

# Minutes Ordinary Meeting

Thursday, 27 February 2025



**BYRON**  
SHIRE  
COUNCIL



# BYRON SHIRE COUNCIL

Ordinary Meeting Minutes  
27 February 2025

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**MINUTES OF THE BYRON SHIRE COUNCIL ORDINARY MEETING HELD ON THURSDAY, 27 FEBRUARY 2025 COMMENCING AT 3:03PM AND CONCLUDING AT 8:49PM.**

I2025/220

**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) – 13.3  
Euan Rose (Infrastructure Planning Coordinator) – Item 11.1  
Chris Soulsby (Manager Assets and Major Projects) – Item 13.15  
Tom Coulthurst (Project Manager - Consultant Engineer) – Item 11.1  
Aaron Stockwell (Traffic and Transport Engineer) – Item 11.1  
Rob Van Iersel (Town Planner – Contractor) – Item 13.15  
Donna Johnston (Grants Coordinator) – Item 11.1  
Sarah Nagel (Manager Public and Environmental Services) – Item 13.4  
Deb Stafford (Manager Social and Cultural Planning) – Item 9.1  
Claire McGarry (Place Manager – Byron Bay) – Item 13.2  
Malcolm Robertson (Manager Open Spaces) – Item 13.18  
Storm Townsend (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.*

*The Mayor acknowledged the third anniversary of the 2022 floods that impacted our Shire. The speech can be viewed on Byron Shire Council's Facebook page - [Third anniversary of the 2022 flood](#).*

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## 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
11.1	No Traffic Lights in Suffolk Park	For	Tony Christie and Liz Levy	Fair Go for Beachside Suffo	In Person
		Against	David Fligelman	Keep the Flow in Suffo	In Person
13.1	Finalisation of future management arrangements for Sandhills Estate Crown Land in Byron Bay	For	Ralph Mamone	Fishheads @ Bangalow Pty Ltd	In Person
13.2	Byron Masterplan Guidance Group membership	For	Anthony Pangallo	Self	Zoom
13.3	Council Resolutions Quarterly Review	For	Jan Barham	Self	Read by Staff
13.15	PLANNING - 26.2024.3.1 Gulgan Village Planning Proposal	For	Ian Holmes	Bangalow Community Association	In Person
13.18	Shire Wide Aquatic Strategy - Community feedback	Against	Ralph Mamone	Fishheads @ Bangalow Pty Ltd	In Person

### Submissions

Subject	Name	Representing Organisation	Submission Received in form of
Council Discrimination	Matthew Lambourne	Self	In Person
Community Engagement	Dean Prosser	Keep the Flow in Suffo	In Person
Affordable Housing	Dale Emerson	Mullumbimby Residents Association	Read by Staff

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## Question No. 1 Affordable Housing

Dale Emerson, on behalf of Mullumbimby Residents Association, asked the following questions (as ready by staff):

*Strategic planning: Rather than developing 32 affordable units on the town's carpark at 57 Station Street—which would invariably create challenges regarding traffic flow, parking availability, and disruption to our local business community—would it not be more prudent to utilize the council's own carpark adjacent to the council offices? Might we explore the possibility of relocating the displaced parking capacity to the railway corridor, thus maintaining necessary infrastructure while advancing our housing objectives?*

The Mayor took the questions on notice.

## Submissions continued

Subject	Name	Representing Organisation	Submission Received in form of
Mobility Equity and Road Design	Basil Cameron	Transport Justice	In Person

## Question No. 2 Counting Pedestrians and Cyclists

Basil Cameron, on behalf of Transport Justice, asked the following question:

*s.5 of the Roads Act (NSW) provides that ‘a member of the public is entitled, as of right, to pass along a public road (whether on foot ... or otherwise’. However our transport networks have failed to adequately provide safe accessible infrastructure for pedestrians, cyclists and other road users such as public transport commuters. Design is a key issue as roads are routinely designed to move vehicles and not people. Pedestrians, cyclists and other road users are not counted for road designs or traffic studies undertaken by developers. Council’s adopted Transport Strategy, Moving Byron, recommends action to ensure all road users are counted and considered in risk assessments for all new and upgraded roads. Can Council confirm that pedestrian, cyclist, disabled and public transport users are now counted and considered in the provision of all road infrastructure including Traffic Impact Assessments undertaken by developers and infrastructure planners? If not, why not?*

The Director Infrastructure Services provided the following response:

*Impacts on all users of a public asset including pedestrians, cyclists, disabled and public transport are considered through the safety and design process. Council design reference materials including Northern Rivers Design Guide, Transport for NSW Guides and Addendums, Australian Standards, AusRoad Guides and Byron Shire Council’s Pedestrian Access and Movement Plan. These materials contain extensive guidance on road designs around all road users. It is also an issue for Council in terms of funding and it also comes back to, in some instances, the scope of funding that has been approved from Grants etc. In some instances the additional improvements that Mr Cameron is speaking about are not included in those Grants and not eligible under those Grants.*

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## Submissions continued

Subject	Name	Representing Organisation	Submission Received in form of
Calculation of Affordable Housing Rents	Chels Hood Withey	HouseYou	Read by Staff

### Question No. 3 Calculation of Affordable Housing Rents

Chels Hood Withey, on behalf of HouseYou, asked the following question (as ready by staff):

*Can you please confirm that the community housing provider that manages this development at 57 Station St will be offering rent at 30% of income to ensure truly affordable housing for our community?*

The Mayor took the question on notice.

