

Water and Sewer Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 21 April 2022
Time	9.00am

Phillip Holloway
Director Infrastructure Services

I2022/376
Distributed 14/04/22

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. STAFF REPORTS

Infrastructure Services

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STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 3.1 Committee Constitution

Directorate: Infrastructure Services

5 **Report Author:** Rachel Barnden, Systems Support Officer

File No: I2022/363

Summary:

10 Attached is Draft Water and Sewer Advisory Committee Constitution 2022 to be ratified by the Committee

RECOMMENDATION:

15 **That the Committee ratify the Committee Constitution**

Attachments:

20 1 DRAFT Water and Sewer Advisory Committee Constitution 2022, E2021/148692 , page 7 [↓](#)

Report

The purpose of the Committee is to:

- a) develop policies for addressing the water and sewer cycle management needs and aspirations of the Shire's population in an ecologically sustainable way.
- b) develop strategies for natural resource management / demand management for water and sewer management within the Shire.
- c) recommend on strategies and plans that address water and sewer management issues in a regional/ broader context.

Legal/Statutory/Policy Considerations

- 5 The Constitution has been prepared with reference to Council's Code of Conduct and Code of Meeting Practice.

**Report No. 3.2 Byron STP Condition 9 Additional Load -
Quarterly Report**

Directorate: Infrastructure Services

Report Author: Dean Baulch, Principal Engineer, Systems Planning

5 **File No:** I2022/238

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) 2,791 Equivalent Tenements (ET) have been approved, resulting in an additional load of 1.65 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.

20

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 March 2022 there have been 2,791 additional Sewer Equivalent Tenements (ET) approved by Council via development consents. This additional load (including approvals for secondary dwellings) is also adjusted 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 March 2022.

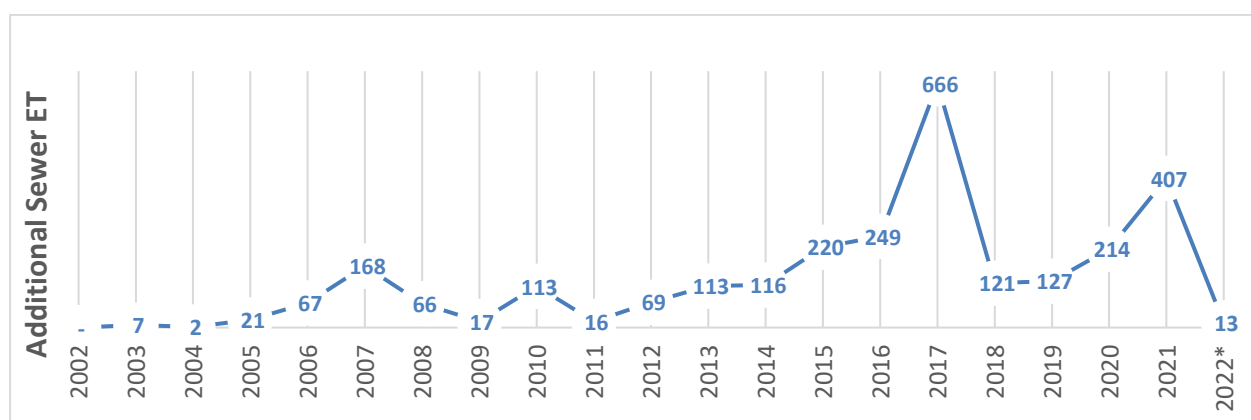


Figure 1 - Equivalent Tenements approved by Council from 2002-March 2022

- 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	2,791	-
Current effluent reuse system capacity 2022	3,427	636

