

Notice of Meeting

Extraordinary Water and Sewer Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Wednesday, 28 September 2022
Time	10.30am

Phil Holloway
Director Infrastructure Services

I2022/1313
Distributed 21/09/22

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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions,

powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

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 for Previous Meeting

Directorate: Infrastructure Services


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

File No: I2022/1309

10 **RECOMMENDATION:**

That the minutes of the Water and Sewer Advisory Committee Meeting held on 18 August 2022 be confirmed.

15 **Attachments:**

1 Minutes 18/08/2022 Water and Sewer Advisory Committee, I2022/1077 , 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 and Sewer Advisory Committee Meeting of 18 August 2022 .

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Report to Council

The minutes will be reported to Council on 29 September 2022.

Minutes of Meeting
Water and Sewer Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 18 August 2022
Time	9.00am



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

WATER AND SEWER ADVISORY COMMITTEE MEETING MINUTES 18 AUGUST
2022

Minutes of the Water and Sewer Advisory Committee Meeting held on Thursday, 18 August 2022

File No: I2022/1077

PRESENT: Cr S Ndiaye, Cr D Dey, Cr M Lyon, (arrived at 9:15am)

Staff: Phil Holloway (Director Infrastructure Services)
Cameron Clark (Manager Utilities)
Rachel Barnden (Minute Taker)
Shelley Flower (Minute Taker)
Chris Larkin (Manager Sustainable Development)
Chris Borg (Barker Ryan Stewart)

Community: Ben Fawcett, David Fligelman, Elia Hauge

Cr S Ndiaye (Chair) opened the meeting at 9:07am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Cr C Coorey.

Committee Recommendation:

That the committee appoint Cr S Ndiaye as Chair

(Lyon/Dey)

The recommendation was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

WATER AND SEWER ADVISORY COMMITTEE MEETING MINUTES 18 AUGUST
2022

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Ben Fawcett declared a pecuniary/non-pecuniary interest. The nature of the interest being that his residence is close to Laverty's Gap.

David Fligelman declared a pecuniary/non-pecuniary interest in Report 4.3. The nature of the interest being that he currently has a tender for potable reuse investigations under assessment by Rous Water.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting
File No: I2022/960

Moved:

That the minutes of the Water and Sewer Advisory Committee Meeting held on 21 April 2022 be confirmed.

(Ndiaye/Dey)

The recommendation was put to the vote and declared carried

Note: The minutes of the meeting held on 21 April 2022 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 26 May 2022.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Committee Constitution
File No: I2022/957

Committee Recommendation:

That Council adopt the constitution E2021/148692 with the following amendments

Section 2 Purpose:

The purpose of the Committee is to:

a) develop policies and programs that address the water and sewer needs and aspirations of the Shire's

WSAC Water and Sewer Advisory Committee Meeting

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STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Safe and Secure Yield

Directorate: Infrastructure Services

5 **Report Author:** Cameron Clark, Manager Works

File No: I2022/1281

Summary:

Council is currently preparing a long-term strategy for Mullumbimby water supply to ensure that it can meet future water demand.

10 The need for a long-term water supply strategy for Mullumbimby is based on the following findings from previous studies:

- The current demand for water is similar to the secure yield at Laverty’s Gap Weir and if the worst drought on record were to repeat, the current supply would not meet demand.
- 15 - Mullumbimby’s demand for water is increasing with development and population growth.
- The Mullumbimby WTP requires upgrades to ensure consistent supply of microbially safe water in the short-term and is ageing and requires replacement.
- The raw water supply channel is in poor condition and is at risk of failure.




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RECOMMENDATION:

That the Committee notes the report.

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Attachments:

- 1 Mullumbimby Water Supply Strategy (IWCM) Hydrosphere July 2022, E2022/73055 , page 20 
- 30 2 Mullumbimby Water Supply Strategy Questions for Ex WSAC 28.09.2022 - Elia Hauge, E2022/92642 , page 238 
- 3 3 Mullumbimby Water Supply Strategy Questions for Ex WSAC 28.09.2022 - Ben Fawcett, E2022/92641 , page 241 

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Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health guidelines	5.5.1.9	Mullumbimby - Emergency Water Supply Detailed Design
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health guidelines	5.5.1.16	DWMP Improvements
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health guidelines	5.5.1.8	Mullumbimby WTP - Asset Management
5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health guidelines	5.5.1.14	Asset Management Plans / Asset Management System

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

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reliable				
<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable</p>	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health guidelines	5.5.1.15	Development Servicing Plan
<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable</p>	5.5: Provide continuous and sustainable water and sewerage management	5.5.2: Wastewater management - Manage effluent in an ecologically sustainable way that ensures public health and protects and enhances the natural environment	5.5.2.12	Review Recycled Water Management Strategy
<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable</p>	5.5: Provide continuous and sustainable water and sewerage management	5.5.2: Wastewater management - Manage effluent in an ecologically sustainable way that ensures public health and protects and enhances the natural environment	5.5.2.5	Byron Bay - Section 60 Reuse Water System Upgrade
<p>5: Connected Infrastructure We have connected infrastructure, transport, and facilities that are safe,</p>	5.5: Provide continuous and sustainable water and sewerage management	5.5.1: Water supply - Provide a continuous water supply that is maintained in accordance with NSW Health	5.5.1.3	Mullumbimby - Tuckeroo Ave Watermain Construction

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

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accessible, and reliable		guidelines		
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Recent Resolutions

21-239 **Resolved** that Council adopts the following Committee Recommendations:

Report No. 4.1 Mullumbimby Future Water Strategy

File No: I2021/781

Committee Recommendation: 4.1.1

That Council:

1. Recognises that for the Mullumbimby township there are 2 water supply issues being considered at the moment, one being a potential drought next summer and the other being the long-term future water supply strategy.
2. Undertakes works to complete the connection of the emergency supply to the rest of Mullumbimby.
3. In relation to a long term strategy, firms up the management options including recognising the environmental impacts of each option, inclusive of impacts of Rous's own options (for options that use Rous water).
4. Aims to produce a draft long-term strategy to go to a Strategic Planning Workshop with a view to putting the strategy on public exhibition.

(Ndiaye/Spooner)

22-171

Resolved:

- 1. That during Stage 2 of the IWCM Strategy (beyond 2028) further investigation into the groundwater supplies at Tyagarah Byron Shire, will be undertaken by Rous County Council to confirm infrastructure requirements and assess environmental impacts.**
- 2. That during Stages 1 and 2, Rous County Council will continue investigations into the preferred long-term source augmentation strategy (Stage 3 options) which may include (around 2040):**
 - i) Expansion of the Tyagarah groundwater scheme (if viable).**
 - ii) Desalination of ocean feedwater at Byron Bay.**
 - iii) A regional desalination facility with interconnection of the Tweed and Rous County Council regional supplies.**
 - iv) Surface Water Supplies**
- 3. That a draft of the Rous County Council Regional Demand Management Plan 2023 - 2026 will be on public exhibition during 2022**
- 4. That, in relation to its long term water supply strategy for Mullumbimby, Council:**
 - a) firms up its four management options including recognising the environmental impacts of each option, inclusive of impacts of Rous's own options (for options that use Rous water).**
 - b) adds to Scenario S4 an alternative new groundwater source namely to buy back existing licences around Tyagarah.**
 - c) reports that revised information to a meeting (extraordinary if necessary) of the Water & Sewer Advisory Committee.**
 - d) aims to produce a draft long term strategy to go to a Strategic Planning Workshop with a view to putting the strategy on public exhibition during 2022.**

(Dey/Ndiaye)

