



I hereby give notice that a meeting of the North Bourke Water Extension Request Committee will be held on:

Date: Tuesday, 14 March 2023
Time: 4:30pm
Location: Bourke Shire Council
29 Mitchell Street Bourke NSW

BUSINESS PAPER

**North Bourke Water Extension Request
Committee**

14 March 2023

**Leonie Brown
General Manager**

Time	Event	Representative	Organisation
4.30pm	Community Open Forum for members of the public to address Council		



DECLARATION OF INTEREST FORM

COUNCIL OFFICIAL

FOR USE AT COUNCIL AND COMMITTEE MEETINGS

NAME OF COUNCIL OFFICIAL DECLARING INTEREST:
ACTION PROPOSED:
<p>Tick one box only:</p> <p><input type="checkbox"/> In my opinion, my interest is pecuniary, and I am therefore required to take the action specified in Part 4 of Council’s Code of Conduct.</p> <p><input type="checkbox"/> In my opinion, my interest is non-pecuniary but significant. I am unable to remove the source of conflict. I am therefore required to treat the interest as if it were pecuniary and take the action specified in clause 5.10 of Council’s Code of Conduct.</p> <p><input type="checkbox"/> In my opinion, my interest is non-pecuniary and less than significant. I therefore make this declaration as I am required to do pursuant to clause 5.11 of Council’s Code of Conduct. However, I intend to continue to be involved with the matter.</p>
COUNCIL OFFICIAL
<p>I, _____ (name of COUNCIL OFFICIAL) disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.</p> <p>Signed: _____ Date: _____</p>
GENERAL MANAGER – required for all declarations:
<p>I have noted the above declaration and I note your opinion and/or the action you have proposed.</p> <p>Signed: _____ Date: _____</p>
DEFINE YOUR INTEREST:
<p>Is your interest:</p> <p><input type="checkbox"/> Pecuniary (see dealing with pecuniary interests)?</p> <p><input type="checkbox"/> Non pecuniary (see dealing with non-pecuniary interests)</p>
MATTER IN WHICH YOU HAVE AN INTEREST: (Please provide full details, including item number on Council agenda)
NAME OF THE INTEREST:
<p>Be specific and include information such as:</p> <ul style="list-style-type: none"> - The names of any person or organisation with which you have a relationship; - The nature of your relationship with the person or organisation; - The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your public duty as a COUNCIL OFFICIAL .

MANAGING LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS:
Clause 5.11 of Council's Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances.
IS YOUR NON-PECUNIARY INTEREST LESS THAN SIGNIFICANT?
If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if you are claiming that your non-pecuniary interest is less than significant).
DEFINITIONS:
A PECUNIARY INTEREST is an interest that a designated person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (see Part 4 of Council's Code of Conduct). A NON-PECUNIARY INTEREST is a private or personal interest that does not amount to pecuniary interest as defined by Part 5 of Council's Code of Conduct.
MANAGING PECUNIARY INTERESTS:
Part 4.10 of Council's Code of Conduct requires designated persons to declare in writing to the General Manager the nature of a pecuniary interest the person has in any Council matters, as soon as practicable after becoming aware of the interest.
MANAGING SIGNIFICANT NON-PECUNIARY INTERESTS:
Clause 5.10 of Council's Code of Conduct provides that you must manage a significant non-pecuniary interest by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29 of the Code.
MANAGING NON-PECUNIARY INTERESTS:
Clause 5.8 of Council's Code of Conduct states that how you manage a non-pecuniary interest will depend on whether or not it is significant. Clause 5.9 of Council's Code of Conduct states that, as a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but involves:- <ul style="list-style-type: none"> a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 of the Code or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household; b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship; c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation; d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter; e) a financial interest (other than an interest of a type referred to in clause 4.6 of the Code) that is not a pecuniary interest for the purposes of clause 4.1 of the Code; f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

Statement of ethical obligations

In accordance with Councils adopted Code of Meeting Practice (Clause 3.23), Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Order Of Business

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5.1 *** North Bourke Water Supply 8

- 1 PRESENT**
- 2 APOLOGIES**
- 3 ATTENDANCE BY AUDIOVISUAL LINK BY COUNCILLORS**
- 4 DECLARATION OF INTEREST**

5 REPORT

5.1 *** NORTH BOURKE WATER SUPPLY

NOTE TO COMMITTEE MEMBERS:

Council at its meeting held 27 February 2023 determined as follows:

1. That a North Bourke Water Extension Request Committee be formed to meet for the sole purpose of determining the report of the Manager Works titled North Bourke Water Supply, as initially included in the Council Agenda of December 2022.
2. That the membership of such Committee comprise the five (5) Councillors who were either absent from, or did not declare, a significant non-pecuniary conflict of interest in item 13.1, North Bourke Water Supply, of Councils December 2022 Meeting Agenda, being Councillors Bartley, Holman, Ridge, Ryan and Stutsel, with the Manager of Works and the Executive Assistant being non-voting attendees of the Committee.
3. That the quorum for the Committee be three (3) Councillors.
4. That once the Committee has made its determination, all Councillors be advised of the outcome.







