

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, 21 October 2021
Time	9.00am

Phillip Holloway
Director Infrastructure Services

I2021/1652
Distributed 14/10/21

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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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meetings

5 **Directorate:** Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2021/1637

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RECOMMENDATION:

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 30 September 2021 be confirmed.

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Attachments:

1 Minutes 30/09/2021 Water, Waste and Sewer Advisory Committee Extraordinary, I2021/1560
20 , page 7 [↓](#)

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 30 September 2021.

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Report to Council

The minutes will be reported to Council on

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Inflow and Infiltration - April 2021 update

Directorate: Infrastructure Services

5 **Report Author:** Jason Stanley, Inflow & Infiltration Project Manager

File No: I2021/718

Summary:

10 Byron Shire Council have engaged Environmental Data Services (EDS) to undertake a monitoring assessment to quantify performance of the I&I rectification works within Mullumbimby sewer network.

The flow measurement of the sewer prior and post rectification work is the only true process of determine the benefits and I&I reduction achieved.

15 EDS installed and operated the Hach Marsh Flo-Dar open channel flow meter, which is widely accepted as the industry standard for sewer flow measuring, this was also the preferred instrument to be used by Byron Shire Council.

The flow monitors were installed so that recording period could commence before 1st December 2020. The aim was to measure sewer flows during dry and wet weather to ascertain the effects of rain events on the gravity sewer system.

20 EDS compared both the 2018-19 and 202-21 flow monitoring data to obtain a quantitative figure for the I&I reduction in the Mullumbimby network.

To ascertain the overall reduction to I&I and the improved wet weather load capacity of the Mullumbimby sewer network a like for like result projection has been determined using the existing data results and the specific reduction of I&I achieved with comparison to Sydney Water projects.

25 Having 24.35% of the Mullumbimby assessed network had reification works completed. This % when compared to results from Sydney Water, an estimated reduction of 30-50% to I&I.

30 EDS report summaries the results of the sewer flow monitoring between the two project periods. (attached; *Environmental Data Services Temporary Flow Gauging Report Mullumbimby November 2020 – May 2021, E2021/127616*)

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RECOMMENDATION:

That the committee note the report from Environmental Data Services.

5 Attachments:

- 1 Environmental Data Services
Temporary Flow Gauging Report
Mullumbimby November 2020 – May 2021, E2021/127616 , page 14 [↓](#)

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**Report No. 4.2 Byron STP Condition 9 Additional Load -
Quarterly Report**

Directorate: Infrastructure Services

Report Author: Dean Baulch, Principal Engineer, Systems Planning

5 **File No:** I2021/1611

Summary:

This report is for the Committee's information and reviews compliance with the Byron Bay Sewerage Augmentation Scheme - Conditions of Approval (2002).

10 Condition 9(iii) requires that sufficient reuse (recycled water) capacity be available before the acceptance of any additional load at the treatment plant.

15 In the years since the approval was granted (2002 to date) 2,727 Equivalent Tenements (ET) have been approved, resulting in an additional load of 1.61 ML/day at the treatment plant. The current day operating capacity of the reuse system equates to 2.02ML/day or 3,427ET. Therefore the reuse system provides sufficient capacity to accommodate the additional load as defined in the Conditions of Approval.

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RECOMMENDATION:

That the report is noted.

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Report

The relevant section from Condition 9 of the Approval is Condition 9(iii), which states, “Additional load at West Byron STP will not be accepted until: availability of sufficient reuse capacity to accommodate 100% of the volume of treated effluent generated by the additional load”.

- 5 “Additional Load” is defined in the report as “any sewage load resulting from development consents after the date of this approval”. Date of Approval is 9 December 2002.

- 10 From December 2002 through to the end of September 2021 2,727 additional sewer Equivalent Tenements (ET) have been approved by Council through development consents. This additional load (including approvals for secondary dwellings) is also adjusted (reduced) based on development applications that have been modified, withdrawn, refused or when the approval expires during the same period. Figure 1 shows the annual approved additional ET load from 2002 to 2021.

