



ORDINARY MEETING OF
COUNCIL FOLLOWING POLICY
COMMITTEE

27 June 2018

His Worship the Mayor & Councillors

Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday, 4 July 2018

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 4 July 2018 commencing at approximately 6.15 pm (or immediately following the conclusion of the Policy Committee).

A handwritten signature in blue ink, appearing to read "DJS", is positioned above the typed name of the General Manager.

D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 4 JULY 2018

1. 6:15 PM - MEETING COMMENCES

2. APOLOGIES

3. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

4. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

* DIRECTOR ENGINEERING SERVICES' REPORT

5. RESCISSION MOTIONS

**1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 –
ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET,
BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW
HOLLIS & MRS MP HOLLIS (DA/2018/56)**

RESOLVED: That Council:

(a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.

(i) The development will not have a negative impact on the streetscape in Stanley Street

(b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse
Cr Graeme Hanger
Cr Jacqui Rudge

6. RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

Recommendation: That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005,:

- 1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
- 2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
- 3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

*** DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066 KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST (22.00219)	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.

- 7. RESOLVE INTO OPEN COUNCIL**
- 8. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**
- 9. MEETING CLOSE**

DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

4 JULY 2018

**1 ITEM INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE
(22.00219) (22.00999)**

Recommendation: That the information be noted.

Report: The following item has been included in the confidential section of the business paper for Council's consideration:

**1 PROPOSED BOUNDARY ADJUSTMENT OF LAND AT PART LOT 12 DP1040066
KNOWN AS 176 RUSSELL STREET WITH PART LOT 4, SECTION 7 DP758065 AND
PART LOT 3, SECTION 7 DP758065 KNOWN AS 133-137 KEPPEL STREET BATHURST**

This report relates to the proposed boundary adjustment at part Lot 12 DP1040066 known as 176 Russell Street, Bathurst, with part Lot 4, Section 7 DP758065 and part Lot 3, Section 7 DP758065 known as 133 -137 Keppel Street, Bathurst, subject to development consent.

Financial Implications: There are no financial implications resulting from this report.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 1: Our sense of place and identity Strategy 1.5

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



A Jones
**DIRECTOR
CORPORATE SERVICES & FINANCE**

DIRECTOR ENGINEERING SERVICES' REPORT

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

4 JULY 2018

1 HILLVIEW WATER (32.00023)

Recommendation: That Council does not supply additional water to the Hillview Estate.

Report: In the 1980's the former Evans Shire undertook a land development project, now known as the Hillview Estate. Approximately 30 rural residential lots were created and subsequently developed. As part of this project, a reticulated water supply was installed which made use of a bore, which pumped water to two reservoirs, totalling 270 KL. From the reservoirs, the water gravity feeds to the residents' raw water tanks. Residents are required, under the terms of Development Application Approval, to have a distinctly separate supply of tank water fed by rain water for domestic consumption and fire fighting purposes. The original bore had a history of problems, collapsed and was abandoned. A replacement bore was installed and commissioned. Due to periodic drought and the failure of the bore during these times, a second bore was considered.

Accordingly, a review of the aquifers was undertaken and a second bore installed in 2005 after the amalgamation of the former Evans Shire and Bathurst Council. This occurred when funds were made available by the amalgamated Council. At this time, instrumentation was also upgraded and remote monitoring installed to more efficiently manage the flows from the bores.

Development of the Estate

The Hillview Estate was developed in two stages. Stage 1 centred on Valley View Close and Stage 2 centred on The Ridgeway. When the Estate was initially advertised for sale, a promotion with the former Evans Shire logo indicated that the estate had a reticulated raw water supply. Residents of the estate have corresponded with Council in the past citing this document as an indication that the water supply was guaranteed by Council.

A review of available documentation has been undertaken in relation to Council's commitment to maintain this water supply, in the event of the water source failing. No evidence of any such commitment is available. Original Development Application conditions requesting individual homes to have sufficient rainwater tanks to supply all domestic water and firefighting requirements are cited.

Condition 3 of development application for properties at Hillview in 1983 requires that adequate potable water storage be provided for each property (85,000 litres).

