

Water Supply Option Selected by Council in October and November 2010

Chain of Events



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TWEED
SHIRE COUNCIL

Mayor: Cr Kevin Skinner

Councillors: B Longland (Deputy Mayor)
D Holdom
K Milne
W Polglase
J van Lieshout
P Youngblutt

Minutes

Extraordinary Council Meeting Monday 1 November 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

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.

The Meeting commenced at 3.30pm.

IN ATTENDANCE

Cr K Skinner (Mayor), Cr B Longland (Deputy Mayor), Cr D Holdom, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present were Mr Mike Rayner (General Manager), Mr Troy Green (Director Technology & Corporate Services), Mr Vince Connell (Director Planning & Regulation), Mr David Oxenham (Director Community & Natural Resources), Mr Neil Baldwin (Manager Corporate Governance/Public Officer) and Mrs Kerrie McConnell (Minutes Secretary).

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."

PRAYER

The meeting opened with a Prayer by Council's Chaplain, Pastor Andrew Brown:

"This, then is how you should pray...."
Mathew 6:0 (NIV)

Our Father who fills the sky, may everyone recognise that You are the holy one. May all acknowledge that You rule. Your will be done on earth as it is in heaven.

Grant us what we most need, and forgive us for what we have done wrong, to the extent to which we forgive others (but please, be merciful too).

Please don't lead us into suffering and trial, but spare us from tragedy and hold us back from evil.

For the right to rule, the power to rule, and the glory belong to You alone.

Amen"

APOLOGIES

Cr J van Lieshout.

683

Cr D Holdom
Cr P Youngblutt

RESOLVED that the apology of Cr J van Lieshout be accepted and the necessary leave of absence be granted.

The Motion was **Carried**

FOR VOTE - Unanimous

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

COUNCIL DECISION:

684

Cr K Skinner

Cr P Youngblutt

RESOLVED that Standing Orders be suspended to deal with Item 1 of the Agenda in a Workshop session.

The Motion was **Carried**

FOR VOTE - Unanimous

685

Cr K Skinner

Cr W Polglase

RESOLVED that three speakers for and three speakers against the rescission motion be allowed to address Council with a maximum of two questions per speaker.

The Motion was **Carried**

FOR VOTE - Unanimous

Tweed District Water Supply Augmentation Options – Selecting a Preferred Option (Rescission Motion)

The following persons addressed the meeting on the rescission motion, in relation to the Byrrill Creek Dam option:

Mr Mike Allen (For)

Mr Michael McNamara (Against)

Mr Stuart Cahill (For)

Mr Raymond Thorpe (Against)

Mr Idwall Richards (For)

Cr P Youngblutt left the meeting at 04:24 PM

Ms Joanna Gardner (Against)

Cr P Youngblutt has returned from temporary absence at 04:25 PM

686

**Cr W Polglase
Cr D Holdom**

PROPOSED that Standing Orders be resumed.

The Motion was **Lost** – on the casting vote of the Mayor

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr J van Lieshout**

RESUMPTION OF STANDING ORDERS

687

**Cr P Youngblutt
Cr D Holdom**

RESOLVED that Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr B Longland, Cr K Skinner
AGAINST VOTE - Cr K Milne
ABSENT. DID NOT VOTE - Cr J van Lieshout**

- 1 [NOR-Cr Holdom, Cr Milne, Cr Longland] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option**

NOTICE OF RESCISSION:

688

**Cr D Holdom
Cr B Longland**

PROPOSED that Council resolution at Minute No 688 from the meeting held on 19 October 2010 in relation to Item No 24 [CNR-CM] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option being:

"... that Council:

1. *Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.*
2. *Adopts the Byrrell Creek Dam as the preferred option for augmenting the Tweed District Water Supply.*
3. *Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrell Creek Dam.*
4. *Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option."*

be rescinded.

689

**Cr B Longland
Cr K Milne**

RESOLVED that an extension of 2 minutes be granted to Cr D Holdom.

