



Meeting Notice and Agenda

for the

Special Meeting of the Council

to be held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 5th December 2019

Commencing at 11.00am

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ORDER OF PROCEEDINGS

1. Opening
2. Council Prayer
3. Attendance

Expected attendance of this meeting is as follows:

Councillors		Staff/Consultants	
Cr RW Marsh (Mayor)	-Full Meeting	Mr Matthew Magin (Chief Executive Officer)	-Whole Meeting
Cr RG Fuhrmeister	-Full Meeting	Mrs Michelle Clarke (Director Finance & Corporate Services)	-Whole Meeting
Cr FM Gaske	-Full Meeting	Mr Andrew Boardman (Director Infrastructure Services)	-As required for IFS
Cr SC O'Toole	-Full Meeting	Dr Digby Whyte (Director Environment & Regulatory Services)	-As required for ERS
Cr RI Paul	-Full Meeting		
Cr SS Scriven	-Full Meeting		
Cr ID Todd	-Full Meeting		

4. Leave of Absence
5. Declarations of conflicts of interest
6. Reception and consideration of reports

MEETING BUSINESS BY CORPORATE FUNCTION

(IFS) INFRASTRUCTURE SERVICES

ITEM	TITLE	SUB HEADING	PAGE
IFS1	<u>WATER RESTRICTION LEVEL VARIATION</u>	Water Restriction Level Variation move from Level 3 to Level 4	4

OFFICER REPORT

TO: Council

SUBJECT: Water Restriction Level Variation

DATE: 02.12.19

AGENDA REF: IFS1

AUTHOR: Andrew Boardman - Director Infrastructure Services

Sub-Heading

Water Restriction Level Variation move from Level 3 to Level 4

Executive Summary

Council officers have met with DNRME, Mallawa and Sunwater to discuss water availability, water allocations, physical storage and forecast usage of water remaining in system, focusing on Jack Taylor Weir. All parties are collaborating to ensure water can be sustained for critical town functions. Council officers recommend that Council implement level 4 restriction levels early before the level indicated in the St George Water Restriction Policy is reached and also undertake a review of the St George Water Restriction Policy.

Background

The level in Jack Taylor Weir has been dropping rapidly and Council received notification from Sunwater to prepare for the river to separate into waterholes. A meeting was held with the main stakeholders to find out demand on the Weir and to ensure Council can be prepared to put in emergent measures to obtain water if required and ensure water can be sustained for critical functions.

Link to Corporate Plan

Key Foundation Area	Key Program Area
<u>Infrastructure and Planning</u>	Protection and enhancement of water supply

Consultation (Internal & external)

Balonne Shire Council – Manager Water, Sewerage & Towns, Supervisor Water & Sewerage, Water & Sewerage Ganger
Sunwater, Mallawa, DNRME

Legal Implications

Potential liability if river supply was to run out as fire fighting (safety), ablutions (health) and evaporative air conditioners (health) rely on the supply.

Risk Implications

Community Service - Inability to achieve Council's vision and mission to deliver community services and meet current and future needs.

Policy Implications

St George Water Restriction Policy trigger level for moving to level 4 restrictions is a remaining allocation less than 500ML. It is proposed to proactively move to Level 4 ahead of Sunwater indicating that our remaining allocation has reached this trigger level.

Financial and Resource Implications

Operational cost to advertise and implement the further water restrictions.

Additional operational cost to 'source' water from outside normal operational conditions.

Options or Alternatives

Council could adhere strictly to the policy, however the latest water reconciliation information provided by Sunwater has raised concerns that Council may not have as much water physically available as indicated by Sunwater in our available allocation.

Attachments

1. St George Water Restriction Policy [↓](#)

Recommendation/s

That Council resolves to:

1. Increase water restrictions to Level 4 in St George.
2. Review and workshop the St George Water Restriction Policy.

Andrew Boardman

Director Infrastructure Services

Balonne Shire Council

St George Water Restriction Policy



Date Approved: 20 November, 2015
Authority: Council

Council Policy

1. LEGISLATIVE AUTHORITY

- Local Government Act 2009, Section 125–148 – Powers of Authorised Persons;
- Water Supply (Safety and Reliability) Act 2008, Sections 41–43 – Power to Restrict Water Supply;
- Water Supply (Safety and Reliability) Act 2008, Sections 45–48 - Authorised Persons;
- State Penalties Enforcement Act 1999;
- State Penalties Enforcement Regulation 2014, Section 5 (1) – Administering Authority for Water Supply (Safety and Reliability) Act 2008; and
- State Penalties Enforcement Regulation 2014, Schedule 1.

2. BACKGROUND

This document sets out Council's policy for imposing restrictions for the St George river water supply. The policy is also applicable to the outdoor use of the St George bore water supply. It provides information on the roles and responsibilities of key officers involved in setting of water restriction levels and policing breaches of the prescribed water restrictions.

3. POLICY STATEMENT

Water restrictions shall be set for the St George water supply in accordance with the Water Supply (Safety and Reliability) Act 2008, *Sections 41–43 – Power to Restrict Water Supply*.

