

**Mayor:** Cr K Milne

**Councillors:** P Allsop  
R Byrnes  
C Cherry (Deputy Mayor)  
R Cooper  
J Owen  
W Polglase

# Minutes

## Extraordinary Council Meeting Friday 13 December 2019

held at  
South Sea Islander Room, Tweed Heads Administration Building, Brett Street, Tweed Heads  
commencing at 2.00pm

# Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

### (2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

### (3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

The Meeting commenced at 2:00pm.

### **IN ATTENDANCE**

Cr Katie Milne (Mayor), Cr Chris Cherry (Deputy Mayor), Cr Pryce Allsop, Cr Reece Byrnes, Cr Ron Cooper, Cr James Owen and Cr Warren Polglase.

Also present were Mr Warren van Wyk (for the General Manager), Mr David Oxenham (Director Engineering), Mr Lindsay McGavin (Acting Director Planning and Regulation), Ms Tracey Stinson (Director Sustainable Communities and Environment) - from 2.20pm, Ms Stephanie Papadopoulos (Manager Corporate Governance), Mr Danny Rose (Manager Roads and Stormwater) - for Item 3, Mr Stephen Titman (Communications Officer-Media and Social) and Mrs Meredith Smith (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 Pastor Michael Boyd, Tweed Heads Presbyterian Church:

*Gracious God*

*In these times of fires, drought and other disasters we keenly feel our limitations and weaknesses. Please remember us in our distress. Strengthen and comfort those who have lost loved ones or property. Thank you for today's rain, and please send rain to relieve the distress of communities, quench fires and sustain our native and domestic animals.*

*We pray for the many volunteers who will give their time over the busy Christmas period, especially our firefighters, marine rescue and surf life savers. Please bless them and keep them safe in their service to our community.*

*Thank you for the work of Council, elected and staff, throughout this year. Bless them in their decision making today, and as they meet the opportunities and challenges of the coming year.*

*We pray this in the name of Jesus, Amen.*

### **APOLOGIES**

Nil.

### **DISCLOSURE OF INTEREST**

Nil.

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

**590**

**Cr K Milne**  
**Cr C Cherry**

**RESOLVED** that Item 2 [NOM-Cr K Milne] RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies be moved from Ordinary to Confidential. The confidential nature of the item is in accordance with the Local Government Act 1993 Clause 10A(2)

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

The Motion was **Carried**

***FOR VOTE - Unanimous***

**SUSPENSION OF STANDING ORDERS**

**591**

**Cr K Milne**  
**Cr P Allsop**

**RESOLVED** that Standing Orders be suspended to deal with Item 3 of the Agenda.

The Motion was **Carried**

***FOR VOTE - Unanimous***

## REPORTS THROUGH THE GENERAL MANAGER

## REPORTS FROM THE DIRECTOR ENGINEERING

### 3 [E-CM] Dulguigan Road Heavy Vehicle Route Assessment - Road Manager's Consent

#### ALTERNATE MOTION

592

Cr R Byrnes  
Cr P Allsop

**RESOLVED** that Council:

1. Continues to pursue permanent road upgrades to Dulguigan Road east of the Hy-Tec Quarry as identified in this report and the RoadNet Addendum 1 report.
2. Accepts and implements the road and travel conditions on Dulguigan Road as outlined in this report and in the RoadNet Addendum 1 report.
3. On the basis of the implemented road and travel conditions, allows the Manager Roads and Stormwater to issue road manager's consent to new permit applications received from the National Heavy Vehicle Regulator for Dulguigan Road, subject to satisfactory assessment.
4. Does not pursue the construction of an alternate heavy vehicle route between North Tumbulgum and Tweed Valley Way as proposed by the Tumbulgum Community Association.
5. Requests a speed camera placement along the route to ensure compliance or investigates other speed monitoring opportunities for heavy vehicles.
6. Retains counters on a permanent basis with quarterly reports to Council on truck numbers and speeding issues.
7. Writes to the local area commander requesting increased and randomised speed patrols.
8. Further requests RMS to reduce truck speed limit to 50km per hour.

