

# Minutes Extraordinary Meeting

Thursday, 10 October 2024



## DISCLAIMER

These minutes are DRAFT minutes and will remain unconfirmed until they are confirmed as a correct record at a subsequent meeting.



**BYRON**  
SHIRE  
COUNCIL

# BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes

10 October 2024

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## INDEX OF ITEMS DISCUSSED

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

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# BYRON SHIRE COUNCIL

## EXTRAORDINARY MEETING MINUTES

10 October 2024

### MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON THURSDAY, 10 OCTOBER 2024 COMMENCING AT 9.07AM AND CONCLUDING AT 11.27AM.

I2024/1367

**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: 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.*

#### PROCEDURAL MOTION

**24-454 Resolved** that members of the gallery be permitted to take photographs during the Extraordinary Council Meeting held on 10 October 2024. (Ndiaye/Dods)

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

#### **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:

##### **Submissions**

Subject	Name	Representing	Via
Welcome Song	Choir	Self	In person

##### **Public Access**

Report No and Title	For/Against	Name	Representing	Via
4.5 Review of Council Delegations	Against	John Lazarus	Self	Speech read by staff

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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 by audio-visual link.

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

There were no Declarations of Pecuniary or Non-Pecuniary Interest.

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### TABLING OF PECUNIARY INTEREST RETURNS

In accordance with 440AAB of the Local Government Act and clause 4.22 of the Code of Conduct, Annual Returns of Pecuniary Interests of Councillors and Designated Staff were tabled for the period 2023 to 2024.

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### STAFF REPORTS - GENERAL MANAGER

**Report No. 4.1**      **Oath or Affirmation of Office**  
**File No:**            I2024/1231

**24-455**    **Resolved** that it be recorded that the following Councillors took either the Oath of Office or Affirmation of Office, before the General Manager, prior to the first Meeting of the new Council on 10 October 2024:

*Cr Sarah Ndiaye*  
*Cr Michael Lyon*  
*Cr Michelle Lowe*  
*Cr Delta Kay*  
*Cr Elia Hauge*  
*Cr Jack Dods*  
*Cr David Warth*  
*Cr Janet Swain*  
*Cr Asren Pugh*

(Hauge/Dods)

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

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### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 4.2**      **Election of Deputy Mayor - 2024-2025**  
**File No:**              I2024/1232

**24-456**    **Resolved** that:

1. Council elects a Deputy Mayor for the period from 10 October 2024 until the Ordinary Meeting of Council in September 2025.
2. The method of election of the Deputy Mayor be by way of ordinary ballot.
3. That Councillors nominating to be Deputy Mayor be allowed to make a short speech. (Ndiaye/Lyon)

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

*The returning officer advised that there were two nominations for Deputy Mayor being Cr Dods and Cr Pugh.*

*Following the election, the returning officer declared Cr Dods elected as Deputy Mayor for the ensuing 12 month period.*

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**Report No. 4.3**      **Election of Representatives for Rous County Council**  
**File No:**              I2024/1292

**24-457**    **Resolved** that Council determines by Preferential Ballot two delegates to Rous County Council. (Lowe/Kay)

*The returning officer advised that there were three nominations to Rous County Council being Cr Ndiaye, Cr Lyon, and Cr Hauge.*

*Following the election, the returning officer declared Cr Hauge and Cr Ndiaye elected as Council's representatives on Rous County Council.*

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

# BYRON SHIRE COUNCIL

## EXTRAORDINARY MEETING MINUTES

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**Report No. 4.4**      **Countback for Casual Vacancy within the first 18 months of Term**

**File No:**              I2024/1233

**24-458**    **Resolved** that Council:

1. Pursuant to section 291A(1)(b) of the Local Government Act 1993, declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and;
2. Directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision. (Ndiaye/Lowe)

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

**Report No. 4.5**      **Review of Council Delegations**

**File No:**              I2024/1252

**24-459**    **Resolved** that Council:

1. Revokes its previous delegations to the Mayor and General Manager and adopts the following:
  - a) Instrument of Delegation to the Mayor shown at Attachment 1 (E2024/111385); and
  - b) Instrument of Delegation to the General Manager, as amended in E2024/121558, to:
    - i. replace "Application involving a proposed variation under State Environmental Planning Policy No 1 - Development Standards unless the variation relates to a minor rural boundary adjustment." with "Application involving a clause 4.6 variation request (and any objection made under SEPP 1) by more than 10% unless it relates to a minor rural boundary adjustment."
    - ii. "Application that has an estimated value exceeding \$10,000,000 or for subdivision of land that would create 10 or more lots"
2. Reconfirms that it delegates its functions as a Local Control Authority for noxious weeds under s370 of the Biosecurity Act 2015 to Rous County Council until such time as the delegation is revoked or re-delegated.
3. Reconfirms its delegations to Council's Special Purposes Committee, i.e., the Planning Review Committee, as set out in Council's Code of Meeting Practice at clause 21 (E2022/60532).
4. Reconfirms its acceptance of delegation of functions from other agencies as set out at Attachment 3 (E2024/111419). (Dods/Pugh)

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

# BYRON SHIRE COUNCIL

## EXTRAORDINARY MEETING MINUTES

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**Report No. 4.6**

**Local Government NSW Annual Conference 2024**

**File No:**

I2024/1138

**24-460 Resolved** that Council:

1. Authorises the attendance of Cr Ndiaye as voting delegate at the Local Government NSW Annual Conference 2024, to be held from 17 to 19 November 2024.
2. Notes that LGNSW members are encouraged to submit motions by Sunday 20 October 2024. (Ndiaye/Hauge)

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

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### CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

#### PROCEDURAL MOTION

**24-461 Resolved** that:

1. Pursuant to Section 10A(2)(a) of the Local Government Act, 1993, Council resolves to move into Confidential Session to discuss the report Determination of Members of the Audit, Risk and Improvement Committee.
2. The reasons for closing the meeting to the public to consider this item be that the report contains personnel matters concerning particular individuals (other than councillors)
3. On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information is of a personal nature. (Lowe/Dods)

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

**Report No. 5.1**

**CONFIDENTIAL - Determination of Members of the Audit, Risk and Improvement Committee**

**File No:**

I2024/1293

**24-462 Resolved** that:

1. Subject to successful criminal and financial checks, Council endorses the following member appointments to the Audit, Risk and Improvement Committee:
  - a) Peter Sheville - Chairperson for a four year term, commencing in November 2024
  - b) Melissa Jacobs - Independent Member for a four year term, commencing in November 2024
  - c) Alan Pigott - Independent Member for a three year term, commencing in November 2024
2. Council appoints Cr Hauge as the non-voting Councillor member on the Audit, Risk

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and Improvement Committee.

(Dods/Lyon)

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

### PROCEDURAL MOTION

**24-463 Resolved** that the meeting move out of confidential session.

(Ndiaye/Warth)

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

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*There being no further business the meeting concluded at 11.27am.*

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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 .

.....  
Mayor Sarah Ndiaye