

DA Committee Meeting 2nd March 2016

Committee Members: Mairead, Peter, Louise, Ralph

Apologies: Bron

Members: Roger, Belinda, Michael

Noted

- Peter met local member Melinda Pavey. He introduced Goolawah and expressed our concerns about Council's access road requirements, which she agreed were ridiculous. Melinda undertook to investigate and speak to the Mayor about it. S.96 application left with her. Next step: issue an invitation for her to come out and visit.
- Letter received from Lawyer. In his opinion we have been denied procedural fairness and have a case to bring against Council. The avenue for this would be Class 4 Proceedings in the Land Environment Court and if successful would result in the December determination being set aside. Such action would come with costs, including a barrister to represent us. Lawyer highlighted we need to consider whether we wish to spend our money fighting procedural issues in Court or address the substance of the issue in Court through an appeal of the determination. Lawyer noted we could win a procedural case, and have the decision set aside, but that may not change the outcome of any future decision. Lawyer advises nothing will stop the clock on the June deadline by which we can lodge an appeal of the determination in the Land Environment Court. Options identified at present: 1. court proceedings for denial of procedural fairness, 2. a rescission motion to set aside the decision that would need to be put up by Councillors, 3. a Review under Section 96 AB which would mean the application is reviewed again by Council and voted on again by Councillors. Noted the importance of getting a different decision, not just a repeat of the process that again ends in a refusal to change the road access Type 3 condition.
- Peter followed up with Council regarding the meeting we requested with Robert Pitt (letter sent 20th Jan, Pitt agreed to follow up when Peter questioned him about it at Council meeting on 16th Feb). He was told Pitt and his secretary Lisa were unavailable. A meeting with Shane Rheinhold, Planner and Les Palwak, Compliance Officer was offered. Awaiting a date and time from Shane, no response yet. Louise noted a Kempsey local was observed in Council foyer exasperated and complaining he had been trying to meet Pitt for the last two months.
- Ralph spoke with George Road Contractor, who re-iterated previous estimates that a Type 3 road would cost \$750,000 if nothing went wrong. This figure does not include any land acquisition/moving creek or services to widen the road, neither does it include raising the level of the road on the flood plain above flooding levels if so required by Council.
- Michael noted in his discussions with Councillors, Lou Kesby and Sue McGinn were open to visiting Goolawah.
- Mairead still doing up record of correspondence and highlighting procedural issues, missing a letter from Council, likely sent direct to Warwick, Lawyer

Agreed Actions

- Mairead Write to Michael Young to seek advise on costs and likelihood of success of an appeal in Land Environment Court before our April GM as a priority.
- Mairead to prepare a questionnaire to consult with neighbours on Nevertire and get information on their concerns regarding a Type 3 road and determine if dust is an issue for them.
- Mairead to write to Warwick to request copy of missing correspondence
- Peter and Louise to meet with Councillors, Peter to make phone calls, see if on-site visits individually or in a group are possible
- Ralph to prepare a draft of key arguments to present to Councillors
- Ralph to write to Council to seek information/forms/costs of a review of application under S. 96AB.