Evans Shire Council Water Supply Policy of 28 March 2003 states the following distinct water requirements for firefighting purposes:

Dwelling Size m²	Stored Litres
Less than 150	40,000
150-200	65,000
250 and greater	85,000

Previous Correspondences with Residents

On 24 November 2006, Residents were advised in writing that a reduction in bore yield had been detected and residents were requested to decrease water consumption. Further advice was given stating that "*even with the most stringent restrictions the bore may run dry*".

On 31 January 2007, Bathurst Regional Council resolved that:

“in the event of a failure of the water source for the Hillview Water Supply, Council would augment the supply by a single filling of the reservoirs (total water 270,000 litres) on one occasion only, to allow residents to make alternative arrangements, and then close the supply until such time as the water source again becomes available, and further, that the Hillview Supply customers be advised that Council does not guarantee supply ”.

On 5 February 2007, Council wrote to all residents stating that *“if the situation arises that water is no longer available for the Estate, Council will contact all residents and advise them of this situation. Once this is done, Council will fill the estate reservoirs once to allow those affected, time to make alternative arrangements.”* .

On 15 February 2007, Council responded to questions from the State Member for Bathurst outlining that:

- The Hillview supply is non potable and the residents should not have the raw water connected to potable outlets.
- No viable alternative water supply was available for the residents of Hillview.
- Bathurst Regional Council had provided funds to secure the provision of a second bore in 2005.
- Other non-potable sources of water supplied by Council, such as the Winburndale supply, were also not guaranteed.

On 6 March 2007, Council wrote to the residents concerning water security further stating *“should the aquifer run dry Council would fill the reservoir once from the city’s water supply”*.

On 15 August 2007, Council resolved to note the report of 31 January 2007 that *“in the event of a failure of the source for the Hillview water supply, Council would augment the supply by a single filling of the reservoir on one occasion only to allow residents to make alternative arrangements and then close the water supply until such time as the water source again becomes available ”*.

On 23 November 2012, Council wrote to residents at Hillview advising that the bores were running low and asking residents to conserve water.

On 26 November 2012, Council advised all resident that bores had run dry and water carting would commence for 3 days from the 28 November 2012 to allow residents to make alternative arrangements.

On 18 December 2012, at a meeting between the Hillview Estate residents and Council the following was minuted:

- Short term
 - Council will deliver water if the bore runs dry. (as previous correspondence – equal to the volume of the reservoir).
 - Residents should develop an emergency water restriction plan.
 - Water committee should develop a flyer for notification of residents.
 - Emergency telephone number is 6334 2795.
- Medium Term
 - Residents should check where their water supply is going in their house.
 - Water committee should develop a system for monitoring water levels and implementing water restrictions.

- Long Term
 - Water committee should consider being an incorporated association.
 - Residents should consider purchasing personal water tanks.
 - A pipeline from Winburndale is not economically viable.

Subsequent to this meeting, Council replaced the level indicator on the reservoirs with two highly visible indicators. Doing so allowed residents to quickly check the level of the tanks themselves. Additionally, Council made available extracts from the Bathurst Regional Council Drought Management Plan on water restrictions for the Hillview Water Committee to consider.

Since 2004 Council has been writing annually to all residents connected to the raw water supply advising that the water is not fit for drinking and alerting residents to the limited capacity of the bores to meet supply during extended dry times.

On the 5 April 2018, Council wrote to all residents at Hillview stating in part “*Due the extended dry spell one of the two bores used to supply Hillview with water has run dry. The second bore is limited in capacity and the reservoir is currently at 38%* ”.

On the 8 April 2018, the reservoir fell to 17% capacity and residents were advised that the equivalent capacity of the reservoirs would be supplied by water cart by Council. During which time residents should make alternative arrangements to supply raw water for non-drinking purposes.

Current Situation – June 2018

As stated previously, on 5 April 2018 residents were notified of the impending failure of the bores, and subsequently notified when the bores had failed.

In accordance with previous similar situations, Council then supplied an amount of water equivalent to the capacity of the existing water reservoirs (270KL). During which time residents were encouraged to make alternative arrangements for their raw water supply.

