

# Minutes Extraordinary Meeting

Thursday, 23 May 2024



**BYRON**  
SHIRE  
COUNCIL

# BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes

23 May 2024

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## INDEX OF ITEMS DISCUSSED

*The following items are listed in the order in which they were dealt with.*

Notice of Rescission Motion No. 4.1	PLANNING - DA 10.2023.491.1 - Dual Occupancy (detached) – 541 Federal Drive, Federal ...	4
Report No. 5.1	PLANNING - DA 10.2023.491.1 - Dual Occupancy (detached) – 541 Federal Drive, Federal .....	5

# BYRON SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES

23 May 2024

## MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON THURSDAY, 23 MAY 2024 COMMENCING AT 2.06pm AND CONCLUDING AT 2.52pm.

I2024/791

**PRESENT:** Cr M Lyon (Mayor), Cr S Balson, Cr D Dey, Cr A Hunter, Cr S Ndiaye, Cr A Pugh, Cr M Swivel and Cr P Westheimer

**Staff:** Mark Arnold (General Manager)  
Esmeralda Davis (Director Corporate and Community Services)  
Phil Holloway (Director Infrastructure Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Matt Meir (Legal Counsel)  
Heather Sills (Manager Corporate Services)  
Jess Cutter (Minute Taker)

*The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.*

### PUBLIC ACCESS

A Public Access Session was held at 9am, during the Ordinary Meeting when Council was addressed on the following:

#### Public Access

Report No and Title	Name	For/ Against	Representing Organisation	Submission Received in form of
4.1 Notice of Rescission Motion No. 4.1 PLANNING – DA 10.2023.491.1 – Dual Occupancy (detached) – 541 Federal Drive, Federal	Martin Bail	Against	Self	In person

**APOLOGIES**

PROCEDURAL MOTION

- 24-090 Resolved** that the apology from Cr Coorey be accepted and a leave of absence granted. (Lyon/Swivel)

*The motion was put to the vote and carried unanimously.  
Cr Balson was not present for the vote.*

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**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

Cr Dey declared a not significant non-pecuniary interest in Report 4.1. The nature of the interest being that he knows the neighbour who raised objections to the proposed development through Council as both are active members of the same political party.

Cr Ndiaye declared a not significant non-pecuniary interest in Report 4.1. The nature of the interest being that the objector (neighbour of the property) is an active member of the same political party.

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*Cr Balson joined the meeting at 2.13pm.*

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**NOTICES OF MOTION AND RESCISSION**

**Notice of Rescission Motion No. 4.1 PLANNING - DA 10.2023.491.1 - Dual Occupancy (detached) – 541 Federal Drive, Federal**  
**File No:** I2024/771

- 24-091 Resolved** that Council rescind Resolution No. 24-191 from its Ordinary Planning meeting held on 16 May 2024 which reads as follows:

*24-191 Resolved that:*

- 1. That determination of Development Application No. 10.2023.491.1 for New Dwelling to create Dual Occupancy (Detached), be deferred subject to an amended design to be considered with the applicants to relocate the subject dwelling 50 to 80 metres to the north or north west of the proposed site to avoid land slip areas and the water bore/well.*
- 2. The matter to then be reported back to Council at the next available Council meeting prior to the Caretaker period (from 16 August 2024) following those discussions.* (Lyon/Swivel).

**BYRON SHIRE COUNCIL**

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PROCEDURAL MOTIONS

**24-092 Resolved** that Cr Swivel be granted a two minute extension to his/ speech. (Lyon)

*The motion was put to the vote and carried unanimously.*

**24-093 Resolved:**

That Cr Ndiaye be granted a two minute extension to her speech. (Lyon)

*The motion was put to the vote and carried unanimously.*

*The motion (Lyon/Swivel) was put to the vote and carried.  
Crs Dey and Ndiaye voted against the motion.*

**Report No. 4.1 PLANNING - DA 10.2023.491.1 - Dual Occupancy (detached) –  
541 Federal Drive, Federal  
File No: 12024/772**

**24-094 Resolved** that pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979, Development Application No. 10.2023.491.1 for New Dwelling to create Dual Occupancy (Detached), be granted consent subject to the conditions of approval at the end of this report. (Lyon/Hunter)

*The motion was put to the vote and carried unanimously.  
Crs Dey, Swivel, Ndiaye, Lyon, Westheimer, Balson, Pugh and Hunter voted in favour of the motion.  
Nil voted against the motion..*

PROCEDURAL MOTION

**24-095 Resolved** that Cr Ndiaye be granted a one minute extension to her speech. (Lyon/Westheimer)

*The motion was put to the vote and carried unanimously.*

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*There being no further business the meeting concluded at 2.52pm.*

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I hereby certify that these are the true and correct Minutes of this Meeting  
as confirmed at Council’s Ordinary Meeting on 3 July 2024.



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Mayor Michael Lyon