The role of the Committee in meeting is to determine an outcome in respect of the report below as if it was the full Council. The report below has been amended to reflect the passing of Mr Neville Simpson.

File Number: W2.1

Author: Peter Brown, Manager Works

Authoriser: Leonie Brown, General Manager

Attachments:

1. Correspondence from Messrs Morrall and Simpson  
2. Correspondence from Warren and Susanne Hand  
3. Rural Water Supply Policy  

Background

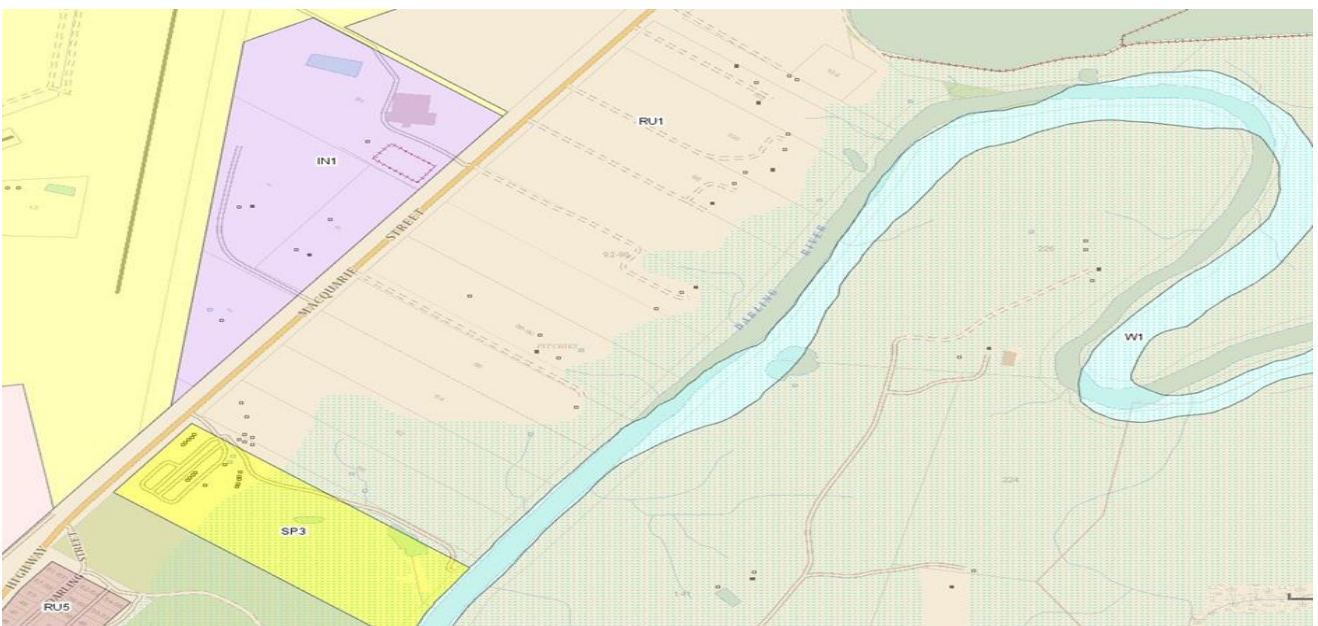
In October 2022, Council received correspondence from two (2) residents on the Enngonia Road, North Bourke, seeking to gain access to Councils Raw Water System Network in North Bourke. (Attachment 1). Mr Alan Morrall has requested Council extend the “raw water line and connection access to the residential properties it would service, from north of Kidman Camp up to and including Simpsons property”. The Late Mr Neville Simpson also confirmed such a request. The land the subject of the requests comprises of 11 allotments, being lots 1 & 2 DP 1105959, lot 10 DP 753570, lot 660 DP 761689, 5,6,7,8,9 & 86 DP 753370 and Lot 1 DP 653311, subject sites are

zoned RU1 - Primary Production under the Bourke Local Environmental Plan 2012 and are outside the RU5 – Village zoned land at North Bourke.