## Submissions continued

Subject	Name	Representing Organisation	Submission Received in form of
Clifford Street Intersection, Suffolk Park	Samantha Turnbull	Self	Video Submission

### Question No. 4 Community Consultation

Paul Bannister asked the following question:

*Will Council reconsider the decision to do traffic lights, that was made without adequate community consultation, and now provide the preferred option of a roundabout by supporting a variation of the Grant?*

The Mayor provided the following response:

*That will be debated with 11.1 and so you will have an answer to that very soon.*

### Question No. 5 Funding of Suffolk Park intersection grant

Joti Jaffray asked the following question:

*Can council explain the changes with the grant funding for the Suffolk Park intersection Road Safety Grant? In May 2024 it was listed as \$1,475,464 at the November it was referred to as \$1.9m and currently the Transport for NSW website list it as \$2,329,912 and are you willing to provide a costing breakdown for each component of the application that has resulted in the identified \$2.329,912m grant.*



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The Director Infrastructure Services provided the following response:

*Those estimates were based on preliminary estimates when it was first submitted, and it was based on what we call a 'concept design'. Throughout the process Council is asked to revise its figures, which they call a P50 estimate and that's where the \$1.799m came from. There is an upper limit Grant available which is subject to application, which is called a P90, which is where you get a greater confidence in the terms of the cost and that was valued at \$2.3m. Also Council has the opportunity to ask for further funds in excess of the original estimate, and that is subject to approval from the funding authority.*

## **Question No. 6 Grant details and Community Engagement**

Dean Prosser, on behalf of Keep the Flow in Suffo, asked the following question:

*Why hasn't the BSC released or defined the grant details to the Keep The Flow in Suffo group as requested and when will this information be released? And why hasn't there been comprehensive community consultation as councils Community Engagement Strategy 2022 identifies on page 17 as required for General Initiatives and proposals including website information, advertising, Your Say, letters to impacted residents and visitors etc for minimum 28 days?*

The Director Infrastructure Services provided the following response:

*In relation to the Grant, we are seeking permission from Transport for NSW that we can release the Grant because the Grant is actually within their Portal etc. Once we have their approval, we have no reason to not release the Grant. In terms of the question in relation to the estimate etc, we can provide high level estimates or cost break down but not down to the finer detail. The reason for that is that at some point if the project does go ahead, some of those elements need to be kept confidential because it could compromise the actual cost of the project when we go to tender.*

Dean Prosser, then further asked the following question:

*Do you have any time estimates on the delivery of that because we have been asking for the Grant details for five weeks?*

The Grants Coordinator provided the following response:

*We have asked Transport for NSW when they might give that permission, we are not sure, but they certainly are aware we have asked for it. They are also aware, I believe, there is a request coming from the Suffo Group as well to Transport for NSW.*

The Director Infrastructure Services took the "community engagement" portion of the question on notice.

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## Question No. 7 Traffic Lights & Petitions

Samantha Turnbull asked the following question (as read by Staff):

*What is meant by 'interim' and what guarantees can council provide that traffic signals would be 'interim' when council will require state approval to remove the signals, as well as further state and federal funding to build a replacement such as a roundabout?*

The Director Infrastructure Services provided the following response:

*Staff's interpretation of Resolution 24-533 was that it was agreed to proceed subject to a report back to Council on the design of the signals at the same time consider the project as 'interim' on the basis that further work be done in relation to a roundabout option including access improvements to the general area in Suffolk Park. In terms of 'interim', most works we do are interim in that they can be removed at any time. The only issue that Council may face is that there may be a minimum time period in relation to the removal based on the Grant itself. We haven't followed that aspect, however in some instances in other areas, traffic lights can be installed and removed quite simply. It is a matter of when and how and what the alternative is.*

## Question No. 8 Delegation

Jan Barham asked the following question (as read by Staff):

*Could the General Manager please explain what delegation authorisation is available to staff for the lodgement of a Grant application for a proposal that hasn't been endorsed by a council resolution or isn't included in a current adopted Delivery or Operational Plan or any other relevant approved document.*

The Director Infrastructure Services provided the following response:

*Staff have delegation to lodge Grant applications on behalf of Council. We don't necessarily have delegation to accept those Grants. Staff generally apply for a whole range of Grants ranging from road safety projects, housing projects, drainage projects, flood mitigation and so-forth from time to time on the basis of there are limited windows of opportunity to apply for those Grants. Council staff in April 2024 had the opportunity to apply for the Grant, which was on the basis of a known intersection problem and to meet the guidelines of the Grant which was for a safety improvement. Following that there was a report to Council in May 2024 alluding to the fact a Grant had been lodged. Cr Dey called the item and a subsequent resolution was called to provide a further report on the intersection. Staff were in the process of reporting to Council for the November meeting, however, we did receive advice the Grant was successful. That was the report that ended up going to Council on 24 November 2024 and Council resolved to accept the tender through that resolution based with those other conditions that were included in the resolution.*

*The meeting adjourned at 4.27pm for a recess break and reconvened at 4.50pm.*

**APOLOGIES**

There were no apologies.

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**APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK**

There were no attendances by audio-visual link.

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**REQUESTS FOR LEAVE OF ABSENCE**

PROCEDURAL MOTION

- 25-014 Resolved** that Cr Pugh be granted a leave of absence from 13 March 2025 Planning Meeting. (Ndiaye)

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

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

Cr Dods declared a non-pecuniary interest in Report 13.15. The nature of the interest being that Cr Dods has a periodic, minor business relationship with Planners North (PN), who have worked as a consultant for this Planning Proposal. Cr Dods current relationship with PN is infrequent and not particularly close as defined by Clause 5.9(b) of the Code of Conduct for Councillors Policy. Cr Dods has no formal involvement in any proposals for the Gulgan Village site. Cr Dods elected to remain in the Chamber and will participate in discussion and the vote.

Cr Kay declared a pecuniary interest in Report 13.15. The nature of the interest being that Cr Kay is a Bundjalung of Byron Bay Aboriginal Corporation (BOBBAC) member. Cr Kay elected to leave the Chamber and will not participate in discussion or the vote.

