

# Minutes Ordinary Meeting

Thursday, 24 October 2024



**BYRON**  
SHIRE  
COUNCIL

# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
24 October 2024

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

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# BYRON SHIRE COUNCIL

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 24 OCTOBER 2024 COMMENCING AT 9.07AM AND CONCLUDING AT 12.00PM.**

I2024/1437

**PRESENT:** Cr S Ndiaye (Mayor), Cr J Dods, Cr E Hauge, Cr D Kay, Cr M Lowe, Cr M Lyon, Cr A Pugh, Cr J Swain, Cr D Warth

Staff: Phil Holloway (Acting General Manager)  
Esmeralda Davis (Director Corporate and Community Services)  
Shannon Burt (Director Sustainable Environment and Economy)  
Christopher Soulsby (Manager Assets and Major Projects)  
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

Prior to dealing with the circulated reports and associated information, a Public Access Session was held and Council was addressed on the following:

### Public Access

Report No and Title	For/ Against	Name	Representing Organisation	Submission Received in form of	
9.1	Deferral of decision to pursue a connection to Rous	For	Ben Fawcett	Self	In person
12.1	Far North Coast Bush Fire Management Committee Meeting - 10 September 2024		Kathy Norley	South Golden Beach Community Association	In person
13.1	Draft Community Engagement Strategy	For	Chels Hood Withey & Dale Emerson	Mullumbimby Residents Association	In person
13.3	Committees for the 2024-2028 Council Term	Against	Matthew Lambourne	Self	In person

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## Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Housing	Genevieve Lee	One Roof Byron Inc Homeless Charity	In person
Ocean Shores Country Club pool	Vivienne Pearson	Self	Read by staff
Mayor's Motion – Rous County Council	John Anderson	Self	Read by staff

### Question No. 1 – Rous Members voting

John Anderson asked the following question (as read by staff):

*I see now that the secrecy of the voter process for Rous members was decided, apparently, by government regulation but I see nothing in the regulations that prevents councillors from going public about their qualifications or their reasons for voting the way they did, so in the public interest I ask councillors if they would mind doing so (better late than never, especially as there is annuity of \$11,000 involved for attending only six meetings per year!)*

The Mayor provided the following response (as read by staff):

*Thank you for the question.*

*My preference would have been for councillors to be allowed to speak to this but I was advised by the General Manager it was not within the guidelines. In short, I have been the Chair of the Water and Sewer Committee for 8 years and have been on Rous during the last term.*

*I was also the chair of the Reconciliation Action Plan Action Group (RAPAG) at Rous during that time, a voluntary extra position working with local Indigenous Communities to improve their work at and be involved in Rous. While there may be 6 official meetings per year, there are also regular workshops, professional development, and for me, community engagement options and conferences, and the RAPAG meetings which occur 4-6 times a year.*

*I voted for Cr Hauge as she is a water engineer, she has sat in the Water And Sewer Committee during the last term and I have seen that she is highly skilled, capable and diligent.*

### Question No.2 – Bush Fire Management

Kathy Norley asked the following question which was taken on notice.

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*Who is responsible for bush clearing in South Golden Beach and Ocean Shores – Council or the fire brigade?*

*The meeting adjourned for a 15 minute break and returned at 10.17am.*

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## APOLOGIES

There were no apologies.

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## APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

There were no applications to attend the meeting via audio-visual link.

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## REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

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## DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no Declarations of Interest.

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## TABLING OF PECUNIARY INTEREST RETURNS

There were no Pecuniary Interest Returns tabled.

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## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

**24-464 Resolved** that the minutes of the Ordinary Meetings held 5 September 2024 and 10 October 2024 be confirmed. (Ndiaye/Dods)

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

**RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS**

The Mayor suspended standing orders to allow for items to be reserved for debate, being:

**STAFF REPORTS**

**General Manager**

Report No. 13.1 Draft Community Engagement Strategy

**Corporate and Community Services**

Report No. 13.2 Grants September 2024

Report No. 13.3 Committees for the 2024-28 Council Term

Report No. 13.4 Determination of Councillor Representatives on Regional Committees

