

NOTICE OF MEETING



EXTRAORDINARY WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 30 September 2021
Time	9:00am

Phillip Holloway
Director Infrastructure Services

I2021/1559
Distributed 23/09/21

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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

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.

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 of the provisions in the Code of Conduct (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 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
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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4. STAFF REPORTS

Infrastructure Services

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BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting

Directorate: Infrastructure Services

5 **Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2021/1528

10 **RECOMMENDATION:**

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 19 August 2021 be confirmed.

<Section5>

15 **Attachments:**

1 Minutes 19/08/2021 Water, Waste and Sewer Advisory Committee, I2021/1312 , page 8 [↓](#)

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Report

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 19 August 2021 .

5

Report to Council

The minutes were reported to Council on

Comments

10

In accordance with the Committee Recommendations, Council resolved the following:

21-403 Resolved that Council does not adopt the following Committee Recommendation 4.1 as detailed in the Report , but instead adopts the Management Recommendation(s) as follows:

Report No. 4.1 DA water

File No: I2021/716

Management Recommendation 4.1.1

That Council notes the report.

21-404 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 Waste Issues of interest

File No: I2021/705

Committee Recommendation 4.2.1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

1. That Council notes the report.

21-405 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.3 Byron STP Condition 9 Additional Load - Quarterly Report

File No: I2021/717

Committee Recommendation 4.3.1

1. That Council notes the report.
2. Once the audit of consent conditions has been completed, if necessary, the extraordinary meeting of Water Waste and Sewer Advisory Committee is held.

MINUTES OF MEETING



**WATER, WASTE AND SEWER ADVISORY
COMMITTEE MEETING**

Venue	Zoom
Date	Thursday, 19 August 2021
Time	9.00am

*I2021/1312
Distributed 12/08/21*

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

BYRON SHIRE COUNCIL

WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING MINUTES 19
AUGUST 2021

**Minutes of the Water, Waste and Sewer Advisory Committee Meeting held on
Thursday, 19 August 2021**

File No: I2021/1312

PRESENT: Cr C Coorey, Cr M Lyon and Cr S Ndiaye

Staff: Phil Holloway (Director Infrastructure Services)

Cameron Clark (Manager Utilities)

Dean Baulch (Principal Engineer System Planning)

Danielle Hanigan (Acting Manager Resource Recovery)

Chris Soulsby (Development Planning Officer)

Rachel Barnden (Administration Support Officer)

Dominika Tomanek (Minute Taker)

Community: David Fligelman (late), Duncan Dey, and Ben Fawcett

Cr Ndiaye (Chair) opened the meeting at 9:05 am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Madelaine Green

Mary Gardener

Col Draper

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BYRON SHIRE COUNCIL

BYRON SHIRE COUNCIL

WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING MINUTES 19
AUGUST 2021

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 **Adoption of Minutes from Previous Meeting**
File No: I2021/1289

Committee Recommendation:

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 20 May 2021 be confirmed.

(Ndiaye/Coorey)

The recommendation was put to the vote and declared carried.

Note: The minutes of the meeting held on 20 May 2021 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 24 June 2021.

The minutes of 20 May 2021 has been updated as the absence of Cr Ndiaye was noted by mistake. Cr Ndiaye attended the meeting.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **DA water**
File No: I2021/716

Committee Recommendation:

- 1. That Council notes the report.**
- 2. The Strategic Planning Workshop is held in the next term of Council to discuss future water and sewer infrastructure planning in Byron Bay/Ewingsdale.**

(Coorey/Dey)

The recommendation was put to the vote and declared carried.

Cr Lyon left the meeting at 09:56 AM.

BYRON SHIRE COUNCIL

BYRON SHIRE COUNCIL

WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING MINUTES 19
AUGUST 2021

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.2 Waste Issues of interest
File No: I2021/705

Committee Recommendation:

That Council notes the report.

(Ndiaye/Coorey)

The recommendation was put to the vote and declared carried.

Report No. 4.3 Byron STP Condition 9 Additional Load - Quarterly Report
File No: I2021/717

Committee Recommendation:

- 1. That Council notes the report.**
- 2. Once the audit of Consent Conditions has been completed, if necessary, the extraordinary meeting of WWSC is held.**

(Ndiaye/Coorey)

The recommendation was put to the vote and declared carried. Duncan Dey against.

David joined the meeting 10:37 am.

There being no further business the meeting concluded at 11:30 am.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Workshop - Ocean Shores to Brunswick Valley STP Transfer

5 **Directorate:** Infrastructure Services
Report Author: Cameron Clark, Manager Utilities
File No: I2021/1495

Summary:

10 The purpose of this report is to give the committee a summary of the background information relating to the presentation/workshop scheduled for the 30th September 2021.