The Extension of Time Motion was **Carried**

**FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase
ABSENT. DID NOT VOTE - Cr J van Lieshout**

The Rescission Motion was **Lost** – on the casting vote of the Mayor – (Minute No 688 refers)

**FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
ABSENT. DID NOT VOTE - Cr J van Lieshout**

**2 [NOM-Cr Holdom] Tweed District Water Supply Augmentation Options -
Selecting a Preferred Option**

The Notice of Motion lapsed as a result of the decision taken on the rescission motion – (Minute No 688 refers).

URGENCY MOTION

690

**Cr D Holdom
Cr W Polglase**

RESOLVED that the Mayoral Minute – Proposed Workshops be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

FOR VOTE - Unanimous

MAYORAL MINUTE

[MM] Mayoral Minute - Proposed Workshops

691

Cr K Skinner

RESOLVED that Workshop sessions be scheduled on the following matters:

1. Wooyung Properties regarding a proposal to rezone the Wooyung Resort site, including an invitation to the proponents to discuss their proposal.
2. North Byron Parklands proponents to present their proposal and that this workshop be held prior to Council's next meeting of 16 November 2010.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr B Longland, Cr K Skinner

AGAINST VOTE - Cr K Milne

ABSENT. DID NOT VOTE - Cr J van Lieshout

There being no further business the Meeting terminated at 5.30pm.



Minutes of Meeting Confirmed by Council

at Meeting held

Chairman

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Extraordinary Meeting to be held Monday 1 November 2010

Rescission motion lodged on Byrrell Creek dam decision

An Extraordinary Meeting of Council will be held on Monday, 1 November 2010 at 3.30pm to consider a rescission motion.

The rescission motion has been lodged on Item 24 of the Council Agenda of 19 October 2010, *Tweed District Water Supply Augmentation Options – Selecting a Preferred Option*, which is the decision regarding a new dam at Byrrell Creek.

Tweed Shire Council General Manager Mike Rayner said if three Councillors disagree with a decision they are able to lodge a rescission motion.

The rescission motion was signed by Councillors Dot Holdom, Katie Milne and Barry Longland.

“As a rescission motion has been lodged, the original decision cannot be acted on until the motion of rescission has been dealt with,” Mr Rayner said.

“If the rescission motion is successful, Council will then consider a Notice of Motion from Councillor Dot Holdom, which is as per the recommendation of that item at the meeting of 19 October,” Mr Rayner said.

The Extraordinary Meeting was requested by Councillors Warren Polglase and Phil Youngblutt and has been signed off by the Mayor, in accordance with Council’s Code of Meeting Practice Version 2.1, Section 1.1.3.

- ends -

Council votes for new dam at Byrrill Creek

Mayor of Tweed uses casting vote to choose Byrrill Creek option

A new dam at Byrrill Creek, south-west of Murwillumbah, has been chosen as the preferred option to augment the Tweed District Water Supply.

The surprise decision was made at last night's Council meeting following a lengthy study and community consultation process on three shortlisted options to augment the water supply designed to meet the shire's water needs until 2036.

Council officers had recommended the adoption of the raising of the existing Clarrie Hall at Doon Doon, also south-west of Murwillumbah, which came out as the preferred option through the Water Supply Augmentation Options Study.

The Byrrill Creek option was placed third in the study, with the construction of a pipeline to the South-East Queensland water grid ranking second in the comprehensive study.

With the vote tied at three-all at the Council meeting, Mayor of Tweed Councillor Kevin Skinner used his casting vote to opt for Councillor Warren Polglase's amendment to select the Byrrill Creek dam option.

Councillor Phil Youngblutt also voted for the Byrrill Creek amendment, while Councillors Dot Holdom, Katie Milne and Barry Longland were opposed.

Councillor Joan van Lieshout left the room before the debate and did not take part in voting. She declared a pecuniary interest as the co-owner of property which could be affected if the Byrrill Creek dam construction proceeds.