Report No. 13.6 Proposed change to 2024 Council Meeting Schedule

The remaining Recommendations and Committee Recommendation were adopted as a whole, being moved by Cr Ndiaye and seconded by Cr Lyon . Each recommendation is recorded with a separate resolution number commencing at Resolution No. 24-465 and concluding with Resolution No. 24-476.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.5 Annual Report 2023/24 and State of Our Shire Report 2024**  
**File No:** I2024/1342

**24-465 Resolved** that Council:

1. Notes the Annual Report 2023/24 at Attachment 1 (#E2024/100387) to this report, and its submission to the Minister for Local Government.
2. Endorses The State of Our Shire Report 2024 at Attachment 2 (#E2024/104005) to this report. (Ndiaye/Lyon)

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**Report No. 13.7**      **Draft 2023/2024 Financial Statements**  
**File No:**              I2024/1379

**24-466**      **Resolved** that:

1. Council adopts the Draft 2023/2024 Financial Statements incorporating the General Purpose Financial Statements (#E2024/122438) and Special Purpose Financial Statements (#E2024/122303).
  2. Council approves the signing of the “Statement by Councillors and Management” in accordance with Section 413(2)(c) of the Local Government Act 1993 and Section 215 of the Local Government (General) Regulation 2021 in relation to the 2023/2024 Draft Financial Statements.
  3. The Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 28 November 2024 in accordance with Section 418(1) of the Local Government Act 1993. (Ndiaye/Lyon)
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**Report No. 13.8**      **Council Investments - 1 August 2024 to 31 August 2024**  
**File No:**              I2024/1393

**24-467**      **Resolved** that Council notes the report listing Council’s investments and overall cash position as of 31 August 2024. (Ndiaye/Lyon)

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**Report No. 13.9**      **Council Investments - 1 September 2024 to 30 September 2024**  
**File No:**              I2024/1394

**24-468**      **Resolved** that Council notes the report listing Council’s investments and overall cash position as of 30 September 2024. (Ndiaye/Lyon)

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## STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.10**      **Public Transport Workshop Summary**  
**File No:**              I2024/1202

**24-469**      **Resolved** that Council continues to support the work being undertaken with Transport for NSW on assessing Byron Shire’s current and future transport needs and the North Coast Strategic Regional Integrated Transport Plan. (Ndiaye/Lyon)

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**Report No. 13.11**     **RFT 2024-2315 Supply of Spray Seal, Asphalt & Stabilisation Services**

**File No:**                 I2024/1344

**24-470**     **Resolved** that Council:

1.     Awards Tender 2024-2315 Supply of Spray Seal, Asphalt & Stabilisation Services to the preferred suppliers identified in the Tender Evaluation Report E2024/119351; and
  2.     Makes public its decision, including the name and amount of the successful Tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Ndiaye/Lyon)
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**Report No. 13.12**     **RFT 2024-2317 Supply of Traffic Management Services**

**File No:**                 I2024/1346

**24-471**     **Resolved** that Council:

1.     Awards Tender 2024-2317 Supply of Traffic Management Services to the preferred suppliers identified in the Tender Evaluation Report E2024/119622; and,
  2.     Makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2021. (Ndiaye/Lyon)
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**Report No. 14.1**     **Report of the Local Traffic Committee Meeting held on 10 September 2024**

**File No:**                 I2024/1282

**24-472**     **Resolved** that Council notes the minutes of the Local Traffic Committee Meeting held on 10 September 2024. (Ndiaye/Lyon)

**24-473**     **Resolved** that Council adopts the following Committee Recommendation:

**Report No. 6.1 Bayshore Drive Roundabout**

File No: I2024/986

Committee Recommendation 6.1.1

That Local Traffic Committee support the new signage, line markings and traffic control devices associated with the new Roundabout on Bayshore Drive, Byron Bay as shown in Attachment 1 (E2024/72969). (Ndiaye/Lyon)



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**24-474 Resolved** that Council adopts the following Committee Recommendations:

**Report No. 6.2 Northern Beaches Illegal Camping**

File No: I2024/1215

Committee Recommendation 6.2.1

That the Local Traffic Committee support installation of the following signage:

1. "No Parking 1am – 6am" signs on the western side of Park Street, New Brighton;
2. "No Parking 1am – 6am" signs on the western side of the The Esplanade, New Brighton;
3. "No Parking 1am – 6am" signs on the eastern side of the Pacific Esplanade, South Golden Beach;
4. "No Parking 1am – 6am" signs in the skate park carpark on Helen Street, South Golden Beach;
5. "No Parking Area 1am – 6am" signs at the entry to the soccer club carpark on Shara Boulevard, Ocean Shores. (Ndiaye/Lyon)

**Report No. 16.1 CONFIDENTIAL - Annual Review of General Manager's Performance Agreement**

**File No:** I2024/1348

**24-475 Resolved** that Council notes the findings and endorses recommendations from the performance review panel with respect to the annual performance review for the General Manager contained in Attachment 1 (E2024/122875). (Ndiaye/Lyon)

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PROCEDURAL MOTION

**24-476 Resolved** that Council change the order of business to deal with Reports 9.1, 13.1, 13.3 next on the Agenda. (Ndiaye/Lyon)

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

**NOTICES OF MOTION**

**Notice of Motion No. 9.1 Deferral of decision to pursue a connection to Rous**  
**File No:** I2024/1368

**24-477 Resolved that:**

1. The decision to pursue a permanent connection to Rous be deferred for up to two years.
2. Council continues with the emergency connection to Rous as planned and investigates operational regimes to minimise the risk of water quality incidents, as has been done for the existing emergency line.
3. Council seeks to renegotiate an interim agreement for a reduced cost for emergency supply during this period with Rous.
4. That a staged investigation into integrated water supply options be continued, including off stream storage and a hybrid solution with Lavertys Gap and Rous, and:
  - a. the investigation includes an options workshop with community, and direct community input to multi-criteria weightings to compare options;
  - b. regular progress reports be provided to the Council during this investigation period; and
  - c. investigations into the possible reinstatement of the hydroelectric plant be explored. (Ndiaye/Hauge)

PROCEDURAL MOTIONS

**24-478 Resolved** that Cr Swain be granted a two minute extension to her speech. Lyon/Ndiaye)

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

**24-479 Resolved** that Cr Lyon be granted a two minute extension to his speech. (Pugh/Ndiaye)

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

**24-480 Resolved** that Cr Ndiaye be granted a two minute extension to her speech. (Ndiaye/Dods)

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

*The motion (24-477) was put to the vote and declared carried.  
Crs Ndiaye, Warth, Kay, Hauge and Lowe voted in favour of the motion.  
Crs Lyon, Pugh, Dods and Swain voted against the motion.*

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**STAFF REPORTS - GENERAL MANAGER**

**Report No. 13.1**      **Draft Community Engagement Strategy**  
**File No:**              I2024/1372

**24-481**      **Resolved** that the Draft Community Engagement Strategy (Attachment 1 E2024/122782) be put on public exhibition. (Hauge/Swain)

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

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**STAFF REPORTS – CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.3**      **Committees for the 2024-28 Council Term**  
**File No:**              I2024/1227

**24-482**      **Resolved** that Council:

1.      Endorses the establishment of the following committees and appoints Councillor representatives, to support the 2024-2028 term of Council:
  - Arts Advisory Committee – Cr Ndiaye, Cr Swain and Cr Dods as alternate
  - Biodiversity and Agricultural Advisory Committee – Cr Ndiaye, Cr Warth and Cr Lowe
  - Climate Change and Resource Recovery Advisory Committee– Cr Hauge, Cr Swain and Cr Lowe
  - Coast and ICOLL Advisory Committee – Cr Kay, Cr Warth and Cr Hauge
  - Finance Advisory Committee – Cr Ndiaye, Cr Dods, Cr Lowe, Cr Hauge and Cr Warth
  - Floodplain Risk Management Advisory Committee – Cr Hauge, Cr Warth, Cr Kay and Cr Lyon
  - Transport and Infrastructure Advisory Committee – Cr Pugh, Cr Ndiaye, Cr Dods and Cr Hauge
  - Water and Sewer Advisory Committee – Cr Ndiaye, Cr Hauge and Cr Lyon
2.      Provides a report on options for future engagement opportunities on the following:
  - Aboriginal engagement
  - Heritage
  - Housing
3.      Calls for nominations for community representatives for each committee, with applicants to be reported back to Council at the 12 December 2024 Ordinary Meeting for appointment.
4.      Endorses the template Terms of Reference, as a basis for each committee, with the purpose, membership, and meeting frequency to be included for each committee as outlined in this report.