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**TABLING OF PECUNIARY INTEREST RETURNS**

In accordance with clause 440AAB of the Local Government Act and clause 4.14 of the Code of Conduct for Councillors, a Primary Return of Interests is tabled for Cr Sarah Ndiaye.

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 25-015 Resolved** that the minutes of the Ordinary Meeting held 12 December 2024 be confirmed. (Kay/Dods)

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

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**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 Finalisation of future management arrangements for Sandhills Estate Crown Land in Byron Bay

Report No. 13.2 Byron Masterplan Guidance Group membership

**Corporate and Community Services**

Report No. 13.3 Council Resolutions Quarterly Review - Q2 - 1 October to 31 January 2025

Report No. 13.7 National General Assembly of Local Government 2025

Report No. 13.9 Appointment of additional community representatives to Water and Sewer Advisory Committee

**Sustainable Environment and Economy**

Report No. 13.14 2024 Environment and Safety Priorities Program

Report No. 13.15 PLANNING - 26.2024.3.1 Gulgan Village Planning Proposal

**Infrastructure Services**

Report No. 13.17 Belongil Creek Entrance Opening Strategy (EOS) - Two Year Review and Amendment to EOS

Report No. 13.18 Shire Wide Aquatic Strategy - Community feedback

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. **25-016** and concluding with Resolution No. **25-033**.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.4      Policies for Review**  
**File No:                I2025/98**

**25-016    Resolved** that Council:

1.    Endorses the proposed amendments to the Business Ethics Statement and places it on public exhibition inviting submissions from the community; and that:
  - a)    should there be no submissions received, the Business Ethics Statement be adopted; or
  - b)    should submissions be received they be reported back to Council prior to adoption of the policy.
  
2.    Repeals the following Policies for the reasons outlined in the report:
  - a)    Public Gates and Cattle Grids on Council Roads Policy 2021 (E2021/18444)
  - b)    Strategic Transport Statement (Transport Policy) 2019 (E2019/10347).  
(Ndiaye/Lyon)

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**Report No. 13.5      Submission: Model Code of Meeting Practice**  
**File No:                I2025/100**

**25-017    Resolved** that Council endorses the draft submission (Attachment 1 E2025/14459) to the Office of Local Government's draft Model Code of Meeting Practice.    (Ndiaye/Lyon)

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**Report No. 13.6      Delivery Program and Operational Plan 2024/25 Progress Report - Quarter 2 - December 2024**  
**File No:                I2025/111**

**25-018    Resolved** that Council:

1.    Notes the Delivery Program and Operational Plan 2024/25 Quarter 2 Report for the period ending 31 December 2024 (Attachment 1 #E2025/6581).
  
2.    Adopts the proposed amendments to the Operational Plan 2024/25 outlined in Attachment 2 (#E2024/149854).  
(Ndiaye/Lyon)

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**Report No. 13.8      Budget Review - 1 October to 31 December 2024**  
**File No:                I2025/115**

**25-019    Resolved** that Council:

1. Authorises the itemised budget variations as shown in Attachment 2 (#E2025/15611) which include the following results in the 31 December 2024 Quarterly Review of the 2024/2025 Budget:
  - a) General Fund – \$75,500 decrease to the Estimated Unrestricted Cash Result
  - b) General Fund - \$9,502,200 increase in reserves
  - c) Water Fund - \$671,600 increase in reserves
  - d) Sewerage Fund - \$1,405,200 increase in reserves
2. Adopts the revised General Fund Estimated Unrestricted Cash Surplus of \$400,000 for the 2024/2025 financial year as at 31 December 2024.

(Ndiaye/Lyon)

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**Report No. 13.10      Council Investments - 1 November 2024 to 30 November 2024**  
**File No:                I2025/131**

**25-020    Resolved** that Council notes the report listing Council's investments and overall cash position as of 30 November 2024. (Ndiaye/Lyon)

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**Report No. 13.11      Council Investments - 1 December 2024 to 31 December 2024**  
**File No:                I2025/133**

**25-021    Resolved** that Council notes the report listing Council's investments and overall cash position as of 31 December 2024. (Ndiaye/Lyon)

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**Report No. 13.12      Council Investments - 1 January 2025 to 31 January 2025**  
**File No:                I2025/135**

**25-022    Resolved** that Council notes the report listing Council's investments and overall cash position as of 31 January 2025. (Ndiaye/Lyon)

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**Report No. 13.13      Grants January 2025**  
**File No:                I2025/138**

**25-023    Resolved** that Council notes the Grant Submissions Report for the month of January 2025 (Attachment 1 #E2025/15953). (Ndiaye/Lyon)



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**No. 14.1.3.2**                    **2023/2024 Financial Statements and External Audit Closing Report**

**File No:**                        I2024/1520

**25-027**    **Resolved** that Council adopts the following Committee recommendations:

**Report No. 3.2 2023/2024 Financial Statements and External Audit Closing Report**

File No: I2024/1520

Committee Recommendation 3.2.1

That Council notes:

1. The External Audit Engagement Closing Report for the year ended 30 June 2024 provided by the Audit Office of NSW provided at Attachment 1 (#E2024/131009) and 2023-2024 Financial Statements provided at Attachment 2 (#E2024/131187).
2. In relation to the timeliness of and quality of Financial Reports, the Committee does not propose any changes. (Ndiaye/Lyon)

**No. 14.1.3.3**                    **Draft Internal Audit Charter**

**File No:**                        I2024/18

**25-028**    **Resolved** that Council adopts the following Committee recommendation:

**Report No. 3.3 Draft Internal Audit Charter**

File No: I2024/18

Committee Recommendation 3.3.1

That Council adopts the draft Internal Audit Charter (Attachment 1 E2023/128072), to include the following amendment:

