

Notice of Meeting

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, 20 October 2022
Time	9.00am

Phil Holloway
Director, Infrastructure Services

I2022/1484
Distributed 14/10/22



BYRON
SHIRE
COUNCIL

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

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2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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4. STAFF REPORTS

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Infrastructure Services

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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: I2022/1464

10 **RECOMMENDATION:**

That the minutes of the Water and Sewer Advisory Committee Meeting held on 28 September 2022 be confirmed.

Attachments:

15 1 Minutes 28/09/2022 Water and Sewer Advisory Committee Extraordinary, I2022/1319 , 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 28 September 2022 .

5

Report to Council

The minutes will be reported to Council on 27 October 2022.

Minutes of Meeting
Extraordinary Water and Sewer Advisory
Committee Meeting

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



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

EXTRAORDINARY WATER AND SEWER ADVISORY COMMITTEE MEETING
MINUTES 28 SEPTEMBER 2022

Minutes of the Extraordinary Water and Sewer Advisory Committee Meeting held on Wednesday, 28 September 2022

File No: I2022/1319

PRESENT: Cr M Lyon, Cr D Dey

Staff: Phil Holloway (Director Infrastructure Services)

Cameron Clark (Manager Utilities)

Dominika Tomanek (Minute Taker)

Community: Ben Fawcett, David Fligelman, Elia Hauge

Visitor: Robyn Campbell, Robyn Campbell

Cr Lyon (Chair) opened the meeting at 10:39 am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Cr S Ndiaye

Cr C Coorey

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

David Fligelman declared a pecuniary/non-pecuniary interest in Report 4.1. The nature of the interest being that he currently has a tender for potable reuse investigations under assessment by Rous Water.

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

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

WSAC Extraordinary Water and Sewer Advisory Committee Meeting

page 3

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

EXTRAORDINARY WATER AND SEWER ADVISORY COMMITTEE MEETING
MINUTES 28 SEPTEMBER 2022

Report No. 3.1 Adoption of Minutes for Previous Meeting
File No: I2022/1309

Committee Recommendation:

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

(Dey/Hauge)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Safe and Secure Yield
File No: I2022/1281

Committee Recommendation:

1. That the Council:
 - a) notes the report
 - b) defers the report to next committee meeting and invite the Rous representatives to discuss regarding future water supply.
2. That committee receives report on integrated water cycle management in the shire.

(Dey/Hauge)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 12:51 pm.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 Review of Council's Onsite Sewage Management Strategy 2001 and Onsite Sewage Management Guidelines 2004

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Directorate: Sustainable Environment and Economy
Report Author: Tim Connors, Team Leader Environmental Health
File No: I2022/934

Summary:

10 Council's Environmental Health team together with Tim Fitzroy of Fitzroy & Associates, have conducted a review of Council's Onsite Sewage Management Strategy 2001 and Onsite Sewage Management Guidelines 2004.

15 The review of both documents resulted in the drafting of a new Onsite Sewage Management Strategy and Onsite Sewage Management Guidelines. The Water and Sewer Advisory Committee is a key stakeholder group to be involved in the revision of these documents. As such, it is requested that the attached newly drafted Strategy and Guidelines be reviewed by the committee members prior to both documents being reported to Council seeking endorsement for public exhibition.

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RECOMMENDATION:

That the Water and Sewer Advisory Committee notes:-

- 25
- 1. The draft Onsite Sewage Management Strategy and draft Onsite Sewage Management Guidelines; and**
.
 - 2. That both documents will be reported to Council seeking endorsement for public exhibition.**

30

Attachments:

- 1 Draft Onsite Sewerage Management Strategy, E2022/97265 , page 16  
2 Draft Onsite Sewerage Management Guidelines, E2022/97263 , page 47  

35

Report

5 Council’s Onsite Sewage Management Strategy and Onsite Sewage Management Guidelines have been in place since 2001 and 2004, respectively. Due to ongoing changes since that time, deficiencies in Council’s current strategy and guidelines have been identified by Council staff, designers, and installers. To overcome these deficiencies, Council’s Environmental Health Team engaged Tim Fitzroy of Fitzroy and Associates to review and update Council’s documents.

10 Following benchmarking against best practice OSMS policies throughout Australia, Council’s Environmental Health Team together with Tim Fitzroy of Fitzroy and Associates have conducted several workshops which resulted in the production of the revised draft Onsite Sewage Management Strategy and Onsite Sewage Management Guidelines documents.

The revised strategy and guidelines are attached to this report for consideration by the Water and Sewer Advisory Committee.