## AMENDMENT 1

593

Cr K Milne  
Cr C Cherry

**PROPOSED** that Council:

1. Proceeds with the soft engineering plans only outlined in the Council report of 5 December 2019 in regard to signage and radio protocols, etc to make the road safer, but does not proceed with the roadworks design as presented at this stage.
2. Requests the quarry operator to undertake and provide to Council the policy and protocols as suggested in the RoadNet report.
3. Requests RoadNet have a further meeting with representatives of the Tumbulgum Community Association to respond to their concerns raised in the meeting 11 December 2019.
4. Requests RoadNet provide a further report considering:
  - a. the full length of the route to and from the quarry including the turn onto and off the Tweed Valley Way, and including the other areas of concern raised by the Tumbulgum Community Association.
  - b. that 50% of heavy vehicles on the route are exceeding 60km per hour and the recent advice that RMS will not support a speed reduction.
  - c. the risk rating of the current peak rate of vehicle movements.
  - d. the risk rating of the maximum approved / potential rate of heavy vehicle movements as identified in the Quarry's development approval.
5. Seeks an independent assessment from RoadNet or another qualified company if RoadNet does not have the capacity, to further assess the safety and amenity of the existing road environment, and with the proposed design, for the residents, general public and all road users, including but not limited to noise impacts, potential impacts on mental health for the residents, and potential property damage or riverbank erosion from vibration effects of heavy vehicles.
7. Provides a more comprehensive costing of the proposed road design, or potential redesign, following RoadNet's supplementary report.
8. Advice on funding sources and what projects are proposed to be reprioritised to allow for these works.
9. Advice on the environmental impacts, the approvals required, and any environmental offsets proposed.

10. Proceeds with an independent study of the cost / benefits of the alternative route including consideration of safety, social and environmental implications and potential funding.
11. Notes that PBS vehicles can still operate from the quarry, just not at the maximum load, and does not proceed with issuing new or renewed PBS permits at this stage.
12. A further report considering the above is provided to Council.

Amendment 1 was **Lost**

**FOR VOTE - Cr C Cherry, Cr R Cooper, Cr K Milne**

**AGAINST VOTE - Cr R Byrnes, Cr J Owen, Cr W Polglase, Cr P Allsop**

The Motion was **Carried**

**FOR VOTE - Cr R Byrnes, Cr J Owen, Cr W Polglase, Cr P Allsop**

**AGAINST VOTE - Cr C Cherry, Cr R Cooper, Cr K Milne**

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## RESUMPTION OF STANDING ORDERS

**594**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** that Standing Orders be resumed.

The Motion was **Carried**

**FOR VOTE - Unanimous**

## ORDERS OF THE DAY

- 1 **[NOR-CM] RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies**

**595**

**Cr K Milne  
Cr C Cherry**

**RESOLVED** the resolution from the meeting held on Thursday 5 December 2019 at Minute No 580 Item No 30 titled Late [E-CM] RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies being:

... that in respect to Contract RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies:

1. Council rejects all offers for Separable Portion A and recalls the RFO for this portion only with the Price Criteria weighting reduced by 25% and the Demonstrated Track Record increased by 25% and with a maximum submitted Price limit of \$70,000 excluding GST.

**be rescinded.**

Cr J Owen temporarily left the meeting at 03:10 PM.

Cr J Owen has returned from temporary absence at 03:12 PM

The Motion was **Carried**

***FOR VOTE - Unanimous***

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## **CONFIDENTIAL COMMITTEE**

### **EXCLUSION OF PRESS AND PUBLIC**

**596**

**Cr C Cherry  
Cr R Byrnes**

**RESOLVED** that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

The General Manager reported that the Confidential Committee had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-



**2 [NOM-Cr K Milne] RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies**

**C 128**

That Council deals with this item in conjunction with the LATE Confidential Mayoral Minute.

The Motion was **Carried**

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne, Cr P Allsop**  
**AGAINST VOTE - Cr J Owen, Cr W Polglase**

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**a2 LATE [MM-EXT] RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies**

**C 129**

That Item a2 being a late item be dealt with and it be ruled by the Chairman to be of great urgency.

**FOR VOTE - Cr R Byrnes, Cr C Cherry, Cr R Cooper, Cr K Milne**  
**AGAINST VOTE - Cr J Owen, Cr W Polglase, Cr P Allsop**

**AMENDMENT 1**

**C 131**

That Council, in respect to Contract RFO2019140 Review and Recommendations for Tweed Shire Council's Water Management Strategies:

1. Awards the contract for Separable Portion A to Hydrosphere Consulting Pty Ltd ABN 74 162 782 428 for the amount of \$28,520.00 excluding GST.
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.

Amendment 1 was **Carried**

**FOR VOTE - Cr R Byrnes, Cr J Owen, Cr W Polglase, Cr P Allsop**  
**AGAINST VOTE - Cr C Cherry, Cr R Cooper, Cr K Milne**

Amendment 1 on becoming the Motion was **Carried** - (Minute No C131 refers)

**FOR VOTE - Cr R Byrnes, Cr J Owen, Cr W Polglase, Cr P Allsop**  
**AGAINST VOTE - Cr C Cherry, Cr R Cooper, Cr K Milne**

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597

Cr P Allsop  
Cr J Owen

**RESOLVED** that the recommendations of the Confidential Committee be adopted.

The Motion was **Carried**

***FOR VOTE - Unanimous***

There being no further business the Meeting terminated at 4:09pm



**Minutes of Meeting Confirmed by Council  
at the Meeting held on  
xxx**

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**Chairman**