- a) Update the references to International Standards for the Professional Practice of Internal Auditing to Global Internal Audit Standards in preparation of the change on 9 January 2025. (Ndiaye/Lyon)

**No. 14.1.4.1**                    **Internal Audit Plan 2024-2028**

**File No:**                        I2024/1336

**25-029**    **Resolved** that Council adopts the following Committee recommendation:

**Report No. 4.1 Internal Audit Plan 2024-2028**

File No: I2024/1336

Committee Recommendation 4.1.1

That the Council endorses the Internal Audit Plan 2024-2028 (Attachment 1 E2024/103385). (Ndiaye/Lyon)



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**No. 14.1.4.2**                      **Internal Audit Report Quarter 4 2023-2024 and Q1 2024-2025**  
**File No:**                              I2024/1263

**25-030 Resolved:** that Council adopts the following Committee recommendation:

**Report No. 4.2 Internal Audit Report Quarter 4 2023-2024 and Q1 2024-2025**  
File No: I2024/1263  
Committee Recommendation 4.2.1

That Council:

1. Notes the status of audit recommendations for Quarter 4 2023-2024 at Attachment 1 (E2024/78518) and for Quarter 1 2024-2025 at Attachment 2 (E2024/125859).
2. Endorses the recommendations from the Executive Team to close off 34 internal audit recommendations from Quarters 4 and 1 as listed in Table 1 of this report (a summary from Attachments 1 and 2). (Ndiaye/Lyon)

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## REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

**Report No. 14.2**                      **Report of the Floodplain Risk Management Advisory**  
**Committee Meeting held on 12 July 2024**  
**File No:**                              I2025/132

**25-031 Resolved** that Council adopts the following Committee recommendation:

That Council notes the minutes of the Floodplain Risk Management Advisory Committee Meeting held on 12 July 2024. (Ndiaye/Lyon)

**No. 14.2.3.1**                      **Adoption of Minutes from Previous Meetings**  
**File No:**                              I2024/997

**25-032 Resolved** that Council adopts the following Committee recommendation:

**Report No. 3.1 Adoption of Minutes from Previous Meetings**  
File No: I2024/997  
Committee Recommendation 3.1.1

That the minutes of the Floodplain Management Advisory Committee Meeting held on 14 May 2024 be confirmed subject to the following amendment:

1. Removal of the recommendation for Report No. 4.5 'Community Education Strategy and Review of Flood Options / North Byron Flood Investigations - Projects Update' and instead a note added to the minutes to say this item was deferred. (Ndiaye/Lyon)

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**No. 14.2.4.1**            **Community Education Strategy and Review of Flood Options / North Byron Flood Investigations - Projects Update**  
**File No:**                I2024/677

**25-033**    **Resolved** that Council adopts the following Committee recommendation:

**Report No. 4.1 Community Education Strategy and Review of Flood Options / North Byron Flood Investigations - Projects Update**

File No: I2024/677

Committee Recommendation 4.1.1

That Council:

1. Notes the update on the 'Community Education Strategy and Review of Flood Options' project which focuses on some villages in the north of the Byron Shire.
2. Thanks the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) for providing the animation graphic models of the 2022 flood event to Council to assist in future community engagement.
3. Allocates budget for ongoing community collaboration on flood mitigation options including discussion around the sky pump.
4. Supports staff collaborating with members of the Floodplain Management Advisory Committee to prepare a pamphlet for the collaboration mentioned in part 3 above.
5. Applies in the next funding round to commence a new Flood Study and Floodplain Risk Management Study and Plan for the whole Brunswick River catchment, which may include collaboration with Tweed Shire because of a shared floodplain.
6. Recognises the overlap between flood issues and Council's project of preparing a Place Plan for the entirety of Ocean Shores, South Golden Beach and New Brighton. (Ndiaye/Lyon)

*The motions (Resolutions 25-016 to 25-033) were put to the vote and carried unanimously.*

## PROCEDURAL MOTION

**25-034**    **Resolved:**

That Council change the order of business to deal with Reports 11.1, 13.14, 9.1, 13.1, 13.2, 13.3, 13.15, and 13.8 next on the Agenda.

(Ndiaye)

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

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PETITIONS

**Petition No. 11.1    No Traffic Lights in Suffolk Park**  
**File No:                    I2025/162**

**25-035    Resolved** that Council:

1. Notes the petition 'No Traffic Lights in Suffolk Park' and the 1091 signatures submitted and thanks the community for their input and acknowledges a preference for a roundabout.
2. Urgently writes to TfNSW:
  - a) Seeking advice on the requirements and criteria required for a grant variation, as per Road Safety Program Guidelines section 4.3 Variation;
  - b) Seek advice on whether including a roundabout could be considered in this instance on the basis of safety, and as per Road Safety Program Guidelines section 4.3 Variation;
  - c) Notifying an intent to seek a variation to the grant by altering the means by which community safety is delivered for the Broken Head Road / Clifford Street intersection, a preferred long term treatment as identified in RES 24-533, a roundabout, noting that a compact roundabout could be considered under the Austroad guidelines for New and Emerging Treatments Part 7 and the NSW Road Safety Action Plan;
  - d) To explore a speed reduction to 40k if it could influence the design by reducing the inner circle requirements and other design features, which could reduce or eliminate the need for land acquisition;
  - e) To find out if the intersection may be better serviced by a low, traversable inner circle to assist with bus, truck and caravan movements;
  - f) Noting that these facets of design could be quickly and easily modelled for implementation as the data is already available and that the construction and completion would be both cost efficient and able to be constructed relatively quickly to meet the grant deadline of March 2026 - or seek an extension if that is not possible; and
  - g) To officially seek an extension for the grant.
3. Seeks an urgent estimate for land acquisition from the two relevant properties.
4. Receives a report as soon as information regarding Points 2 and 3 are available, including the potential to receive a late report or have an extraordinary meeting if required.
5. Establishes a mechanism for community members to register their interest in this project to be involved in further consultation. (Ndiaye/Hauge)

