

**Mayor:** Cr K Milne

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

# Minutes

## Extraordinary Council Meeting Friday 30 November 2018

held at  
Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road, Murwillumbah  
commencing at 11.30am

# 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 11.30am.

### **IN ATTENDANCE**

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

Also present were Mr David Oxenham (Director Engineering for the General Manager), Mrs Suzanne Richmond (Executive Manager People, Communication and Governance), Mr Mathew Greenwood (Acting Executive Officer), Mr Lindsay McGavin (Manager Development Assessment and Compliance), Mrs Denise Galle (Team Leader Development Assessment), Mr Jonathon Lynch (Acting Unit Coordinator - Strategic Planning and Urban Development), Ms Fran Silk (Program Leader – Media and Social) Ms Stephanie Papadopoulos (Manager Corporate Governance) and Mrs Maree Morgan (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 lead by Council's Director Engineering, Mr David Oxenham.

### **APOLOGIES**

Attendee Cr P Allsop has informed the General Manager that his absence is caused by attendance at a Conference in Coffs Harbour.

**617**

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

**RESOLVED** that the apology of **Cr P Allsop** 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**

**1 [NOR] Tweed Valley Hospital**

**NOTICE OF RESCISSION:**

**618**

**Cr W Polglase  
Cr J Owen**

**RESOLVED** that the resolution from the meeting held on Thursday 15 November 2018 at Minute No 576 Item No 9 titled [NOM-Cr K Milne] Tweed Valley Hospital being:

*"that Council:*

- 1. Confirms its opposition to the site selected for the relocation of the Tweed Heads Hospital;*
- 2. Brings forward urgent legal advice on whether the Preliminary works proposed for the hospital relocation constitute exempt and complying development, and options for urgent compliance action if appropriate;*
- 3. Requests the State Government re-exhibit the stage 1 application due to the inability to access relevant documents through the pathways provided in the public exhibition notices and the incorrect submission address originally listed, and extend the period for community consultation of the stage 1 application due to the inadequate time to assess the implications of significant impacts on our residents, business and farming communities from so many changes to the Shires' fundamental planning strategies;*
- 4. Calls on the State Government to release as a matter of urgency and good faith all documents on the shortlisted hospital sites, and the option of redeveloping on the existing site or into the civic precinct adjacent, including but not limited, to diagrams of the potential footprints and estimated costs;*
- 5. Undertake desktop research sufficient to identify federally scheduled species utilising the proposed hospital site or its immediate environs and to submit a formal referral of the Tweed Valley Hospital DA to the Commonwealth for assessment under the Environment Biodiversity Conservation Act;*
- 6. Calls on all NSW Parliamentarians for an urgent Parliamentary Inquiry into the proposed Tweed Valley Hospital, or for this matter to be considered by the Parliamentary Public Works Committee. This Inquiry should investigate the governance and planning processes, including but not limited to:*

- a) *The process and timeframes of the 2016 Northern NSW Local Health District board dismissals and appointments;*
- b) *The process of deciding on the site selection criteria;*
- c) *The use of exempt and complying and staging provisions to circumvent a proper 'whole of project' assessment;*
- d) *The impact of such significant changes to Tweed Shire's existing Local, Regional and State planning strategies, including:*
  - i) *The impacts on Tweed's only Contiguous State Significant Farmland precinct;*
  - ii) *The impacts on the Kingscliff and Tweed Heads communities and economies from the relocation of this major economic driver and social infrastructure.*
- e) *The haste and limited consultation provided for such a major project;*
- f) *The lack of transparency particularly in regards to details, footprint diagrams and estimated costs of the alternative shortlisted sites and the option of redeveloping the Tweed Heads site including into the adjacent civic precinct; and*
- g) *The lack of adequate assessment and information in the Stage 1 application."*

***be rescinded.***

**619**

**Cr W Polglase  
Cr C Cherry**

**RESOLVED** that an extension of 5 minutes be granted to Cr R Cooper

The Motion was **Carried**

***FOR VOTE – Unanimous***

The Rescission Motion was **Lost** (Minute No 618 refers)

***FOR VOTE - Cr J Owen, Cr W Polglase***

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

***ABSENT. DID NOT VOTE - Cr P Allsop***

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**2 [NOM-Cr W Polglase] Tweed Valley Hospital**

This Item was not dealt with as the Rescission Motion at Item 1 was **Lost**

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There being no further business the Meeting terminated at 12.00pm



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

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**Chairman**

