

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	Friday, 19 July 2024
Time	10:00 AM

Phil Holloway
Director Infrastructure Services

I2024/1041
Distributed 11/07/24



**BYRON
SHIRE**

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)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

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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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS


Report No. 3.1 Adoption of Minutes from Previous Meetings

5 **Directorate:** Infrastructure Services
File No: I2024/984

10 **RECOMMENDATION:**

That the minutes of the Water and Sewer Advisory Committee Meeting held on 30 May 2024 be confirmed.

15 **Attachments:**

1 Minutes 30/05/2024 Water and Sewer Advisory Committee, I2024/863 , page 9 [↓](#) 

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 30 May 2024 .

Report to Council

- 5 The minutes were reported to Council on 27 June 2024.

Comments

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

- 24-001 Resolved that** Council notes the minutes of the Water and Sewer Advisory Committee Meeting held on 30 May 2024. (Lyon/Ndiaye)

- 24-002 Resolved that** Council adopts the following Committee Recommendation:

Report No. 3.1 Adoption of Minutes from Previous Meeting

File No: I2024/752

Committee Recommendation 3.1.1

That the minutes of the Water and Sewer Advisory Committee Meeting held on 21 March 2024 be confirmed. (Lyon/Ndiaye)

- 24-003 Resolved that** Council adopts the following Committee Recommendations:

Report No. 4.1 Infrastructure Services Utilities Monthly status Report - February - April 2024

File No: I2024/750

Committee Recommendation 4.1.1

1. That the Water and Sewer Advisory Committee notes the report.
2. That Council writes to the Federal Minister for Communications and Minister for Emergency Management, with a copy to the Australian Local Government Association, asking for changes in federal legislation to reduce the stranglehold that Telcos have on Council's infrastructure such as critical water supply reservoirs. (Lyon/Ndiaye)

10

- 24-004 Resolved that** Council adopts the following Committee Recommendations:

Report No. 4.2 Incident Response Plan and Information Update

File No: I2024/763

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Committee Recommendation 4.2.1

1. That the Water and Sewer Advisory Committee notes the report.
2. The Water and Sewer Advisory Committee thank staff for detailed reporting.

(Lyon/Ndiaye)

Minutes of Meeting
Water and Sewer Advisory Committee
Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 30 May 2024
Time	11.30am



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

WATER AND SEWER ADVISORY COMMITTEE MEETING MINUTES 30 MAY 2024

Minutes of the Water and Sewer Advisory Committee Meeting held on Thursday, 30 May 2024

File No: I2024/863

PRESENT:

Councillors:	Cr Cate Coorey	Apology
	Cr Michael Lyon	Present
	Cr Sarah Ndiaye (Chair)	Present
	Cr Duncan Dey	Present
Staff:	Phil Holloway (Director Infrastructure Services)	Present
	Cameron Clark (Manager Utilities)	Present
	Peter Trute (Communications Consultant)	Present
	Chloe Woods (Minute taker)	Present
Community:	Elia Hauge	Apology
	David Fligelman	Present
	Ben Fawcett	Present
	Bruce Clarke	Present

Cr Sarah Ndiaye (Chair) opened the meeting at 11:38am and acknowledged that the meeting was being held on Bundjalung Country.

ATTENDANCE VIA AUDIO-VISUAL LINK:

There were no attendances via audio visual link

APOLOGIES:

Apologies were received from Cr Cate Coorey and Elia Hauge.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

WATER AND SEWER ADVISORY COMMITTEE MEETING MINUTES 30 MAY 2024

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting
File No: I2024/752

Committee Recommendation:

That the minutes of the Water and Sewer Advisory Committee Meeting held on 21 March 2024 be confirmed. (Fawcett/Clarke)

The recommendation was put to the vote and declared carried.

Note: The minutes of the meeting held on 21 March 2024 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 18 April 2024.

OTHER BUSINESS

The Water and Sewer Advisory Committee are seeking to hold an Extraordinary meeting on 19 July 2024 from 10am to 1pm with all Councillors to be invited to review the Consultation Report on the Mullumbimby water supply. Mayor Michael Lyon will write to the General Manager to request the Extraordinary meeting in accordance with the Committee's Constitution.

David Fligelman joined the meeting at 11:43am.

Peter Trute joined the meeting at 11:52am, left the meeting at 12:31pm and did not return.

The meeting adjourned at 12:31pm for a short break and reconvened at 12:36pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Infrastructure Services Utilities Monthly status Report - February - April 2024
File No: I2024/750

Committee Recommendation:

- 1. That the Water and Sewer Advisory Committee notes the report.**
- 2. That Council writes to the Federal Minister for Communications and Minister for Emergency Management, with a copy to the Australian Local Government Association, asking for changes in federal legislation to reduce the stranglehold that Telcos have on Council's infrastructure such as critical water supply reservoirs.** (Dey/Fligelman)

The recommendation was put to the vote and declared carried.

WSAC Water and Sewer Advisory Committee Meeting

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BYRON SHIRE COUNCIL

BYRON SHIRE COUNCIL

WATER AND SEWER ADVISORY COMMITTEE MEETING MINUTES 30 MAY 2024

Report No. 4.2 Incident Response Plan and Information Update
File No: I2024/763

Committee Recommendation:

1. That the Water and Sewer Advisory Committee notes the report.
2. The Water and Sewer Advisory Committee thank staff for detailed reporting.
(Dey/Lyon)

The recommendation was put to the vote and declared carried.

