planning at the next meeting.

Information regarding river use (how to protect) and water quality will also be provided at the next meeting.

Jane Lofthouse to obtain a copy of Tweed Estuary Boating Plan 2006 - 2010 from NSW Maritime.

NEXT MEETING:

The next meeting of the Committee is to be held on 10 December 2008 at the Canvas & Kettle Meeting Room (or Sustainable Living Centre) commencing at 9.00am.

The meeting closed at 12.45pm.

#### **DIRECTOR'S COMMENTS:**

##### **Correspondence In:**

- 1. Department of Environment & Climate Change regarding the Formation of a Coordinating Group for Land Management at Cobaki Foreshore**

**Council will need to consider the subject Memorandum of Understanding as a separate report.**

#### **DIRECTOR'S RECOMMENDATIONS:**

##### **Correspondence In:**

- 1. Department of Environment & Climate Change regarding the Formation of a Coordinating Group for Land Management at Cobaki Foreshore**

***That this item to be the subject of a separate report to the Operations Committee of Council.***

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## 2 [SUBCOM] Minutes of Sub-Committees for Information Only

The following Sub-Committee Minutes are attached for Councillor's information only as they do not contain recommendations to Council.

### UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. **Minutes of the Public Transport Working Group Meeting held Friday 31 October 2008 (DW 1928574)**
-

## ORDERS OF THE DAY

### 1 [NOR] Councillor Delegates - Arts Northern Rivers Board

#### NOTICE OF RESCISSION:

Councillors Barry Longland, Katie Milne and Joan van Lieshout move:

**RESOLVED** that the resolution at Minute No 14 in relation to Item 3 of the Meeting held 9 October 2008, with regard to Council's alternate Councillor delegate to the Arts Northern Rivers Board being:-

....

#### Arts Northern Rivers Board

.....

**Alternate Representative: Cr J van Lieshout**

be rescinded

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### 2 [NOM] Councillor Delegate - Arts Northern Rivers

#### NOTICE OF MOTION:

Councillor Barry Longland moves:

That the Manager Community and Cultural Services be nominated as the Alternate Representative to the Board of Arts Northern Rivers.

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### 3 [NOM] Climate Change

#### NOTICE OF MOTION:

##### Preliminary Report from the Coastal Conference

*The delegates of the Coastal Conference, including the Department of Lands, have unanimously accepted the findings of the International Panel on Climate Change (IPCC) of a 0.91metre rise in sea level by 2100 and requested, amongst eleven other recommendations, that the State government incorporate these findings into the new Local Environment Plans that are soon to be released.*

*The were many issues of concern especially in regard to coastal recession and the predicted sea level rises of up to 6 metres post 2100.*

*The Department of Lands had major concerns about the long term effectiveness of the break walls due to overtopping and the financial impossibility of adapting these to long term climate change. Also of great concern was the massive erosion of the riverbanks due to higher sea levels, more severe and more frequent flood events.*

Councillor Katie Milne moves:

That Council:-

- a. Accepts the findings of the International Panel on Climate Change (IPCC) including a 0.91metre rise in sea level by 2100, and that these findings are adopted into Council's planning policies.
  - b. Writes to request the State government to incorporate the IPCC findings into the new Local Environment Plans that are soon to be released.
  - c. Establishes a climate change and sustainability committee to inform and the community on the IPCC findings with the aim of involving the community in developing a comprehensive strategy on climate change and sustainability.
  - d. Consults with local communities to establish comprehensive information about evacuation procedures, including destinations and escape routes in emergency situations and that this information is then disseminated widely to the local areas.
-



**4 [NOM] Bay Street, Tweed Heads**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That:-

1. The information contained within the confidential attachment to this Notice of Motion, being an extract from the confidential report to the Council meeting of 9 October 2008 relating to the Bay Street Road Closure, be made available to the public.
2. Further information from the confidential report of the 9 October 2008 that is not of an essentially confidential nature be also released to the public.
3. That the dimensions of the land proposed to be sold are prominently advertised in the Tweed Link, including the length and especially the 21.47metre width.
4. The required road realignment of the Bay St proposal and the dimensions of the ingress into the grassed area of the road reserve that is currently serving as part of the park be clearly advertised.
5. An extension of three months be provided on the Bay St public exhibition period in recognition of the significance of this development and the lack of detail and dimensions provided to date.
6. Council conducts active community consultation on the Bay St proposal, including conducting two public meetings and a public survey.
7. Council conduct workshops on the Bay St proposal that also provide for community representation.

**UNDER SEPARATE COVER:**

1. **Confidential Attachment** - Extract from the Confidential report to the Council meeting of 9 October 2008 relating to the Bay Street Road Closure (DW 1915992)
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**5 [NOM] Lidar Data - Sea Level Rise**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That Lidar Data be developed and the results made publicly available, demonstrating the effect of sea level rise on the Tweed Shire according to the IPCC findings, as a matter of urgency.

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**6 [NOM] Moratorium on Development of the Coastal Zone**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That a moratorium on the development of the coastal zone be established until the Lidar Data is established and Council has resolved a position in relation to this.

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**7 [NOM] Housing Affordability**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That Council develops a Housing Affordability Policy which includes caravan parks, as a matter of urgency.

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**8 [NOM] Red Spot Disease**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That a full report is provided into the Red Spot disease in the Tweed waterways associated with acid sulphate run off, as reported by the Department of Primary Industry, as a matter of urgency.

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**9 [NOM] World Car Rally**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That the advertising of the World Car Rally Event be removed from the Council website until a development application has been approved and an extensive community consultation has been conducted.

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**10 [NOM] Kennedy Drive Upgrade**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That the upgrading of Kennedy Drive be brought forward and treated as a priority.

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**11 [NOM] Breaches or Non-Compliance of Development Approvals**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That Council increases the fines for breaches or non-compliance of development approvals over \$1,000,000 from \$600 per day to \$6000 per day and to \$10,000 per day if in an environmentally sensitive area.

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**12 [NOM] Parking Infringements**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That Council's parking infringement fines are reduced from current levels to a maximum of \$30.00

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**13 [NOM] Business Paper Distribution**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That an extra set of business papers be provided to those Councillors who request it and that they be posted out as requested, minus the confidential reports

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**14 [NOM] Business Paper Delivery Schedule**

**NOTICE OF MOTION:**

Councillor Katie Milne moves:

That the business papers are delivered to Councillors at least one week prior to the meeting.

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## CONFIDENTIAL ITEMS FOR CONSIDERATION

### REPORTS FROM THE DIRECTOR PLANNING & REGULATION

- 1 [PR-CM] Development Application DA05/0004 for the Filling of Land in Lots 1-9 DP 781714, Lots 11, 12, 13 & 14 DP 871753, Retention and Conservation of Unfilled Areas of Land in Lots 11, 12 & 13 DP 871753, Lots 1, 2 & 3 DP 781714, Construction of a Box Cu

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

### REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

- 2 [EO-CM] Acquisition of Land for Road Purposes - Lots 2 & 3 in DP 1106447 - Tweed Coast Road, Chinderah

#### REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**3 [EO-CM] Acquisition of Land for Road Purposes - Palmvale Road, Palmvale**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**4 [EO-CM] Proposed Tender for the Supply, Installation and Maintenance of Council Bus Shelters in Exchange for Bus Shelter Advertising Rights**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

**REPORTS FROM THE DIRECTOR COMMUNITY & NATURAL RESOURCES**

**5 [CNR-CM] Acquisition of Land at Chinderah - Lot 1 in DP 371046 - Wommin Bay Road, Chinderah**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business