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## PROCEDURAL MOTION

**25-036 Resolved** that Cr Ndiaye be granted a two minute extension to her speech. (Pugh/Kay)

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

## PROCEDURAL MOTION

**25-037 Resolved** that Cr Pugh be granted a two minute extension to his speech. (Ndiaye/Lyon)

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

## PROCEDURAL MOTION

**25-038 Resolved** that Cr Lyon be granted a two minute extension to his speech. (Ndiaye/Hauge)

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

## PROCEDURAL MOTION

**25-039 Resolved** that Cr Ndiaye be granted a one minute extension to her speech. (Ndiaye/Dods)

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

*The motion (Resolution **25-035**) was put to the vote and carried unanimously*

*The meeting adjourned at 5.56pm for a short break and reconvened at 6.05pm.*

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.14 2024 Environment and Safety Priorities Program**

**File No:** I2025/32

**25-040 Resolved** that Council:

1. Acknowledges the work of the Public and Environmental Services Team
2. Notes the report on the 2024 Environment and Safety Priorities Program.
3. Requests a councillor workshop before June 2025 on:
  - a) a review of the enforcement policy, including appropriate community engagement;
  - b) the Environmental and Safety Priorities Program and STRA compliance; and
  - c) a compassionate approach to illegal works/unauthorized development enforcement action.
4. Writes to the Minister for Housing, who is responsible for the Government review into STRA, asking when the findings will be released and the progress of our and other STRA-impacted Councils in NSW's requests for the registration fee for STRA to be increased, and handed over to Councils to pay for compliance.

(Hauge/Lyon)

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

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**NOTICES OF MOTION**

**Notice of Motion No. 9.1 Establishing a Byron Shire Youth Council**

**File No:** I2025/37

**25-041 Resolved** that Council:

1. Requests a report from Council staff outlining options for establishing a Youth Council in Byron Shire. This report should explore different options for Youth Council models, funding and grants, and best practices from successful Youth Councils globally. It should also consider accessibility and inclusiveness of different governance and logistical models (e.g. timing and travel for meetings); and
2. Engages with youth in the Shire about their preferred model, and the outcomes they would want to see from a Youth Council. (Hauge/Ndiaye)

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## PROCEDURAL MOTION

**25-042 Resolved** that Cr Ndiaye be granted a one minute extension to her speech.  
(Ndiaye/Hauge)

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

*The motion (Resolution 25-041) was put to the vote and declared carried.  
Crs Ndiaye, Dods, Swain, Warth, Kay, Hauge and Lowe voted in favour of the motion.  
Crs Lyon and Pugh voted against the motion.*

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## STAFF REPORTS - GENERAL MANAGER

**Report No. 13.1 Finalisation of future management arrangements for Sandhills Estate Crown Land in Byron Bay**

**File No:** I2025/31

**25-043 Resolved** that Council:

1. Notes the Finalisation of future management arrangement for Sandhills Estate Crown Land in Byron Bay report; and
2. Recognises all staff and stakeholders involved in this long and complex project. We pass on our deep and sincere thanks for this amazing outcome.

(Pugh/Ndiaye)

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





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**STAFF REPORTS - INFRASTRUCTURE SERVICES**

**Report No. 13.18 Shire Wide Aquatic Strategy - Community feedback**  
**File No: I2025/124**

**25-046 Resolved** that Council:

1. Notes submissions received during the public exhibition of the Shire Wide Aquatic Options Report, and acknowledges that there will be further opportunities for engagement on the preferred options;
2. Prioritises the work on the Byron Bay Pool, as well as the heating for the Petria Thomas Pool in Mullumbimby so that the existing pool can remain open during the winter months
3. Confirms preferred options to:
  - a) Upgrade of Byron Bay Pool within current footprint,
  - b) Construct a new pool facility at Mullumbimby at Lot 22;
4. Requests staff seek to identify funding and to progress detail design, staging options and initial costings of preferred options; and
5. Notes funding requests for priority projects are to be included within 2025/26 budget development process to allow for:
  - a) Detailed design of Byron Pool Amenities (Stage 1 of upgrade)
  - b) Installation and operation of heat pumps and extension of pool management contracts to allow for year-round operation of existing Petria Thomas Pool at Mullumbimby. (Swain/Ndiaye)

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

PROCEDURAL MOTION

**25-047 Resolved** that Council move into Committee to allow for free debate. (Ndiaye/Hauge)

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

PROCEDURAL MOTION

**25-048 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Ndiaye/Kay)

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

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.15    PLANNING - 26.2024.3.1 Gulgan Village Planning Proposal**  
**File No:                    I2024/1710**

*Cr Kay left the Chambers at 7.17pm in accordance with her earlier tabled Conflict of Interest Declaration.*

**25-049    Resolved** that Council:

1.    Notes this is the first Planning Proposal received under Council's Residential Strategy 2041.
2.    Notes that the timing of this Planning Proposal presents certain challenges in relation to key infrastructure planning, funding, and delivery which will need to be the subject of ongoing discussions between Council and the proponent as part of the concurrent draft Planning Agreement process.
3.    In relation to point 2:
  - a.    Notes the strong co-dependency between the BILS 5 and Gulgan Village sites. These two sites are intrinsically linked, as access to the BILS 5 land from Gulgan Road will pass through and continue into the Gulgan Village development. This connection must be fully recognised and addressed in the planning process.
  - b.    Requires the draft Planning Agreement to be updated to include provision of a collector road intersection with Gulgan Road as a dual lane roundabout with apportioned costs. This is to future proof the road network. This is in accordance with the resolution of Council at the Planning Meeting of 5 December 2024.
  - c.    Notes that there is a separate Planning Agreement for the BILS 5 land, which is relevant to this Planning Proposal and Planning Agreement. A review of it between Council and the proponent will be necessary as part of this draft Planning Agreement process to ensure consistency, equity, and efficiency in infrastructure planning and delivery across both sites.
  - d.    Requires staff to finalise assessment to determine whether a new water supply reservoir constructed at a higher point on the site might be needed in the future and review the draft Planning Agreement to accord with the assessment recommendations. Where required, the draft Planning Agreement is to be amended prior to public exhibition.
4.    Notes the proponents offer to contribute to the provision of affordable housing on the land, which will need to be the subject of ongoing discussions between Council and the proponent as part of the concurrent Planning Proposal and draft Planning Agreement process.
5.    In relation to point 4:
  - a.    Sets a timeline for the Housing Expert report, which will determine the Contribution Amount to support the Planning Proposal. This report will be a