15 **Strategic Considerations**

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.1: Enhance trust and accountability through open and transparent leadership	1.1.1: Leadership - Enhance leadership effectiveness, capacity, and ethical behaviour	1.1.1.1	Coordinate Council's annual policy review program, update and publish adopted policies
1: Effective Leadership We have effective decision making and community leadership that is open	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision	1.2.1.1	Provide opportunities for the community to have input, comment and feedback to Council on projects and matters of interest.

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

and informed		making		
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.1: Community-led decision making - Engage with community to inform Council decision making	1.2.1.2	Support staff to consider communication and engagement as part of all project development and implementation.
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of expertise	1.2.4.1	Coordinate and support Advisory Committees to assist with effective Council decision making

Recent Resolutions

- 13–135 (14/03/2013)
- 07-231 (10/05/2007)

Legal/Statutory/Policy Considerations

- 5
- Protection of the Environment Operations Act 1997
 - Local Government Act 1993
- 10
- Local Government (General) Regulation, 2005.
 - Byron Shire Council (2018). Policy No. 14/009. On-Site Sewage management Systems in Reticulated Areas. Adopted by Council 22 May 2003. Last review date: September 2014.

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

- Byron Shire Council (2001). On-site Sewage Management Strategy. November 2001.
- 5 • Byron Shire Council (2004). Design Guidelines for On-site Sewage Management for Single Households. 1 December 2004.
- Byron Shire Council Community Engagement Policy 2018.

Financial Considerations

10 N/A

Consultation and Engagement

- Council's Environmental Health Team have conducted several workshops with Tim Fitzroy of Fitzroy and Associates.
- 15 • Benchmarking against other Onsite Sewage Management Policies, particularly the policies of neighbouring Local Government Authorities.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.2 Management of Bamboo at Bangalow STP

Directorate: Infrastructure Services

5 **Report Author:** Dean Baulch, Principal Engineer, Systems Planning

File No: I2022/1285

Summary:

The Bangalow STP land covers three land parcels [36.4Ha], the bamboo crop occupies a region of approximately 4.4Ha of the Bangalow STP lands.

10 The Bamboo is at a stage that it needs to be harvested and/or removed to make way for an activity that reuse water would be best suited.

Utilities staff intend to draft a Land Management/Masterplan document for the site in the near future.

15 **Report**

Thus report comes from a request of Cr Dey: "I'd like to know what management and performance assessments have been done for the bamboo plantation, which I didn't realise is so big (area and size)"

The Bangalow STP land covers three land parcels [36.4Ha] adjacent to Dudgeons Lane.

Title	Area, m²
Lot 31 DP1034122	286,791.09
Lot 1 DP556233	40,471.13
Lot 33 DP1034122	36,488.63
TOTAL	363750.85



The subject land is operational land and doesn't require a plan of management like 'community land'.

The Bamboo crop occupies a region of approximately 4.4Ha of the Bangalow STP lands.



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Performance of the Bamboo crop has not been monitored for some time. The Bamboo is at a stage that it needs to be harvested and/or removed to make way for an activity that reuse water would be best suited.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.2

Utilities staff intend to draft a Land Management/Masterplan document for the site in the near future.

Financial Considerations

- 5 The reuse system for the Bamboo crop is out of service and needs serious maintenance budget to return it to service. Approximately \$200,000.

10

RECOMMENDATION:

That a Master Plan for the Bangalow STP lands be drafted for Council

15

Report No. 4.3 Utilities Overview

Directorate: Infrastructure Services
Report Author: Cameron Clark, Manager Works
File No: I2022/1331

5 **Summary:**

Council staff have developed a presentation summarising the services provided to Byron Shire Community by Councils Utilities Branch. The presentation has been developed to allow for open discussion with committee members.

22-203 Resolved that Council adopts the following Committee Recommendations:

Report No. 3.3 Utilities Overview

File No: I2022/291

Committee Recommendation 3.3.1

1. That Council notes the presentation: Infrastructure Services Utilities Overview Presentation to Water & Sewer Advisory Committee 21 April 2022 (E2022/32261).
2. This summary to continue at the next Water and Sewer Advisory Committee.

(Lyon/Ndiaye)

Minutes of the Water and Sewer Advisory Committee Meeting held on Thursday, 18 August 2022 File No: I2022/1484

Report No. 4.2 Utilities Overview
File No: I2022/653

Committee Recommendation:

That the item be moved to the next meeting

(Ndiaye/Fawcett)

The recommendation was put to the vote and declared carried.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.3

RECOMMENDATION:

That the committee notes the presentation.

Attachments:

- 5 1 Utilities Overview, E2022/32261 , page 112 [↓](#) 