Monitoring and compliance shall be carried out in accordance with:

- Water Supply (Safety and Reliability) Act 2008, *Sections 45–48 - Authorised Persons*;
- Local Government Act 2009, *Section 125–148 – Powers of Authorised Persons*;
- State Penalties Enforcement Regulation 2000, *Section 8C*; and
- State Penalties Enforcement Regulation, *Schedule 5*.

4. SCOPE

The policy applies to the use of water in the township of St George.

5. DEFINITIONS

The term **watering** applies to all outdoor use of water by a tap, hose, sprinkler, dripper system, soaker hose or like device.

A **hand held hose** is a hose held by a person from the discharge end with or without a watering fitting attached.

Balonne Shire Council

St George Water Restriction Policy



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6. KEY OBJECTIVES

The key objectives of the St George Water Restriction policy are to:

- Ensure efficient outdoor water use;
- Ensure sufficient water remains in Council's river water allocation for essential indoor and fire fighting uses; and
- Ensure equitable use of the river water supply to maintain consistent water pressure throughout the reticulation network for all customers.

7. DETERMINING RESTRICTION LEVEL BY REMAINING WATER ALLOCATION

In accordance with the Water Supply (Safety and Reliability) Act 2008, Section 41, Council shall impose water restrictions with regard to Council's remaining water allocation in the SunWater St George water supply scheme.

The water restriction levels shall be set in accordance with the below table:

Water Restriction Level	Remaining Allocation (Megalitres) (From 3000ML Total)
Level 1	Greater than 1500
Level 2	Between 1500 - 1000
Level 3	Between 1000 - 500
Level 4	Less than 500

Notwithstanding, the above methodology for setting water restriction levels, Council may impose water restrictions in extenuating circumstances to maintain river water for fire fighting and sanitary purposes only.

Balonne Shire Council **St George Water Restriction Policy**



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8. WATER RESTRICTION LEVELS

The following tables summarise the times and type of outdoor watering permitted under each level of restriction.

LEVEL 1 RESTRICTIONS - SUMMER (October – April)	
Residences	<u>Odd Street Numbers</u> – 5am – 9am and 5pm – 9pm on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - 5am – 9am and 5pm – 9pm on Wednesdays, Fridays and Sundays
All Schools and Caravan Parks	9am – 12 noon and 3pm – 6pm Monday to Thursday
Other Businesses	<u>Odd Street Numbers</u> – 7am – 11am and 2pm – 6pm on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - 7am – 11am and 2pm – 6pm on Wednesdays, Fridays and Sundays
Rowden Park, Showground, Other Town Parks and Council Facilities	In accordance with parks and gardens programme
Hand Held Hoses – All Consumers	Any Time
Other and variations to the above	Subject to Individual Council Approval

LEVEL 1 RESTRICTIONS – WINTER (May – September)	
Residences	<u>Odd Street Numbers</u> – Anytime on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - Anytime on Wednesdays, Fridays and Sundays
All Schools and Caravan Parks	Anytime - Monday to Thursday
Other Businesses	<u>Odd Street Numbers</u> – Anytime on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - Anytime on Wednesdays, Fridays and Sundays
Rowden Park, Showgrounds, Other Town Parks and Council Facilities	In accordance with parks and gardens programme
Hand Held Hoses – All Consumers	Any Time
Other and variations to the above	Subject to Individual Council Approval

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LEVEL 2 RESTRICTIONS	
Residences	<u>Odd Street Numbers</u> – 6am – 8am and 6pm – 8pm on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - 6am – 8am and 6pm – 8pm on Wednesdays, Fridays and Sundays
All Schools and Caravan Parks	9am – 10:30am and 4:30pm – 6pm Monday to Thursday
Other Businesses	<u>Odd Street Numbers</u> – 7am – 9am and 4pm – 6pm on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - 7am – 9am and 4pm – 6pm on Wednesdays, Fridays and Sundays
Rowden Park, Showgrounds, Other Town Parks and Council Facilities	In accordance with parks and gardens programme
Hand Held Hoses – All Consumers	Any Time
Other and variations to the above	Subject to Individual Council Approval

LEVEL 3 RESTRICTIONS	
Residences	<u>Odd Street Numbers</u> – 6pm – 8pm on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - 6pm – 8pm on Wednesdays, Fridays and Sundays
All Schools and Caravan Parks	9am – 10:30am Monday to Thursday
Other Businesses	<u>Odd Street Numbers</u> – 4pm – 6pm on Tuesdays, Thursdays and Saturdays <u>Even Street Numbers</u> - 4pm – 6pm on Wednesdays, Fridays and Sundays
Rowden Park, Showgrounds, Other Town Parks and Council Facilities	In accordance with parks and gardens programme
Hand Held Hoses – All Consumers	Any Time
Other and variations to the above	Subject to Individual Council Approval

LEVEL 4 RESTRICTIONS	
Residences	No watering except with hand held hose.
All Schools and Caravan Parks	No watering except with hand held hose.
Other Businesses	No watering except with hand held hose.
Rowden Park, Showgrounds, Other Town Parks and Council Facilities	In accordance with parks and gardens programme
Other and variations to the above	No variations approved under level 4 restrictions.

