

NOTICE OF MEETING



WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING

A Water, Waste and Sewer Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 10 September 2015
Time	9.00am

A handwritten signature in black ink, appearing to read 'Ken Gainger', is positioned above the printed name.

Ken Gainger
General Manager

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Water, Waste and Sewer Advisory Committee Meeting held on 7 May 2015

4. BUSINESS ARISING FROM PREVIOUS MINUTES

5. STAFF REPORTS

Sustainable Environment and Economy

5.1 Update of the CERA Program4

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 5.1 **Update of the CERA Program**
Directorate: Sustainable Environment and Economy
5 **Report Author:** Michael Bingham, Environmental Health Officer
File No: I2015/876
Theme: Ecology
 Development and Approvals

10 **Summary:**

15 This report summarises actions arising from resolution 13-691(4): *That a report on the Community Engagement and Risk Communication Program (CERC) be presented to the Water, Waste and Sewer Advisory Committee at least twice per year.*

RECOMMENDATION:

That the Water, Waste and Sewer Advisory Committee note the progress to date with regard to the Community Engagement and Risk Communication Program for On-site Sewage Management.

20 **Attachments:**

1 revised plan and progress report, E2015/54897 , page 6

Report

5 Council at its Ordinary Meeting held on 12 December 2012, considered a report on the Community Engagement and Risk Communication Program (CERC) Onsite Sewage Management, and resolved 13-691(4): *That a report on the Community Engagement and Risk Communication Program (CERC) be presented to the Water, Waste and Sewer Advisory Committee at least twice per year.*

10 This report in response to resolution 13-691(4) summarises actions arising from the adopted CERC Program as part of the bi-annual update to the Water, Waste and Sewer Advisory Committee. The revised plan with progress to date is attached.

15 Additionally, the Internal Audit Advisory Committee at its meeting of the 20 August 2015 requested an update on the CERA Program especially in relation to inspections, investigations and compliance. This information is also included as part of this progress report.

Financial Implications

20 Nil.

Statutory and Policy Compliance Implications

Nil.

BYRON SHIRE COUNCIL

E2015/54897

Community Engagement and Risk Communication Program On-site Sewage Management

Progress report Current as of: 01 September 2015

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Task delivery date revisions and tasks updates

Read with: E2013/7414: Community Engagement and Risk Communication Program.

Task		When	Actual(a) or revised (r)	Comments	Cost estimate	Cost Actual	Comments
1	Contact the owners of properties with OSMS's and provide information that explains why they have a new fee on their rates notice pertaining to on-site sewage management.	February 2014 – April 2014	June – July 2014(a)	Mail out completed to new owners or owners with lapsed Approval to operates (ATO's). It is proposed that Council's Authority Register will be interrogated for lapsed, new owners and owners whom have failed to return ATO applications and reminders sent annually and three other times per annum for ownership changes. Rationale: Schedule tasks rather than ad hoc. Objective: Planned and efficient use of administrative resources.	100 hours at grade 3.5. (\$48.76/hr) Postage \$1,800 Total ~\$7,000	\$7,000	1563 mailed out to lapsed ATO and new owners ~960 completed return applications.

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

5.1 - ATTACHMENT 1

Task		When	Actual(a) or revised (r)	Comments	Cost estimate	Cost Actual	Comments
2	Prepare a brief to engage a public relations or marketing agency to develop improved communication media.	February 2014	September 2014 (a)	Discuss brief with surrounding Councils aiming to obtain 'buy in to our outcomes' and potential regional approach	Existing staff time.		Discussions continue however a regional approach to OSMS has not been effective thus far. The objective may need to be elevated to NOROC consideration.
3	Engage consultant to implement the outcomes of task 2.	March 2014	August 2015 (r)	Discuss outcomes of 2 with surrounding Councils and try to obtain 'buy in' to facilitate a win-win for all.	Circa \$30,000		August 2015: Council has engaged a contractor for design and employed JHA personnel for copywriting. Aiming to complete copywriting by Nov 2015
4	Update Council's OSMS database, and review input and sorting processes.	February 2013 – June 2014	September – December 2014 (a)	Input returned applications to Authority Register, compare with existing data, send ATO's. Accurate and reliable data will form the basis of a risk assessment program undertaken by officers consistent with existing OSMS procedures and Council resolutions.	350 hours at grade 3.5 \$17,000		90% of the completed ATO applications returned as part of Task 1 have been issued and Authority register updated. Further investigation / information requests required for the balance. Process review and documentation will facilitate effective consistent data input and extraction.

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

5.1 - ATTACHMENT 1

Task		When	Actual(a) or revised (r)	Comments	Cost estimate	Cost Actual	Comments
5	Improve the efficiency of processing "Approval to Operate" applications.	April 2014	September – December 2015 (r)	Current processes are time consuming. Education is being imbedded in the ATO application process.	Existing staff time.		As part of task 4 processes will be reviewed, implemented and documented to ensure consistency. As part of that efficiencies in the processes and processing will be sought.
6	Report to the WW&S steering committee pertaining to the outcomes of the consultants brief and recommendations for new approaches to engaging the owners of OSMS.	September 2015	This and following reports		Existing staff time.		Each WW&S steering committee meeting.
7	Implement new engagement and communication strategies with primary stakeholders owners and users of OSMS.	July 2014 and ongoing	Jan - Feb 2016 (r) and ongoing		Materials cost Circa \$10,000 in the first year. 60 hours at grade 3.5 \$3,000.		Facts sheets and OSMS Guides (a revised (septic safe) aiming to have on a revised & invigorated BSC OSMS webpage/s. Particular target markets will receive a mail out (solicitors/conveyances, real estate agents / tenants,

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

5.1 - ATTACHMENT 1

Task		When	Actual(a) or revised (r)	Comments	Cost estimate	Cost Actual	Comments
8	Engagement with industry stakeholders (e.g. plumbers, planners, other Councils, irrigation specialists), and other external stakeholders (e.g. real estate agents, tenants of rented properties etc).	July 2014 and ongoing	Jan - Feb 2016 and ongoing (r)		Existing staff time. Media \$5,000		
9	Proactive OSMS inspection program based on Council's current adopted risk based approach to inspections.	July 2014 and ongoing	March 2016 and ongoing (r)	Current inspection program is based on reports of illegal development, customer complaints and 'high risk' scenarios neighbouring those.	One officer at grade 8.5. \$98,000		
10	Review Council's On-site Sewage Management Strategy.	July 2014	April 2016 (r)		Staff / Consultant Circa \$10,000		
11	Develop a tiered approach to ATO fees based on, current risk approach, (as per resolution 13-135). Report to WWS Committee on same.	Jan 2015	April 2016 (r)		Staff time.		
12	Report to Council re tiered approach to ATO fees as per Council Resolution 13-135.	Feb 2015	May 2016 (r)		Staff time.		

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

5.1 - ATTACHMENT 1

Task		When	Actual(a) or revised (r)	Comments	Cost estimate	Cost Actual	Comments
13	Community Consultation re tiered approach to ATO fees.	June 2015	June 2016 (r)		Staff time		
14	Review of Current OSMS in urban areas Policy 5.59 via, WWS Committee.	2014	June 2016 (r)	<p>Update pertaining to pricing for OSMS in sewerred areas.</p> <p>The prior concession of a 50% (\$316) reduction in the fixed rate has been eliminated 2013/2014.</p> <p>Recommend that an ATO fee does not apply to properties that are connected to sewer and now pay full sewer fixed fee.</p>	Staff time		