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Mr David Hannah  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

ABORIGINAL MATERS  
COBAKI BROADWATER

TWEED SHIRE COUNCIL	
FILE No.	ESTUARY MANAGEMENT
DOC. No.	
REC'D	11 SEP 2008
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Dear Mr Hannah

**Cooperative Management of the Cobaki Broadwater and Catchment  
Amended preamble to the MoU**

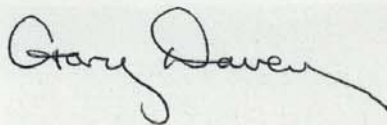
Attached is a revised preamble to the Cobaki MoU. It includes a more detailed outline of the importance of the area to the Aboriginal people.

You may recall at the last meeting (for those in attendance), that we agreed that Jackie MacDonald would provide additional words around the Aboriginal cultural values of the Cobaki. Unfortunately, the revised draft MoU and Preamble went out before Jackie's comments were received.

We have now received Jackie's comments and incorporated them into the Preamble. Basically, Jackie's words replace the previous paragraph on Aboriginal cultural values.

It would be appreciated if you would replace the original, revised preamble sent out a few weeks with the new attached version. I apologise for any confusion this has caused.

Yours sincerely



**GARY DAVEY**  
Director North East  
Environment Protection and Regulation Group

NOTE: Copy with  
Tom Alletson

Enclosure:

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

Locked bag 914  
Federation House, Level 7, 24 Moonee Street  
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Department of **Environment and Conservation** NSW



## MEMORANDUM OF UNDERSTANDING

### **In relation to the cooperative management of the Cobaki Broadwater and its catchment**

#### **PREAMBLE**

The Cobaki Broadwater and catchment form part of the Tweed River Estuary. The Cobaki catchment extends over some 50km<sup>2</sup> and includes Cobaki and Piggabeen Creeks. A small portion of the catchment extends across the border into Queensland. The area has recognised high scenic values and contains significant terrestrial and aquatic ecosystems including SEPP 14 Coastal wetlands, rainforest, migratory and non-migratory bird habitat, and important fish breeding and nursery habitat.

The area is a significant Aboriginal cultural landscape with a history of regular large gatherings of Aboriginal peoples. This is evidenced by numerous physical and non-physical indicators, including ceremonial grounds, women's sites, middens, marked trees, a large campsite and burial grounds. The area has other important cultural links.

The area is known and recorded as "*Murraba (Murrawba) the favourite campsite of the Aboriginals*" and is considered to be the last of its type in this region. The Cobaki Lakes system continues to provide an abundance of food resources fundamental to the good health and well being of the Aboriginal community. This cultural landscape continues to play an important role in the lives of the local Aboriginal community and is utilised to this day.

A range of land tenures exist across the Broadwater and its catchment, including Commonwealth land, substantial areas of state Crown land, and freehold land. The Broadwater and catchment is subject to a number of existing land uses and activities, most notably an international airport, national highway, urban/industrial development, waste landfill and rural uses.

Incremental development and disparate management regimes of the responsible government agencies over time has contributed to habitat loss and resource degradation, potentially compromising the values and beneficial uses of the area. These pressures have accelerated in recent years with increased development including significant road works (Tugun by-pass) and expanding residential and industrial subdivision. Concurrently and in response to this, community concern, including that of the Aboriginal community, has increased, emphasising the need for better and more coordinated management and protection of the area's values.

This Memorandum of Understanding (MoU) is the outcome of two meetings of representatives of the key agencies and other bodies with responsibilities and/or major roles in the planning, management or utilisation of the area. The initial meeting was conducted on 27 June 2007 and the second meeting, at which an initial draft of this MoU was considered, was held just over a year later on 23 July 2008.

In parallel, but separate to this process, Tweed Shire Council commissioned the preparation of a management plan encompassing the Cobaki Broadwater catchment. This plan is being prepared in accordance with the NSW *Coastal Protection Act 1979*. Once finalised, and if adopted by the Minister, the plan will be administered by Tweed Shire Council and will bind the Crown. One of the particular objects of the *Coastal Protection Act* is 'to ensure coordination of the policies and activities of the government and public authorities relating to the coastal region and to facilitate the proper integration of their management activities'.

This MoU provides a formal mechanism for coordination and integration and will complement the management plan, which will detail and prioritise required management activities.

## **PARTIES**

This Memorandum of Understanding is made between:

Tweed Shire Council (TSC)  
NSW Department of Lands (DoL)  
NSW Department of Environment and Climate Change (DECC)  
NSW Roads and Traffic Authority (RTA)  
QLD Department of Main Roads (DMR)  
Gold Coast City Council (GCCC)  
NSW Department of Planning (DoP)  
NSW Department of Primary Industries - Fisheries (DPIF)  
NSW Northern Rivers Catchment Management Authority (CMA)  
Commonwealth Department of Infrastructure, Transport, Regional Development & Local Government (DITRD LG)  
Tweed Byron Local Aboriginal Land Council (TBLALC)  
Gold Coast Native Title Group (GCNTG)  
Gold Coast Airport Pty Ltd (GCAL)  
Leda Developments Pty Ltd (LD)

## **PURPOSE**

The purpose of this MoU is to:

1. identify those government agencies and other bodies (the parties) with responsibilities or major roles in the planning, management or utilisation of the Cobaki Broadwater and catchment;
2. articulate a set of fundamental overarching principles to guide the parties planning, management, and utilisation of the area; and
3. provide a framework for the parties to foster and enhance communication, cooperation and collaboration related to the planning, management and utilisation of the area.