Council commenced carting water on 9 April and finished carting water on 12 April during which time 270,000 litres had been provided.

Every year, and as recently as September 2017, residents are reminded in writing that “*they are requested to ensure that a separate potable supply is maintained for domestic consumption independent of the bore supply*” and “*Council wishes to advise residents of its best endeavours to maintain the non-potable supply, however prolonged dry spells in summer in the past have resulted in demand exceeding supply and the ability of the bore to maintain an effective water supply in the reservoirs*”.

It should be noted that the other Council operated raw water system from Winburndale dam is not guaranteed. This supply frequently breaks down due to the age of the pipeline and residents have to rely on tank water or arrange for private water carters to supply them. All residents on raw water supplies are advised annually that the water supply is not guaranteed. In the drought of 1983, Winburndale dam dried up and no water was supplied to the rural residents connected to the Winburndale pipeline.

Note at the Policy Committee Meeting held 6 June 2018, Council resolved to immediately reduce the cost of water available from Hereford Street standpipes from \$5.00/KL to \$2.50/KL. This same offer is available to all Bathurst residents, including those from surrounding villages.

Council will continue to manage the supply as efficiently as possible and advise residents when water supply is at risk or the situation changes.

Financial Implications: There are no financial implications should Council accept the

recommendation.

Should Council resolve to supply water to Hillview, it would be advised to limit the supply to 2 tanker loads per day (approximately 24,000 litres) and enforce level 6 restrictions on the community. Level 6 restrictions as per Council's currently adopted Drought Management Plan states:

- **3 X 3min showers per person per day or 1 X 100mm deep bath per person per day.**
- **2 full loads of washing per week.**
- **Evaporative air conditioners to be operated between 1800 and 2200 daily (exemptions given on medical grounds).**

The cost of supplying 2 tanker loads of 12,000 litres each would be approximately \$600 per day or \$18,000 per month.

Due to every home having rain water tanks, enforcing water restrictions would not be practical, as it would not be possible to determine where household water was being sourced from.

Further, if Council provides water to Hillview residents, this may set a precedent for users on the Winburndale water pipeline and in other areas of the Bathurst Regional Council. Delivering water to these users would require water tankers to visit each connected property and make a delivery. The cost of this would be considerably more than providing water to Hillview given the isolated nature of each property and the time to travel between each raw water storage tanks, some of which are located in isolated paddocks. The residents have the opportunity, as with other people, of accessing the discounted water supply which is available at the Hereford Street standpipes at this time.

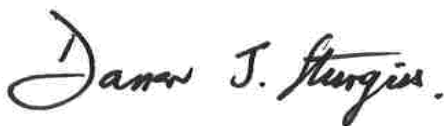
Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 2: A smart and vibrant economy Strategy 2.2

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

Yours faithfully



Darren Sturgiss
**DIRECTOR
ENGINEERING SERVICES**

RESCISSION MOTIONS

ORDINARY MEETING OF COUNCIL FOLLOWING POLICY COMMITTEE

1 RESCISSION MOTION - DEVELOPMENT APPLICATION NO. 2018/56 – ADDITIONS AND ALTERATIONS TO DWELLING AT 6 STANLEY STREET, BATHURST. APPLICANT: TABLELANDS BUILDERS PTY. OWNER: MR JW HOLLIS & MRS MP HOLLIS (DA/2018/56)

Recommendation: For Council's consideration.

Report: We the following Councillors hereby give notice of rescission of the following motion of Council of 20 June 2018.

RESOLVED: That Council:

- (a) as the consent authority, grant consent to Development Application No. 2018/56 pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act as amended.
 - (i) The development will not have a negative impact on the streetscape in Stanley Street; and
- (b) call a division.

Dated: 20 June 2018

Signed: Cr Monica Morse
Cr Graeme Hanger
Cr Jacqui Rudge

The Rescission Motion is shown at **attachment 1**.

For Council's information, a copy of the report presented at 20 June 2018 Ordinary Council Meeting is shown at **attachment 2**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.