"I think this was the only decision for the long-term viability of our water supply for the future of the Tweed Shire," Councillor Skinner said.

"Both Byrrill Creek and Clarrie Hall were both a concern in environmental terms."

Councillor Skinner said he had listened to community concerns about using demand management strategies to reduce the Tweed's need for more water as population increases.

"It's a shame that demand management strategies can't achieve everything people would like them too but we need a long-term supply of water and to ensure that I believe we need a dam," he said.

"The challenge now is to get approval and I believe it will be a long, hard fight," he said.

For more information on the three shortlisted options for the augmentation of the Tweed District Water Supply, visit Council's website www.tweed.nsw.gov.au

- ends -

Mayor: Cr K Skinner (Mayor)

Councillors: B Longland (Deputy Mayor)
D Holdom
K Milne
W Polglase
J van Lieshout
P Youngblutt

Minutes

Ordinary Council Meeting Tuesday 19 October 2010

held at Murwillumbah Cultural & Civic Centre
commencing at 3.30pm

ABSTRACT FROM MEETING

DECLARATION OF INTEREST

Cr J van Lieshout declared a perceived significant, pecuniary Interest in this item, left the Chamber at 03:47 PM and took no part in the discussion or voting. The nature of the interest is that Cr J van Lieshout is the owner of property in the vicinity of the Byrill Creek Dam site.

1

Cr W Polglase
Cr P Youngblutt

PROPOSED that Council:

1. Adopts the recommended non-residential Water Demand Management program:
 - a. Develops an auditing program targeting the major users (>20 ML/year).
 - b. Continues the auditing program targeting the balance of the caravan parks, shopping centres, clubs and aged care facilities within the top 100 water users.
 - c. The auditing of major water using parks and gardens, training for Council's Recreation Services staff, and development of Open Space Irrigation Guidelines.
 - d. Consider the introduction of regulations to control non-residential internal fitting and fixtures including taps, showers, toilets and possibly urinals.
 - e. A non-residential education program be developed by Council as part of the overall education program.
 - f. Liaise with key state government departments regarding the implementation of water efficiency programs for state government buildings, such as hospitals and schools. Liaise with industry and commercial representatives to form relationships and disseminate key information regarding conservation programs to target sectors.
2. Continues to encourage effluent reuse schemes and other integrated water solutions that are sustainable in the long term proposed by developers of greenfield sites.
3. Implements a performance tracking plan to enable the monitoring of targets to ensure overall demand is achieving long-term reduction goals envisioned by the program.
4. Adopts Key Performance Targets for average residential demand of 200Litres/capita/day and average total demand of 300Litres/capita/day by 2013 (15% reduction on 2006 figures).

2

Cr B Longland
Cr P Youngblutt

RESOLVED that an extension of 2 minutes be granted to Cr K Milne.

FOR VOTE - Voting - Unanimous

ABSENT. DID NOT VOTE - Cr J van Lieshout

3

AMENDMENT

Cr K Milne

Cr B Longland

RESOLVED that Council:

1. Adopts the recommended non-residential Water Demand Management program:
 - a. Develops an auditing program targeting the major users (>20 ML/year).
 - b. Continues the auditing program targeting the balance of the caravan parks, shopping centres, clubs and aged care facilities within the top 100 water users.
 - c. The auditing of major water using parks and gardens, training for Council's Recreation Services staff, and development of Open Space Irrigation Guidelines.
 - d. Consider the introduction of regulations to control non-residential internal fitting and fixtures including taps, showers, toilets and possibly urinals, **greywater reuse and rainwater tanks**.
 - e. A non-residential education program be developed by Council as part of the overall education program.
 - f. Liaise with key state government departments regarding the implementation of water efficiency programs for state government buildings, such as hospitals and schools. Liaise with industry and commercial representatives to form relationships and disseminate key information regarding conservation programs to target sectors.
2. Continues to encourage effluent reuse schemes and other integrated water solutions that are sustainable in the long term proposed by developers of greenfield sites.
3. Implements a performance tracking plan to enable the monitoring of targets to ensure overall demand is achieving long-term reduction goals envisioned by the program.
4. Adopts Key Performance Targets for average residential demand of 200Litres/capita/day and average total demand of 300Litres/capita/day by 2013 (15% reduction on 2006 figures).
5. **Conducts a Workshop with a view to forming a proposal to lobby the State Government to review the BASIX and WELS programs to enhance the water conservation outcomes.**