## **PRINCIPLES**

The parties agree that the Cobaki Broadwater and catchment is a regionally and nationally significant area with outstanding natural and Aboriginal cultural heritage values and plays a significant role in the local and regional economy.

The parties agree that the values of the area require protection and that a proactive, cooperative and integrated approach to the planning, management and utilisation of the area is required.

The parties agree the community and stakeholders need to be assured that a cooperative and integrated approach is being taken by the parties to protect and manage the areas values.

The parties agree that their day-to-day and strategic planning, management and utilisation of the area will be guided and influenced by the following overarching principles:

1. Proactive catchment stakeholder communication and information sharing and collaborative land use planning and management will be facilitated in all but emergency activities.
2. Wherever feasible and appropriate, significant land use planning, management and utilisation decision making will be preceded by timely, adequate, transparent and actively sought community and catchment stakeholder consultation and input.
3. Aboriginal physical, cultural, and spiritual values will be considered in a culturally appropriate way in all levels of catchment land use planning, management and utilisation decision making processes.

4. Protection and maintenance or improvement of the area's aesthetic amenity and the condition of native terrestrial and aquatic ecosystems will be a significant focus of management planning, investment and decision making.
5. Management actions will aim to maintain or improve the ecological health of the catchment and ensure the long term sustainability of essential catchment biophysical processes and services.
6. Remnant areas of high conservation value will be accorded protection and maintained through appropriate protection measures.
7. As resources allow, environmentally degraded areas will be rehabilitated and their biophysical functions restored.
8. Wherever feasible, non-sustainable and environmentally degrading processes will be progressively replaced with more efficient and less degrading alternatives.
9. Beneficial uses which are non-degrading will be encouraged.

The parties acknowledge that the context for implementation or application of these overarching principles varies between each of the parties. It is also acknowledged that the principles do not fetter the rights of any parties to exercise any legal entitlement or activity over lands under their control.

#### **OPERATION**

The parties agree to establish, maintain and resource a coordinating group known as the Cobaki Coordinating Group (CCG). Core members of the CCG will comprise those parties that own or are responsible for the planning and management of the area's land and water resources. Each party will be represented by a senior officer and the group will be chaired by the Tweed Shire Council representative. The CCG will operate as a sub-group of the Tweed River Committee.

The function of this group is to initiate, oversee and administer this MoU to foster and enhance communication and cooperation between the parties in the coordination and integration of the planning, management and utilisation of the area.

The specific task of the CCG will be to ensure the following initial and on-going actions are resourced and undertaken, and to periodically report on their status and provide recommendations to the Tweed River Committee.

#### **Initial Actions**

The parties agree to resource and undertake the following initial actions to be completed by the first anniversary of this MoU:

- a. review existing management arrangements and strategic and management plans to ascertain gaps, deficiencies, overlaps and inconsistencies and provide a report to the CCG recommending options to redress identified deficiencies;
- b. establish and implement processes for consultation with Aboriginal people and foster their partnering in the planning, management and utilisation of the area.

#### **Ongoing Actions**

The parties agree to resource and undertake the following ongoing actions:

- a. meet twice yearly, prior to (March) and shortly following (September) each financial year, to discuss business and investment plans and clarify and confirm opportunities for, and outcomes of, cooperation and collaboration between the parties;
- b. consult in the preparation of strategic, management and development plans for the area or in amendments to existing plans, and aim to ensure such plans have been guided by the overarching principles set out in this MoU and provide for complementary policies and management practices throughout the area; and

- c. annually, identify and integrate, as appropriate, an agreed program of works or activities for the following 12 months. This program to have regard to the actions and priorities detailed in the current catchment management plan made under the *Coastal Protection Act 1979*.

**CONTACT**

Tom Alletson, Tweed Shire Council

**TERM**

This MoU shall continue for a period of five years from the date of commencement. Prior to expiry, the parties will review the agreement and determine whether it should be renewed, varied or terminated.

**REVIEW**

The parties will review the MoU at each anniversary.

**VARIATION**

The MoU may be amended or varied from time to time provided that such amendment or variation is evidenced in writing and signed by the parties.

**NO LEGAL EFFECT**

This document is a Memorandum of Understanding and is not intended to, nor does it, create binding or legal obligations on or between the parties.

**DATE**

This Memorandum is made on XXXXXX

SIGNED by the parties:

Tweed Shire Council

NSW Department of Lands

NSW Department of Environment and Climate Change

NSW Roads and Traffic Authority

QLD Department of Main Roads

NSW Department of Primary Industries - Fisheries

NSW Department of Planning

NSW Northern Rivers Catchment Management Authority

Commonwealth Department of Infrastructure, Transport, Regional Development & Local Government

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