The Late Mr Neville Simpsons block is the last block in the top right-hand corner closest to the Dam.

The RU1 zoned land is also shown below:



Following an invitation from Mr Frank Old to discuss the raw water issue, the General Manager, Manager Environmental Services and I attended a meeting at the Late Mr Neville Simpsons place on Tuesday, 6 December 2022. In addition to Mr Old and the Late Mr Simpson, the following persons also attended:

Mrs Susanne Hand
Mr Alan Morrall
Mr Trevor Randall
Mrs Pam Simpson

Subsequent to this meeting, correspondence was received from Warren and Susanne Hand also seeking access to the raw water supply, so they “have water for the short term whilst we are unable to pump water.” (Attachment 2).

On receipt of this correspondence, Councils General Manager emailed me and advised that as Warren Hand is her brother, she requested that she “be excluded from any reports and decision making regarding this request.” This request has been adhered to.

The landholders have riparian rights to access raw water from the Darling River water system. The various properties on the eastern side of the Enngonia Road also have access to the filtered water supply, as extended past North Bourke, whilst Mr and Mrs Hands property, located on the western side of Enngonia Road, only have access to the river water.

Report

Council in November 2015 adopted a Rural Water Supply Policy (Policy No 3.7.10). This Policy is still considered relevant and states as follows:

POLICY

Bourke Shire Council treats water to drinking water quality and distributes it to the community via the water reticulation system. In Bourke there are two water reticulation systems, which distribute the filtered treated water for drinking and internal use and raw water for external use for the Bourke community.

PROCEDURES

There will be no further connections allowed for rural/agricultural use outside the designated village and town areas of Bourke and North Bourke, Fords Bridge, Louth, Enngonia, Wanaaring and Byrock without a resolution of Council.

Consideration of any application will be subject to:-

- *The capital works being undertaken at no cost to Council and the total cost of the scheme proposed is prepaid to Council prior to Council carrying out the work.*
- *All new owners agreeing to pay Water Headworks contributions to cover augmentation of major capital items such as treatment works, reservoirs, pumps and rising mains relatively remote from the Scheme area.*
- *The connection shall be for domestic purposes only.*

- *That all internal plumbing be carried out by a licensed plumber in accordance with the provisions of the Local Government (General) Regulation 2005 and that all such works be inspected and tested by officers of Council prior to the covering of the works.*

The design and construction of any water main to service properties complying with Council's current policies.

In respect of the subject properties requesting access to the raw water supply, it is advised that they are between 700m and 1300m away from the closest raw water main. This closest raw water main is located at the Kidman Way Caravan Park. On the western side of Enngonia Road, heading north, Council has previously constructed a 100mm raw water line feeding the industrial estate and an 80mm line feeding the abattoir.

As per the Policy, access to these water supplies requires approval from Council by resolution and be in line with the Policy. Should Council wish to grant access to the raw water supply, the Policy requires a full hydraulic study and system overview of the raw water scheme at North Bourke to be completed. It would be my view that such a study would show that the raw water system is basically at full capacity and the proposed additional connections may result in system collapse during periods of high demand.

Whilst the Abattoir raw water line is also in place, any additional connections to this line would also need a full hydraulic assessment to ensure the Abattoir have enough raw water for their operations. With the proposed plans of throughput growth at the Abattoir, it is also considered best that Council does not permit access to this line.

Whilst the recent flooding of the Darling River has caused issues for adjoining residents with the relocation of pumps on a steep riverbank with an ever-widening river, it has meant in some cases that residents have been left without the usage of their river pumps for raw water access. Notwithstanding, extension of, and access to, Council's raw water supply is not supported.

It is further advised that during the discussions with property owners on 6 December 2022, enquiries were made of the Council Officers in attendance by Mr Old as to what Council's plans were for growth and development of North Bourke into the future. In respect of this matter, Council staff informed the meeting that they saw North Bourke as a growth area and in this regard, advised that Council had applied for funding to undertake the preparation of a Housing Strategy for the Shire. This strategy would include the North Bourke area. At this point, the development of the Strategy is reliant on achieving this funding. In seeking to prepare the Strategy, and as relating to the North Bourke area, the matters of land use, housing and infrastructure requirements such as water, were discussed at the meeting as were limitations with the development and growth of the North Bourke Precinct. It would be proposed that should funding not be forthcoming for this study during 2023, then consideration be given at the appropriate time with a view to Council funding the preparation of such a Strategy.

