

Mayor: Cr K Milne

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

Minutes

Extraordinary Council Meeting Friday 21 December 2018

held at
**Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah**
commencing at 1.00pm

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 1.05pm.

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 Troy Green (General Manager), Mr David Oxenham (Director Engineering), Mr Vince Connell (Director Planning and Regulation), Ms Tracey Stinson (Director Community and Natural Resources), Mr Lindsay McGavin (Manager Development Assessment and Compliance), Mrs Denise Galle (Team Leader Development Assessment), Mrs Colleen Forbes (Team Leader Development Assessment), Mr Shane Davidson (Executive Officer), 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 led by the General Manager.

*"We pray that You will guide the Councillors and Council staff of the Tweed Shire Council as they meet together today; that they may think calmly and carefully, decide wisely and prayerfully and may their decision be in accordance with Your will and for the welfare of Your people in the Tweed community
Through Jesus Christ our Lord*

Amen"

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

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

Nil.

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

1 [PR-EXT] RFO2018072 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System

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Cr P Allsop
Cr R Cooper

RESOLVED that in respect to Contract RFO2018072 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System:

1. Council declines to accept any of the Offers in accordance with Regulation 178 of the Local government (General) Regulation 2005.
2. The General Manager be granted delegated authority to undertake negotiations with Reino International Pty Ltd (trading as Duncan Solutions Australia) in order to determine whether a cost-effective solution can be obtained and the results of those negotiations be reported to Council.
3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
 - (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

The Motion was **Carried**

FOR VOTE - Unanimous

CONFIDENTIAL COMMITTEE

EXCLUSION OF PRESS AND PUBLIC

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Cr K Milne
Cr C Cherry

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:-

CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-EXT] Class 1 Appeal - Development Application DA18/0910 for a Water Bottling Facility and Use of Existing Structures for the Purposes of Commercial Water Extraction at Lot 1 DP 735658; No 477 Urliup Road, Bilambil

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence the appeal process.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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.

That Council engages solicitors and relevant experts to attend any necessary section 34 conference and defend the Class 1 Appeal, and provides delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager and Mayor to undertake negotiations as necessary.

The Motion was **Carried**

***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***

C2 [PR-EXT] Class 1 Appeal - Development Application DA18/0637 for a helipad at Lot 1 DP 735658; No. 477 Urliup Road Bilambil

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence the appeal process.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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.

That Council engages solicitors and relevant experts to attend any necessary section 34 conference and negotiate consent orders; and provides delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager and Mayor to undertake negotiations as necessary.

The Motion was **Carried**

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

C4 [PR-EXT] Proposed Hospital at Lot 11 DP 1246853 No. 771 Cudgen Road, Cudgen

REASON FOR CONFIDENTIALITY:

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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.

The General Manager tabled correspondence received from the NSW Health Infrastructure received by Council on 21 December 2018.

That Council writes to Health Infrastructure, the Health Administration Corporation, the NSW Ministers for Health and Planning, and the Department of Planning and Environment.

- a) Advises the above parties through Council's legal representatives that legal advice has been received in relation to the preliminary works and requests the works be ceased until resolution of these planning matters.
- b) Requests documentation of all works carried out to date on the site with respect to this proposal, including the photographic evidence of current site conditions.

The Motion was **Carried**

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

C3 [PR-EXT] Class 1 Appeal - Development Application DA17/0805 for a helipad at Lot 1 DP 735658; No. 477 Urliup Road, Bilambil

REASON FOR CONFIDENTIALITY:

The report concerns legal matters that could influence the appeal process.

Local Government Act

This report is **CONFIDENTIAL** in accordance with Section 10A(2) 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.

That Council engages solicitors and relevant experts to attend any necessary section 34 conference and negotiate consent orders; and provides delegation under Section 377(1) of the Local Government Act 1993 to Council's General Manager and Mayor to undertake negotiations as necessary.

Amendment 1 on becoming the Motion was **Carried** - (Minute No 116 refers)

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

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Cr K Milne
Cr C Cherry

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 2.57pm.



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

Chairman

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