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5. Establishes the General Manager's Performance Review Panel and appoints the Mayor and three Councillors as representatives: Cr Ndiaye; Cr Dods; Cr Lowe.
6. Appoints the Director Infrastructure Services as the Council representative to the Local Traffic Committee, as well as Cr Ndiaye and Cr Dods. (Ndiaye/Lowe)

## PROCEDURAL MOTIONS

**24-483 Resolved** that Council move into Committee to allow for free debate. (Ndiaye/Lowe)

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

**24-484 Resolved** that Council move out of Committee and resume the Ordinary Meeting.

(Ndiaye/Dods)

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

*The motion (24-482) was put to the vote and carried unanimously.*

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## MAYORAL MINUTE

There was no Mayoral Minute.

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## PETITIONS

No Petitions were tabled.

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## DELEGATES' REPORTS

**Delegate's Report No. 12.1 Far North Coast Bush Fire Management Committee Meeting - 10 September 2024**

**File No:** I2024/1305

*As tabled in the Agenda.*

### **Delegate's Report No. 12.2**

Cr Ndiaye provided an update on the meeting with the Minister for Regional Development, Territories and Local Government, the Hon Kristy McBain MP and thanked Councillors for attending.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.2      Grants September 2024**  
**File No:**                      I2023/1942

**24-485      Resolved** that Council notes the grant submissions report for the month of September 2024 (Attachment 1 #E2024/120460). (Dods/Ndiaye)

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

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**Report No. 13.4      Determination of Councillor Representatives on Regional Committees**  
**File No:**                      I2024/1301

**24-486      Resolved** that Council:

1. Notes that Cr Pugh's appointment to the Arakwal National Park and Byron Coast Area Management Committees has been endorsed by the Minister to 2028 and given his re-election to Council, he will continue in this position.
2. Notes that the Mayor and Alternate Delegate, the Deputy Mayor, are appointed as Council's representative on the Northern Rivers Joint Organisation.
3. Determines its representatives on the following Regional Committees:
  - a) Arts Northern Rivers Board of Directors  
Member: Cr Swain  
Alternate: Cr Kay
  - b) Byron Bay Liquor Accord  
Cr Lyon and Cr Lowe
  - c) Chamber of Commerce – Brunswick Heads  
Cr Hauge/ Cr Kay
  - d) Chamber of Commerce – Byron Bay  
Cr Warth/ Cr Dods
  - e) Chamber of Commerce – Mullumbimby  
Cr Ndiaye/ Cr Lyon
  - f) Chamber of Commerce – North Byron  
Cr Swain
  - g) Far North Coast Bush Fire Management Committee  
Cr Lyon
  - h) Mullumbimby Showground Trust  
Cr Swain
  - i) North Byron Parklands Regulatory Working Group  
Cr Pugh
  - j) Richmond Tweed Regional Library Committee  
Member: Cr Swain  
Member: Cr Kay  
Alternate: Cr Lowe (Ndiaye/Hauge)

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## PROCEDURAL MOTIONS

**24-487 Resolved** that Council move into Committee to allow for free debate. (Ndiaye/Lyon)

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

**24-488 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Ndiaye/Hauge)

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

*The motion (24-486) was put to the vote and carried unanimously.*

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**Report No. 13.6 Proposed change to 2024 Council Meeting Schedule**  
**File No: I2024/1377**

**24-489 Resolved** that Council:

1. Approves the change of the 5 December 2024 Planning Meeting to a Councillor Workshop with the 12 December Ordinary Meeting to be a combined meeting (Ordinary and Planning).
2. Notes that a report will be provided to the 28 November Ordinary Meeting to determine the 2025 Meeting Schedule. (Ndiaye/Lowe)

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

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*There being no further business the meeting concluded at 12noon.*

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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 28 November 2024.

.....  
Mayor Sarah Ndiaye