Financial Implications

It is estimated that the costs to undertake a hydraulic assessment of the North Bourke raw water supply in respect of the provision of water external to the North Bourke Village would be in the vicinity of \$30,000 - \$50,000.

Recommendation

- 1. That Council confirms and readopts its Rural Water Supply Policy (Policy No 3.7.10) as at 19 December 2022 and as printed herein.**
- 2. That Mr Frank Old, Mr Alan Morrall, Mr Trevor Randall, and Mrs Pam Simpson be advised that as per Councils Raw Water Supply Policy, Council does not provide its approval to any extension of the raw water supply to those properties located north of Kidman Camp up to and including Simpsons property, Enngonia Rd, North Bourke, due to the limited capacity of the existing raw water infrastructure in North Bourke.**
- 3. That Mr Warren and Mrs Susanne Hand be advised that as per Councils Raw Water Supply Policy, Council does not provide its approval to the extension of the raw water supply, or the provision of access to the abattoir line, to their property, "Virginia Farm" Enngonia Rd, North Bourke, due to the limited capacity of the existing raw water infrastructure in North Bourke and proposed plans of throughput growth at the Abattoir, respectively.**
- 4. That it be noted that Council has sought grant funding for the preparation of a Housing Strategy for Bourke, which includes addressing future growth and development opportunities in the North Bourke Area.**
- 5. That should grant funding for the preparation of the Housing Strategy not be forthcoming during 2023, then consideration be given, at the appropriate time, with a view to Council funding the preparation of such a Strategy.**

P.O. Box 312,
 Bourke, NSW, 2840.
 20/10/2022.
 General Manager,
 Bourke Shire Council,
 P.O. Box 21,
 Bourke, NSW, 2840.

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MEV	HR
MR	IT
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Dear Leonie,

Subject; Raw water line eastern side and parallel to the Mitchell Highway(Macquarie Street) north of Kidman Camp Caravan Park.

I seek Councils consideration in extending the raw water line and connection access to the residential properties it would service up to and including Simpson's property 102 Macquarie Street,North Bourke.

Thank you in anticipation,


 Alan Morrall

P.O. Box 548
10-10-22

General Manager,
Bourke Shire Council
Mitchell Street
Bourke 2840.
Dear Sir or Madam

I would like to enquire about the possibility of having the town water supply connected to our block at Lot 1, north Bourke, some time in the near future. This would be the raw water supply as we already are connected to the Filtered Water Supply.

There are a number of houses along the river bank who may also be interested in having this connection.

This block is in the name of Mrs. Cathy Simpson who has given her approval to me to write this letter.

Yours faithfully

Reville Simpson

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OTHER	Copy to Peter

Warren & Susanne Hand

Virginia Farm
985 Mitchell Highway
Bourke, NSW, 2840
Phone: 0268724442 | 0400665889 /0427747516

▶ 5th December 2022

Leonie Brown
General Manager
Peter Brown
Manager of Works
Bourke Shire Councilors

Bourke Shire Council
Mitchell Street
Bourke, NSW, 2840

Dear Mrs Brown, Peter and Councilors

RE: Water Access to Virginia Farm

We write to you again for reconsideration requesting assistance for water access.

As you are currently aware, our water supply comes directly from the Darling River through pumping into a storage ground tank and is then pumped into a settling tank.

Due to the current flood, we are unable to pump water for domestic and stock use due to our pump being under water.

We had pulled up our pump to the highest possible point, with in the original river height prediction it was deemed to be safe. With the continuous rain we were unable to remove the pump due to inability to access the pump and then continual flooding has caused the pump to be submerged,

We are at the point now where we only have 2 weeks of water left in our ground tank and are again requesting access to raw water from the existing water supply at North Bourke or the abattoir line that runs along our property frontage.

We realize that our property is not included in the current boundaries for the north Bourke water supply, but our situation is now that of desperation.

We understand that we have been denied access to the main water line to the Bourke Abattoir as per correspondence June 2022.

However, we would like to request the possibility of access to the raw water supply, so we do have water for the short term whilst we are unable to pump water.

We have restricted our water usage to attempt to preserve water, however evaporation is also contributing to the water loss.

This is now becoming an urgent situation due to the ongoing river height and inaccessibility.

We thank you for your time.

Kind regards

Warren and Susanne Hand