FOR INFORMATION ONLY

Report No. 6.1 Development Assessment
File No: I2024/746

There being no further business the meeting concluded at 1:31pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Mullumbimby Water Supply Strategy Public Consultation Report

5 **Directorate:** Infrastructure Services
Report Author: Cameron Clark, Manager Utilities
File No: I2024/1032

Summary:

10 Byron Shire Council is considering solutions for long-term water security in Mullumbimby due to increasing water demand and inadequate supply from Lavertys Gap weir.

A report by Hydrosphere Consulting identified four scenarios: continue using Lavertys Gap, build an off-stream reservoir, connect to the regional water supply by Rous County Council, or use a new groundwater source. The recommended option is to connect to the regional supply.

15 Public consultation was conducted from June 3 to June 30, 2024, involving a survey and various engagement activities. The survey received 433 submissions. Key findings include:

1. High importance placed on maintaining a separate local water supply.
2. Security of supply, environmental, and economic outcomes deemed very important.
3. Neutral stance on cost-sharing, with a slight preference for distributing costs across Byron Shire.
- 20 4. Majority opposition to connecting to the regional water supply.
5. Scenario 2 (off-stream reservoir) received the most first preferences.

A detailed report on public consultation results is attached.

25

RECOMMENDATION:

That the Committee notes the report.

Attachments:

- 30 1 Mullumbimby Water Supply Strategy Public Consultation Report July 2024, E2024/80095 , page 17  

Report

5 Byron Shire Council is to decide on a solution to provide long-term water security to the town of Mullumbimby. Mullumbimby's demand for water is increasing with development and population growth and water management consultants have concluded that the current water supply, from Lavertys Gap weir on Wilsons Creek, cannot meet forecast demand without the potential for more frequent and severe water restrictions. The current, ageing water system must be upgraded and a new water source is needed to provide future water security.

10 Council commissioned water management consultants Hydrosphere Consulting to look at options for securing Mullumbimby's water supply to 2050 and beyond. Hydrosphere's 2021 report, which is available on Council's website, identified four viable scenarios:

- 1) Keep drawing water from Lavertys Gap weir with no new water sources;
- 2) Build an off-stream storage reservoir between the weir and the town to store high river flows that would normally overtop the weir
- 3) Permanent connection to the regional water supply operated by Rous County Council
- 15 4) Supplementing Mullumbimby's water supply from a new groundwater source.

The consultants and Council's engineering staff recommended Scenario 3 based on the report's environmental, economic and social assessment.

Public consultation

20 Council resolved at its August, 2023 meeting to undertake community consultation on the findings of the report prior to deciding on a course of action.

25 In April 2024, Council retained communications consultant Peter Trute, author of this report, to conduct the consultation ahead of a decision by Council at its August, 2024 meeting. A stakeholder engagement plan was created and a communications campaign was developed to provide key stakeholders and the broader Byron Shire community with clear, accessible explanations of the findings of the report and the recommendations of the consultants and council staff, and to provide an opportunity for feedback.

30 Information was published on the Your Say section of Council's website and a survey was created for submissions during the public exhibition period from June 3 to June 30, 2024. The public exhibition and survey were promoted via Council newsletter, social media, print and radio advertising, media releases, market stalls and public information sessions. Stakeholder engagement included media interviews, public information sessions and meetings with representatives of the Mullumbimby Residents' Association and Water Northern Rivers.

A detailed report on the public consultation and stakeholder engagement activities is provided in Chapter 3.

35 Results of public exhibition period and online survey

The "Have your say on securing Mullumbimby's water supply" Your Say page received 976 page views during the public exhibition period and was the third-most-viewed Your Say page for the April-June 2024 quarter.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

The survey asked participants to respond to five questions and provided two free text fields for further comments.

The questions were:

- 5 1) How important is it to you that the town remains on a separate local water supply? (ranked from Not at all important to Extremely important)
- 2) Which issues are most important for you when considering Mullumbimby's future water supply – security of supply, environmental outcome, economic outcome (ranked from Not at all important to Extremely important)
- 10 3) Please indicate your support for the following options for meeting this cost – higher water rates in Mullumbimby, cost shared equally across Byron Shire (ranked from Strongly oppose to Strongly favour)
- 4) Do you support the recommendation to connect Mullumbimby to the regional water supply operated by Rous County Council? (options: Yes, Unsure/Neutral, No)
- 5) Please rank the scenarios listed below in order of preference (Scenarios ranked from 1 to 4)
- 15 A total of 433 submissions were received.

For Question 1, the majority of responses ranked maintaining a separate water supply as extremely important.

For Question 2, the majority of responses ranked security of supply, environmental outcome and economic outcome as extremely important.

- 20 For Question 3, the majority of responses were Neutral, followed by favouring sharing of cost across Byron Shire

For Question 4, the majority of responses did not support the recommendation to connect to the regional water supply.

For Question 5, the largest number of first preferences were for Scenario 2.

- 25 A detailed analysis of the results is provided in Attachment 1 of this report.



MULLUMBIMBY WATER SUPPLY STRATEGY

Public consultation report

Public engagement activity and community feedback on
scenarios identified for Mullumbimby's future water supply

Prepared by Peter Trute
Communications Consultant

July 2024

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