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
18 March 2022	2,791	64

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

3.2

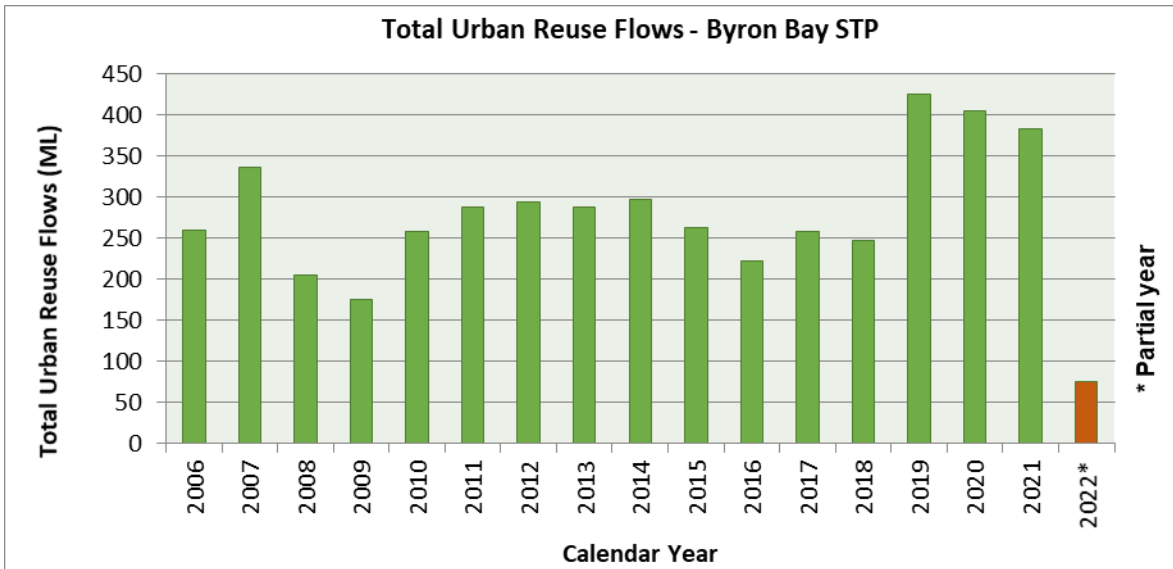
Note that ET load is adjusted (reduced in some cases) based on development applications that have been modified, withdrawn, refused or the approval expires.

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

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	257.8
2018	246.3
2019	425.3
2020	405.2
2021	382.5
2022*	74.8

* Partial year

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Report No. 3.3 Utilities Overview

Directorate: Infrastructure Services
Report Author: Cameron Clark, Manager Utilities
File No: I2022/291

5 **Summary:**

This is the first WWSAC meeting for the current adopted Council, therefore, Council staff have developed a presentation summarising Councils Utilities Departments services provided to Byron Shire Community. The presentation has been developed to allow for open discussion with the committee members.

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RECOMMENDATION:

- 15 1. **That the committee note the presentation: Infrastructure Services Utilities Overview Presentation to Water & Sewer Advisory Committee 21 April 2022 (E2022/32261)**

Attachments:

- 20 1 Infrastructure Services Utilities Overview Presentation to Water & Sewer Advisory Committee 21 April 2022, E2022/32261 , page 18 [↓](#)

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Report No. 3.4 Delivery Program - Workshop Session

Directorate: Infrastructure Services

Report Author: Heather Sills, Corporate Planning and Improvement
Coordinator

5 **File No:** I2022/365

Summary:

The *Byron Shire Community Strategic Plan 2032* is currently on public exhibition, as Council develops the associated Delivery Program and first year Operational Plan.

10 Council is seeking feedback from community and stakeholders into the development of the Delivery Program.

Advisory committees are asked to contribute to this process, specifically addressing the Community Objectives and Strategies related to their areas of interest and expertise.

15

RECOMMENDATION:

That the Water and Sewer Advisory Committee provide input into the development of the draft Delivery Program 2022-26.

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Report

5 The draft Community Strategic Plan (CSP) has been developed to guide long term future planning to meet the needs and aspirations of the community. This review was an opportunity for Council to consider the objectives and strategies which sit at the highest level of Council's planning hierarchy to set the framework for the Delivery Program.