6. Develops a water friendly garden Policy.

The Amendment was **Carried**

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

ABSENT. DID NOT VOTE - Cr J van Lieshout

The Amendment on becoming the Motion was **Carried** - (Minute No **686** refers)

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne, Cr K Skinner

AGAINST VOTE - Cr P Youngblutt, Cr W Polglase

ABSENT. DID NOT VOTE - Cr J van Lieshout

24 [CNR-CM] Tweed District Water Supply Augmentation Options - Selecting a Preferred Option

DECLARATION OF INTEREST

Cr J van Lieshout declared a perceived significant, pecuniary Interest in this item, left the Chamber at 03:47 PM and took no part in the discussion or voting. The nature of the interest is that Cr J van Lieshout is the owner of property in the vicinity of the Byrriil Creek Dam site.

4

Cr D Holdom

Cr B Longland

PROPOSED that Council:

1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.
2. Adopts the raising of Clarrie Hall Dam as the preferred option for augmenting the Tweed District Water Supply.
3. Proceeds with the Planning Approvals process and Detailed Design in relation to the raising of Clarrie Hall Dam.
4. Liaises with landholders at Doon Doon Creek to facilitate acquisition of properties or parts thereof as required.
5. Determines the most cost-effective approach to upgrading the existing Clarrie Hall Dam spillway by 2016.
6. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option.

7. Retains ownership of land at Byrrill Creek to enable consideration of future water supply augmentations beyond the current planning horizon.

5

AMENDMENT 1

Cr W Polglase
Cr P Youngblutt

RESOLVED that Council:

1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.
2. Adopts the Byrrill Creek Dam as the preferred option for augmenting the Tweed District Water Supply.
3. Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrill Creek Dam.
4. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option.

The Amendment 1 was **Carried** on the Casting Vote of the Mayor.

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr J van Lieshout

6

AMENDMENT 2

Cr K Milne
Cr B Longland

PROPOSED that Council:

1. Monitors and resources demand management actions with the aim of achieving at least BASIX/WELS reductions and reports to Council annually on progress.
2. Adopts the Byrrill Creek Dam as the preferred option for augmenting the Tweed District Water Supply.
3. Proceeds with the Planning Approvals process and Detailed Design in relation to Byrrill Creek Dam.

4. Pursues dialog with the relevant South East Queensland water authorities in parallel as an alternative augmentation option and as an emergency drought option.
5. Council engages an appropriate research organisation such as the Sydney University, Institute for Sustainable Futures, to undertake an independent review of the Tweed Shire Council Water Demand Management Strategy to ascertain if water savings could be further enhanced with dual reticulation, stormwater harvesting in the context of the timing for further water augmentation in this current planning horizon and to achieve best possible outcomes for the environment and receiving waters.

Further consideration of climate change impacts be included in any such review.

The Amendment 2 was **Lost** on the Casting Vote of the Mayor.

FOR VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
ABSENT. DID NOT VOTE - Cr J van Lieshout

The Amendment 1 on becoming the Motion was **Carried** - (Minute No **688** refers)

The Motion was **Carried** on the Casting Vote of the Mayor.

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr K Skinner
AGAINST VOTE - Cr D Holdom, Cr B Longland, Cr K Milne
ABSENT. DID NOT VOTE - Cr J van Lieshout

Cr J van Lieshout has returned from temporary absence at 05:10 PM