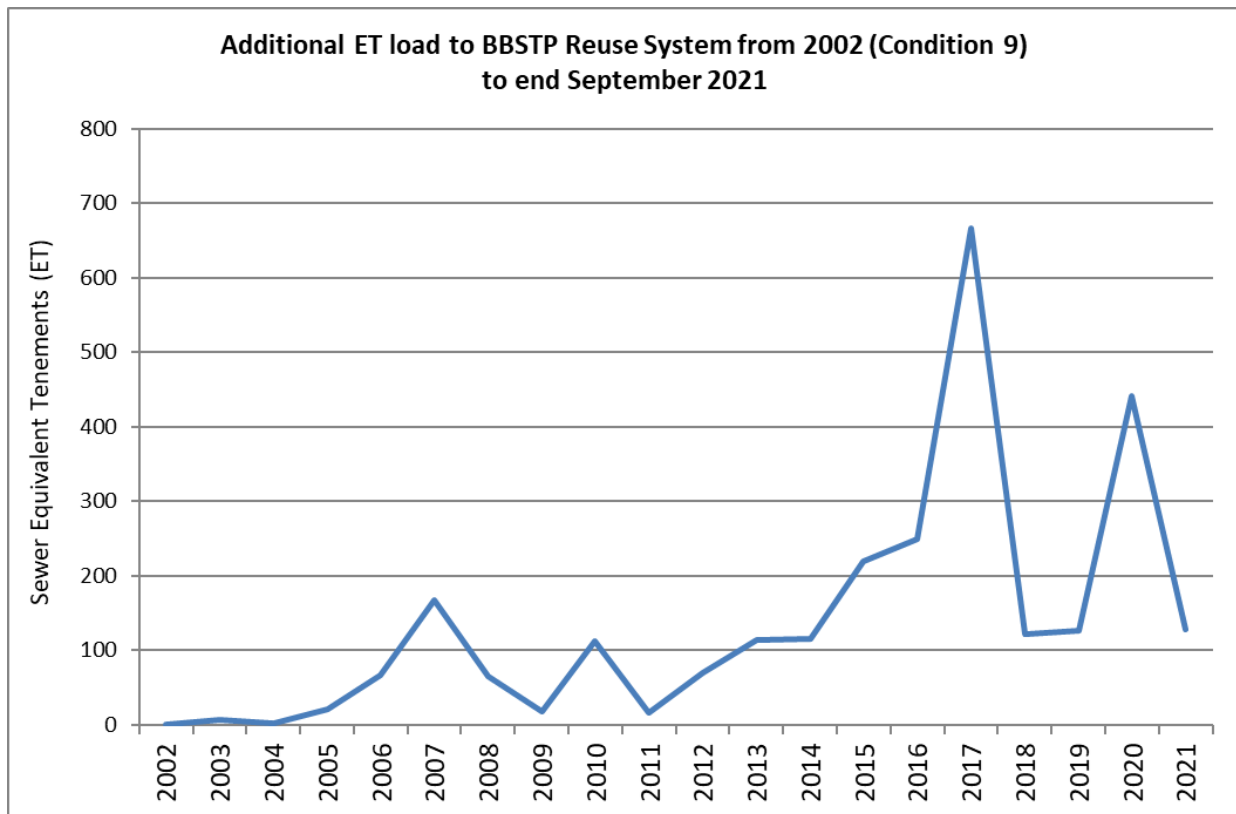


Figure 1 - Equivalent Tenements approved by Council from 2002-2021

- 15 The current day operating capacity of the reuse system to produce treated effluent is 26 Litres per second or 2.25ML/day less 10% of water for filter backwash purposes equates to 2.02ML/day or 3,427ET.

	Current Approved ET	Available Capacity (ET)
Condition 9(iii) Additional Load Calculation	2,727	-
Current effluent reuse system capacity 2020	3,427	700

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STAFF REPORTS - INFRASTRUCTURE SERVICES

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Therefore, the existing reuse system provides sufficient capacity to accommodate the additional load as defined in the Conditions of Approval.

Committee Report Tracking Summary: Condition 9. Additional Load at Byron STP	Current Approved ET	Difference (ET)
30 January 2020	2,408	-
30 July 2020	2,478	70
29 October 2020	2,508	30
18 February 2021	2,738	230
29 April 2021	2,749	11
19 August 2021	2,683	(66)
21 October 2021	2,727	44

Note that ET load is adjusted (reduced in some cases) based on development applications that have been modified, withdrawn, refused or the approval expires.

- 5 In terms of the actual reuse volumes for Byron Bay since the system was commissioned the following annual figures are provided:

Calendar Year	Total Urban Reuse Flows (ML)
2006	258.8
2007	336.1
2008	204.4
2009	174.5
2010	257.2
2011	287.4
2012	294.0
2013	287.2
2014	296.9
2015	261.9
2016	221.8
2017	257.3
2018	246.7
2019	424.7
2020	405.2
*2021 up to 30 Sept	299.7

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