15 All background reports and associated documentation has been sent to the committee members for review prior to the presentation/workshop on scheduled for the 30th September 2021. Questions from the Committee members have been sent via email to the Manager of Utilities where the Manager of Utilities has responded prior to the workshop.

20 Council has had recent correspondence and meetings with NSW Environment Protection Authority (EPA) regarding compliance with licence conditions at Ocean Shores STP – The EPA has completed an Environmental Risk Assessment and raised the risk rating of the Ocean Shores system from medium to high due to concerns around treatment performance.

Council is now at a decision point relating to Ocean Shores STP.

25 **RECOMMENDATION:**

That in relation to the Ocean Shores to Brunswick Valley STP Transfer proposal, that Council:-

1. **Note the status report.**

- 30 2. **Proceed to detailed design phase for Option 4 of an upgraded plant at Brunswick Valley STP.**

3. **Receive a briefing at its next Strategic Planning Workshop.**

Report

This is a status update for information:

- 5 Council has had recent correspondence and meetings with NSW Environment Protection Authority (EPA) regarding compliance with licence conditions at Ocean Shores STP – The EPA has completed a Environmental Risk Assessment and raised the risk rating of the Ocean Shores system from medium to high due to concerns around treatment performance.
- 10 Council is now at a decision point relating to Ocean Shores STP.

Ocean Shores STP operates under a relatively old NSW EPA environmental licence. The concentration limits of this licence are relatively lenient (e.g. in respect of ammonia) compared with more modern licences for similar sized plant in the region (e.g. Brunswick Valley STP). Similarly, the mass load limits for nutrients (e.g. Total N), when converted to likely effective average concentrations based on average flow estimates, are relatively lenient.

- At Council's Ordinary Meeting of 22 June 2017 it was resolved to investigate operational risks cited in the GHD Study and report back to Council via the Committee on the Ocean Shores Transfer to Brunswick Valley STP Option 4.
- 20 The risk assessment for Option 4 was finalised by GHD in December 2017 and identified the most significant risks and appropriate mitigation.

The Option 4 transfer of sewage from Ocean Shores to Brunswick Valley STP also represents a significant financial saving to Council in the longer term.

From Council Meeting of 19 April 2018, Resolution: 18-278

- 25 That Council adopt the following Committee Recommendation(s):

The Committee have a workshop to further consider Ocean Shore Sewage Transfer Risk Assessment including:

- 30 a) *An up-to-date assessment of the capacity of the OS STP*
b) *Sensitivity of whole-of-life cost assessment of options for BVSTP and OSSTP to reduced augmentation requirements at OS STP*
c) *Projection of comparative nutrient loads to the Brunswick River and under the Option 4 and Option 1 scenarios*

All items (a, b, and c) are now complete and sent via drop box to Committee members.

- 35 Staff recommend that Council proceed to detailed design phase for Option 4 of an upgraded plant at Brunswick Valley STP

Key issues

- Compliance with NSW EPA Licence requirements
 - Performance of the Ocean Shores STP
- 5
- Link to the Mullumbimby Water Supply Strategy relating to reuse water opportunities for Mullumbimby
 - Link to Zero Net Emissions Strategy
 - Long term financial planning for the sewer fund.

Next steps

- 10
- Require direction from Council and progress to SPW.

Strategic Considerations

Option 4 strategy aligns with the following strategies.

- Zero Net Emissions (Ocean Shores has approximately double the emissions as Bruns STP).
- 15
- Safe and Secure Yield Water Supply (demand management through recycled water).

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.5	Provide continuous urban water and sewerage services within the Shire	1.5.2	Ensure Wastewater Treatment Plants are maintained in accordance with operating licences	1.5.2.1	Monitor and compile annual licence returns

Recent Resolutions

21-252 Resolved that Council adopts the following Committee Recommendations:

Report No. 4.4 Ocean Shores transfer to Brunswick Valley STP

File No: I2021/615

Committee Recommendation 4.4.1

1. That Council notes the report.
2. The Committee have a workshop on this matter in May 2021.

(Lyon/Cameron)

Legal/Statutory/Policy Considerations

Compliance with NSW EPA Licence conditions.

Financial Considerations

5 The financial Sensitivity Assessment has been completed and submitted to the Committee.

The capital cost of Option 4, is estimated to be \$10 Million. This is a significant saving to the community in both initial capital and whole of life costs.

An upgrade of Ocean Shores STP alone has a capital cost of \$29 Million.

On Net Present Value terms Option 4 has the potential to save Council up to \$30 Million.

10 **Consultation and Engagement**

- 1) This strategy has been reported to the Committee on the 29th April 2021.
- 2) Water Waste Sewer Advisory Committee Extraordinary Presentation/Workshop scheduled for 30th September 2021.

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