Outcomes

The review of the Community Strategic Plan is an evolution of the 2028 Community Strategic Plan. The review has led to a revised 'vision' and redefined the five community objectives.

10 **Vision - Our Byron Shire is a 'meeting place': Where all people can come together to connect, share, grow, inspire, and create positive change.**

The *community objectives*, while retaining the five original themes, have been refreshed to ensure continuing relevance, based on feedback from the community.

15 The inclusion of values-based terminology at the heading level seeks to better reflect community values and aspirations: Effective, Inclusive, Nurtured, Ethical, and Connected.

The associated *strategies* have also been redefined and realigned with the community objectives to more clearly articulate the intended priorities and aspirations of the community. A summary is below:

20 **Community Objective 1: Effective Leadership** – We have effective decision making and community leadership that is open and informed.

Strategies:

- 1.1 Enhance trust and accountability through open and transparent leadership
- 1.2 Engage and involve community in decision making
- 1.3 Ethical and efficient management of resources

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- 1.4 Enhance organisation capability through innovative practices and regional partnerships
- 1.5 Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives

30 **Community Objective 2: Inclusive Community** – We have an inclusive and active community where diversity is embraced, and everyone is valued.

Strategies:

- 2.1 Foster opportunities to express, celebrate and participate in arts and cultural activity
- 2.2 Enhance safety and contribute to the physical, mental, and spiritual health and wellbeing of our people

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- 2.3 Respect Aboriginal culture, value cultural knowledge, and acknowledge history
- 2.4 Enrich lifelong learning and education and support services to help young people thrive
- 2.5 Create social impact and initiatives that address disadvantage

Community Objective 3: Nurtured Environment – We nurture and enhance our natural environment.

Strategies:

- 3.1 Partner to nurture and enhance our biodiversity, ecosystems, and ecology
- 5 3.2 Deliver initiatives and education programs to encourage protection of our environment
- 3.3 Protect the health of our coastlines, estuaries, waterways, and catchments
- 3.4 Support and empower our community to adapt to, and mitigate our impact on climate change
- 10 3.5 Minimise waste and encourage recycling and resource recovery practices

Community Objective 4: Ethical Growth – We manage growth and change responsibly

Strategies:

- 15 4.1 Manage responsible development through effective place and space planning
- 4.2 Enable housing diversity and support people experiencing housing insecurity
- 4.3 Promote and support our local economy
- 4.4 Foster sustainable visitation and the impacts of tourism on the Shire
- 20 4.5 Support a resilient community that can adapt and respond to change

Community Objective 5: Connected Infrastructure – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

Strategies:

- 25 5.1 Provide a safe, reliable, and accessible transport network
- 5.2 Connect the Shire through integrated transport services
- 5.3 Invest in renewable energy and emerging technologies
- 5.4 Provide accessible community facilities and open spaces
- 5.5 Provide continuous and sustainable water and sewerage management

30 **Delivery Program and Operational Plan**

Cascading out of the ten year strategies of the CSP come the four year actions in the Delivery Program. The Delivery Program outlines Council's commitment to the community on how it will work towards the CSP strategies during its term. The annual activities in the Operational Plan detail how Council works towards the Delivery Program year by year.

- 35 The Water and Sewer Advisory Committee is asked to consider and inform the development of the Delivery Program actions that contribute to the following strategies:

Community Objective 5: Connected Infrastructure – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

40 *Strategies:*

Provide continuous and sustainable water and sewerage management



A brief workshop session will be held as part of the meeting to provide opportunities for input and discussion.

5 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.2	Undertake a community engagement program to review and develop Council's Integrated Planning and Reporting framework documents

Legal/Statutory/Policy Considerations

The requirements for the Community Strategic Plan are governed by [Section 402](#) of the Local Government Act 1993.

- 10 Further requirements are outlined in sections 403-406 and in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

Financial Considerations

Not applicable.

Consultation and Engagement

- 15 This discussion forms part of the community engagement program, as outlined in the [Community Engagement Strategy](#) for the Community Strategic Plan.