9. OPEN – ENDED UNATTENDED HOSES AND TAPS

The use of open-ended unattended hoses and taps for watering shall not be permitted at any time.

Balonne Shire Council St George Water Restriction Policy



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10. NOTICE OF SERVICE PROVIDER WATER RESTRICTION

As a water service provider, Balonne Shire Council must provide notice prior to the introduction of a water restriction under section 43 of the Water Supply (Safety and Reliability) Act 2008. Notice shall be in the form of a written notice to householders delivered to each affected property. In addition, notice should also be provided in the locally circulated newspaper and on the Balonne Shire Council webpage.

11. ALTERNATIVE WATERING TIMES

A resident, business or organisation may make written application for alternative watering times for consideration by the Director of Infrastructure Services. Under normal circumstances, permission will not be granted for extended watering times.

A record of all variations to watering times will be kept by the Infrastructure Services Department. A copy of the variations to individual times will be made available to the Water and Sewerage Supervisor and all authorised persons monitoring compliance with water restrictions.

12. EXEMPTIONS

The imposed water restrictions do not apply to the following:

- Use of water by fixed systems NOT drawing water from the reticulated town water supply such as a property bore or rainwater tank etc should be accompanied by appropriate signage clearly visible from the street adjoining the property being watered.
- Use of water to prevent material risks associated with an accident, fire or hazard to health, safety or the environment.

13. AUTHORISED PERSONS

Compliance monitoring of water restrictions must be carried out by an authorised person of the service provider (i.e. Balonne Shire Council). The person will be authorised under the Local Government Act 2009, Water Supply (Safety and Reliability) Act 2008 and the State Penalties Enforcement Act 1999.

All authorised persons shall carry an authorised person identity card whilst undertaking compliance monitoring of water restrictions. If requested to do so by the occupier of a property, an authorised person shall present the identity card for inspection by the occupier.

Balonne Shire Council St George Water Restriction Policy



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14. INFRINGEMENT NOTICES FOR CONTRAVENTION OF A WATER RESTRICTION

When an authorised officer witnesses a breach of a water restriction, the following details shall be recorded:

- **Name** of the authorised person who witnessed the breach;
- **Address** at which the breach occurred;
- **Time** of breach;
- **Date** of breach;
- **Location** within property; and
- **Details of offence** (e.g. sprinkler, dripper system, unattended open ended hose etc)

If requested to do so by the property occupier, the authorised officer shall present their identity card for inspection by the property occupier. An occupier may request to inspect an identity card at a later date if it is not practicable to do so or the occupier is not present at the time the authorised officer visits the property.

The following procedure shall be followed for each level of water restriction:

Level 1 (Summer and Winter) Restrictions

1. **Written Warning Notice** – A written notice will be issued to the offender following the first breach. The written notice is to be issued within 48 hours of the offence. All warnings will be cancelled if the water restriction level changes (including changes during level 1 between summer and winter).
2. **Infringement Notice** – An Infringement notice will be issued for the second and subsequent offences. The officer who has witnessed the offence will complete the infringement notice. The infringement notice will be made out to the property owner and delivered by mail. Where the property is owned by multiple persons, the infringement notice will be issued to the first person listed in Council's rating system.

Level 2 Restrictions

1. **Written Warning Notice** – A written notice will be issued to the offender following the first breach. The written notice is to be issued within 48 hours of the offence. A written warning shall be valid for one (1) calendar year from the date of the initial infringement. All warnings will be cancelled if the water restriction level changes.
2. **Infringement Notice** – An Infringement notice will be issued for the second and subsequent offences. The officer who has witnessed the offence will complete the infringement notice. The infringement notice will be made out to the property owner and delivered by mail. Where the property is owned by multiple persons, the infringement notice will be issued to the first person listed in Council's rating system.

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Level 3 Restrictions

No warning provided. The first breach will result in an infringement notice. The same process for infringement notices as above for level one restrictions is to be followed.

Level 4 Restrictions

No warning provided. The first breach will result in an infringement notice. The same process for infringement notices as above for level one restrictions is to be followed.

15. PENALTIES

In accordance with the State Penalties Enforcement Regulation 2014, *Schedule 1*, the penalty applicable for contravention of *Section 43(5)* of the Water Supply (Safety and Reliability) Act 2008 is:

Infringement Notice Offence	Penalty Units	
	Individual	Corporation
All Offences	3	15

16. RE-ISSUE OF INFRINGEMENT NOTICES

If the property owner listed on an original infringement notice is not responsible for the water restriction breach and the offender is known, the infringement notice may be reissued. In this instance a statutory declaration shall be provided to Council stating the full name and address of the offender and the details of the original infringement notice.

17. SUPERSEDED POLICY

St George Water Restriction Policy – 21 February 2014.

18. DATE REVIEWED

Not Applicable

19. NEXT REVIEW

As required.

CONFIDENTIAL ITEMS

INFORMATION REPORTS