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- critical document and must be included in the exhibition of the Planning Proposal.
- b. Confirms wording in the draft Planning Agreement provides a 5% contribution of the total lots or developable land area to be made to the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC), in the form of land and or housing only.
  - c. Confirms a minimum 'contribution amount' of 10% including the Bundjalung of Byron Bay (Arakwal) Aboriginal Corporation (BoBBAC) 'contribution amount' needs to be included in the draft Planning Agreement.
  - d. Rejects the provisions in the draft Planning Agreement relating to the establishment of a 'Management Committee' to "consider, manage, and determine the type, timing and recipients of the development contributions". Instead includes provisions to reflect Council's currently adopted implementation procedures for affordable housing contributions, which were the foundation for the resolution of Council at the Planning Meeting of 5 December 2024.
6. Staff to hold discussions with the proponent and make all necessary amendments in relation the draft Planning Agreement provisions as per points 2-5 prior to submitting the Planning Proposal for Gateway Determination.
7. In relation to the Planning Proposal:
- a. Accepts the 11.5m maximum building height proposed for the area to be zoned R1 General Residential and amends the Height of Building Map accordingly.
  - b. Amends the Additional Permitted Uses Map as proposed in this report, and the land uses proposed be added to Schedule 1 of Byron LEP 2014, along with any supporting local provisions to clarify scope of permissible uses (where applicable).
  - c. Amends the Planning Proposal to provide a precinct-based dwelling density map containing low and high dwelling yields for each precinct; and include an amended new local clause containing a requirement for dwelling diversity, the provision of secondary dwellings on lots larger than 450m<sup>2</sup>, and consideration of impacts on pedestrian, cycle and traffic movement on Gulgan Road
  - d. Notes that a draft Development Control Plan to support the Planning Proposal will be prepared to manage urban design and general site requirements and be exhibited alongside the Planning Proposal.
  - e. Requires staff to finalise assessment of the biodiversity value of the identified areas to determine the appropriate management approach and make any necessary amendments to the Planning Proposal prior to requesting a Gateway determination.
8. Prior to forwarding the updated Planning Proposal to the Department of Planning, Housing and Infrastructure requesting a Gateway determination, that:
- a. the applicant submits an updated Traffic Impact Study incorporating Transport for NSW feedback requirements (i.e. SIDRA modelling);
  - b. Council receive comment from TfNSW in relation to any required upgrades to

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the Pacific Motorway interchange north of the site; and

- c. TfNSW comments are to be submitted to the DPHI as part of the Gateway determination request;
9. Pending a positive Gateway Determination, that Council exhibits the Planning Proposal (with the updated draft Planning Agreement and draft Development Control Plan) in accordance with the Gateway conditions. (Ndiaye/Hauge)

## PROCEDURAL MOTION

- 25-050 Resolved** that Council move into Committee to allow for free debate. (Ndiaye/Warth)

*The motion was put to the vote and carried unanimously.  
Crs Pugh and Kay were not present for the vote.*

## PROCEDURAL MOTION

- 25-051 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Ndiaye/Lowe)

*The motion was put to the vote and carried unanimously.  
Crs Pugh and Kay were not present for the vote.*

## PROCEDURAL MOTION

- 25-052 Resolved** that Cr Lyon be granted a two minute extension to his speech. (Ndiaye/Lowe)

*The motion was put to the vote and carried unanimously.  
Crs Pugh and Kay were not present for the vote.*

*Crs Ndiaye, Lyon, Dods, Swain, Warth, Hauge and Lowe voted in favour of the motion (Ndiaye/Hauge).*

*Nil voted against the motion.*

*Crs Pugh and Kay were not present for the vote.*

*The meeting adjourned at 7.39pm for a dinner break and reconvened at 8.12pm.  
Cr Kay returned to the Chambers at 8.12pm.*

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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3**      **Council Resolutions Quarterly Review - Q2 - 1 October to 31 January 2025**

**File No:**                I2025/15

**25-053 Resolved that Council:**

1. Notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2025/617).
2. Notes the completed Council Resolutions in Attachment 2 (#E2025/618);
3. Reactivates Resolutions 20-572, 23-215, 24-225 and 24-107; and
4. Receives future quarterly resolutions reports in a format that distinguishes between active and outstanding resolutions (6 months or more beyond due date), and that comments are provided for outstanding resolutions with an explanation for the delay and an indication of a revised completion date. (Ndiaye/Hauge)

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

*Cr Pugh was not present for the vote.*

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## MAYORAL MINUTE

There was no Mayoral Minute presented.

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**DELEGATES' REPORTS**

**Delegate's Report No. 12.1 NRJO Board Meeting - 8 November 2024**

**File No:** I2024/1589

This was my first Northern Rivers Joint Organisation (NRJO) meeting, and it was a wonderful opportunity to connect with fellow Mayors and General Managers (GMs) to discuss some of the key local issues that require regional responses. I raised the impact of the closure of Arts and Humanities at Southern Cross University (SCU) in Lismore, the ongoing transport challenges, and opportunities to further partner on waste solutions. It was great to engage in productive discussions with my colleagues on these critical topics and explore collaborative solutions.

Below is a summary of the key items discussed and decisions made during the meeting:

**1. Election of Chairperson and Deputy Chairperson**

- **Chairperson:** Cr Chris Cherry was nominated and elected as Chairperson for a two-year term, with unanimous approval.
- **Deputy Chairperson:** Cr Sharon Cadwallader was nominated and elected as Deputy Chairperson for a two-year term, with unanimous approval.

**2. Executive Officer Report**

- The NSW Government is providing \$252.2 million over six years for councils to recruit trainees, apprentices, and cadets, with funding covering 100% of wages and 15% of recruitment costs.
- The NRJO Audit, Risk and Improvement Committee (ARIC) reviewed and approved the Audited Financial Statements, which will be presented to the NRJO Board.
- A request from Byron Shire Council for Modern Slavery training was discussed. The NRJO is seeking additional quotes to ensure the best value before proceeding.
- The NRJO will submit a response to the "Councillor conduct and meeting practices – A new framework" discussion paper from the Office of Local Government by the 15 November 2024 deadline.
- A draft of the NRJO's Annual Performance Statement for 2023/24 will be published on the NRJO website by 30 November 2024.

**3. Audit, Risk and Improvement Committee Update**

- The ARIC reviewed the NRJO's annual audited financial statements and received no concerns from the audit team.
- Cr Danielle Mulholland was elected as the new non-voting councillor member of the ARIC for a 4-year term.

**4. Financial Statements for 2023/24**

- The NRJO's financial reports for the 2023/24 year show a deficit of \$205,000, primarily due to the timing of grant income. However, the NRJO remains financially sound with sufficient cash and investments to meet its liabilities.

### 5. NRJO Board Meeting Schedule for 2025

- The following meeting dates and locations were approved:
  - 21 February: Byron Shire Council
  - 16 May: Lismore City Council
  - 15 August: Ballina Shire Council
  - 14 November: Richmond Valley Council

### 6. Annual Model Code of Conduct Complaint Statistics

- No Code of Conduct complaints were received from 1 September 2023 to 31 August 2024. The statistics must be reported to both the Board and the Office of Local Government by 31 December 2024.

### 7. Office of Local Government Updates

- The NSW Government's new \$252.2 million funding initiative for apprentices, trainees, and cadets was discussed. Councils can apply for grants starting January 2025.
- A series of webinars will assist councils with councillor induction and refresher training.
- The deadline for submissions on the councillor conduct framework discussion paper is 15 November 2024.

### 8. Destination North Coast (DNC) Updates

- DNC reported on the tourism sector's challenges due to cost-of-living pressures, though international visitation continues to grow.
- DNC is seeking an LGA co-host for the 2025 Tourism Symposium and North Coast Tourism Awards, with a focus on entrepreneurship and innovation.
- DNC's Business Events program secured 11 events generating over \$2.4 million in economic impact for the North Coast, showing a 15% year-on-year increase.

### 9. Scenic Rim Regional Council Updates

- Cr Sharp was appointed to represent the Scenic Rim on the Council of Mayors (SEQ) Waste Working Group.
- The Scenic Rim's 2024-2034 Sport and Recreation Plan was adopted to promote community health and participation.
- The Council is working on Stage Two of its Integrated Transport Plan after gathering community feedback.
- Recycling efforts include the successful trial of community recycling points, with further expansion planned.
- The Sentinel Memorial Project was launched to honor the heritage of the iconic Sentinel rock formation.

### 10. Regional Development Australia (RDA) Updates

- RDA Northern Rivers was awarded the contract for the Welcome Experience program, which will support essential workers and their families in the local community through 2026.
- New mental health funding will support farmers in the Northern Rivers through



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a pilot program running until 2025.

## 11. Associate Member - Premier's Department, Regional Coordination

- The Welcome Experience program is expanding to the Lismore and Tweed Shire areas to provide support for essential workers.
- A new pilot mental health program for farmers has been announced to help address mental health challenges related to natural disasters and economic impacts.
- Various grant funding opportunities were discussed, including the Regional Event Fund, Public Library Infrastructure Grants, and the Local Government Waste Solutions Fund.

This meeting highlighted ongoing efforts to support regional development, enhance local government capacity, and address key challenges in the community, from tourism to waste management and workforce development. Afterwards we all went for lunch on the river to get to know each other better.



Signed: Cr Sarah Ndiaye



**Delegate's Report No. 12.2 Rous County Council Meeting – 30 October 2024****File No:** I2024/1590

This was our first Rous County Council meeting for the term, and it provided a valuable opportunity to connect with colleagues, meet new councillors and address important regional issues. Two councillors were nominated from each of the constituent councils (Ballina, Byron, Lismore and Richmond Valley). They are Councillors Sharon Cadwallader, Eva Ramsey, Sarah Ndiaye, Elia Hauge, Andrew Gordon, Steve Krieg, Robert Mustow and Sandra Humphrys. We discussed key matters impacting the region, including financial updates, policy revisions, and appointments to various advisory groups. I was voted on as Chair of the Reconciliation Action Plan Advisory Group and Cr Hauge was elected the primary member of the Audit, Risk and Improvement Committee. It was also an excellent chance to engage with other Councillors on topics such as water management and environmental initiatives. Below is a summary of the key items discussed and decisions made during the meeting:

**General Matters**

- **Chairperson and Deputy Chairperson Elections:**  
Cr Robert Mustow was re-elected as Chairperson, and Cr Sharon Cadwallader was re-elected as Deputy Chairperson for the first two years of the term. Both had previously held these positions during the last term.
- **Reconciliation Action Plan (RAP) Advisory Group:**  
Cr Sarah Ndiaye was elected as Chair of the RAP Advisory Group, with Cr Elia Hauge as the alternative Chair. Both will hold these positions for the duration of the current term.
- **Audit, Risk and Improvement Committee Appointments:**  
Cr Elia Hauge was appointed as the primary non-voting member of the Audit, Risk, and Improvement Committee, with Cr Sarah Ndiaye serving as the alternate. These appointments are for the duration of the current Council term.
- **Local Government NSW Annual Conference:**  
The Deputy Chairperson and the General Manager will attend the 2024 LGNSW Annual Conference in Tamworth in November 2024. It was resolved that the Deputy Chairperson will be the Council's voting delegate at the conference.

**Financial Matters**

- **2023/24 Financial Reports:**  
The 2023/24 financial statements (for the year ended 30 June 2024) were presented to the Council. These statements had already been reviewed by the Audit, Risk, and Improvement Committee on 14 October 2024. Public advertising for the financial reports began on 30 October 2024, with a minimum advertising period of seven days. The final presentation of the reports will occur during an extraordinary meeting on 27 November 2024.

The Council remains in a strong financial position, with cash and investments at

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satisfactory levels to meet all current liabilities.

- **Quarterly Budget Review Statement:**

The Quarterly Budget Review for the period ending 30 September 2024 was presented. Several variations were authorized, including:

- Revenue increased by \$4.8M
- Operating expenditure increased by \$6.1M
- Capital expenditure decreased by \$5.9M
- Loan drawdowns decreased by \$5M

The overall impact was a \$0.4M transfer from reserves.

## Policy Matters

- **Revised Related Party Disclosure Policy:**

A revised version of the Related Party Disclosure Policy was adopted, following a review of the existing policy. Minor revisions were made to ensure alignment with the Australian Accounting Standards Board (AASB) 124 guidelines.

- **Revised Investments Policy:**

A review of the Investments Policy was completed, with no substantial changes proposed. The revised policy was adopted, with minor updates to ensure it remains in line with current best practices.

## Information Reports

- **Investments – September 2024:**

The Council received and noted information regarding investments as of September 2024.

- **Tenders Awarded by the General Manager:**

The Council also noted tenders awarded by the General Manager under delegation from 1 July 2024 to 30 September 2024.

## Additional Information

For further details on the business paper and meeting minutes, you can access them via the following link: [30 October 2024 - Business Papers and Minutes](#)

This meeting was a valuable start to my involvement with Rous County Council, and it was clear that we are all committed to ensuring the Council operates efficiently and remains responsive to the needs of our community. I look forward to continuing to collaborate with my fellow Councillors and staff to tackle the region's challenges, especially those related to sustainable resource management and regional growth.

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**Signed: Cr Sarah Ndiaye**

Cr Ndiaye presented a Delegates Report on her recent attendance at Rous County Council meeting and Cr Hauge's Notice of Motion to acknowledge the receipt of Petitions from the Widjabul Wia-bal people objecting to the dam.

Cr Ndiaye presented a Delegates report on her attendances at recent community meetings in relation to the Suffolk Park intersection and the 57 Station Street, Mullumbimby affordable housing project.

Cr Warth presented a Delegates Report on graffiti in Byron Bay.

Cr Warth presented a Delegates Report on the market closure on Johnson Street, Byron Bay.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 13.7      National General Assembly of Local Government 2025**  
**File No:              I2025/113**

**25-054      Resolved that Council:**

1. Authorises Councillor Ndiaye to attend as the voting delegate at the 2025 National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum, to be held at the National Convention Centre in Canberra from 24 - 27 June 2025;
2. Authorises Councillors Lyon, Hauge, Dods, Swain and Warth to attend the 2025 National General Assembly of Local Government incorporating the Regional Cooperation and Development Forum, to be held at the National Convention Centre in Canberra from 24 - 27 June 2025;
3. Considers endorsement of any motions for submission to the National General Assembly by the lodgement deadline with ALGA Monday, 31 March 2025; and
4. Change the date of the Ordinary Council Meeting from 26 June 2025 to 12 June 2025, if suitable, with the meeting to start at 9:00am. (Ndiaye/Dods)

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

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**Report No. 13.9      Appointment of additional community representatives to  
Water and Sewer Advisory Committee**  
**File No:              I2025/122**

**25-055      Resolved that:**

1. The following community representatives be appointed to the Water and Sewer Advisory Committee for the 2024-2028 term ending September 2028:
  - a) Raymond Evans
  - b) Taisa Baars
2. All appointed Advisory Committee members:
  - a) be notified of their appointment to the committee; and
  - b) complete induction, Code of Conduct, and confidentiality requirements.
3. Any unsuccessful nominees be notified. (Hauge/Ndiaye)

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

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 13.17**    **Belongil Creek Entrance Opening Strategy (EOS) - Two Year Review and Amendment to EOS**

**File No:**                    I2025/18

**25-056**    **Resolved** that Council:

1.    Notes the two-year review of the Belongil Entrance Opening Strategy (EOS) is complete (Appendix A of Attachment 2 (E2024/133679)).
2.    Adopts the draft Rev 2.0 of the Belongil Creek Entrance Opening Strategy (Attachment 2 - E2024/133679) as an operational flood risk mitigation measure incorporating the amendments detailed in the report based on the staff two-year review, the detailed technical review by Salient and feedback from BOBBAC and relevant agencies (Attachment 1 (E2024/138379)).
3.    Notes that, pending adoption of the draft Rev 2.0 of the Belongil Creek Entrance Opening Strategy at Attachment 2 (E2024/133679), staff will proceed with next steps as outlined in this report. (Lyon/Ndiaye)

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

*Cr Pugh was not present for the vote.*

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*There being no further business the meeting concluded at 8.49pm.*

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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 27 March 2025.



.....  
Mayor Sarah Ndiaye