

## 6.3.18 Rylstone Aerodrome – Water for RFS

REPORT BY THE GENERAL MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400038, F0470030

### RECOMMENDATION

#### That:

1. the report by the General Manager on the Rylstone Aerodrome – Water for RFS be received;
2. Council approve in principle to allow Mr Rob Loneragan of the Rylstone Aerodrome to extract water in or around the Rylstone water supply dam for the sole purpose of rural fire fighting storage capacity for aerial fire fighting purposes (It should be noted that the water supply is not available to meet the fire fighting water requirements of DA 0263/2012 but restricted for use by the Rural Fire Service for aerial fire fighting purposes.);
3. Council approve the creation of an easement and enter into a formal Licence agreement for the pump site and access to the pump site on Council land described as Lot 1 DP 228887 for the purposes of allowing a water pipeline for rural fire fighting purposes only in favour of the Rylstone Aerodrome. The costs of legalising the easement and Licence agreement are to be borne by Mr Rob Loneragan of the Rylstone Aerodrome development;
4. Council waive the easement compensation of \$1,700 and annual Licence fee of \$1,500 that it would be entitled to as owner of Lot 1 DP 228887 on the basis that the easement and Licence are required to facilitate the transfer of water from around the Rylstone water supply dam to the storage tank at the Rylstone Aerodrome for exclusive use by the RFS or other Government agencies for aerial fire fighting purposes;
5. the location of the extraction pump and solar panel be at the head of the Rylstone water supply dam at a location to be determined by the Council's Business Manager Services;
6. a water meter be installed at the pump site to record the amount of water transferred from the Dam to the storage tank at the Rylstone Aerodrome. Discrepancies in relation to water uptake and use will be investigated and unexplained discrepancies may lead to the water supply being cut-off and the Licence agreement terminated. The costs of the water meter and installation are to be borne by Mr Rob Loneragan. Mr Loneragan to supply monthly water meter readings in normal conditions and weekly meter readings in times of water restrictions.
7. prior to the final determination of the location of the extraction pump, Mr Rob Loneragan to provide all approvals from the NSW Office of Water;
8. Mr Loneragan be advised that the proposed pipeline is only permissible under the State Environmental Planning Policy (Infrastructure). Pursuant to this SEPP is it necessary that the pipeline installation be carried out by or on behalf of a public authority. Under these circumstances it will be necessary for Mr

**Loneragan to produce evidence that the work is being carried out on behalf of the Rural Fire Service or retain the services of Council to undertake the work as private works. Either course will require the submission of a full Review of Environmental Factors (REF) consistent with Part 5 of the Environmental Planning and Assessment Act 1979. The full cost of any work and undertaking the REF will be funded by Mr Loneragan.**

9. **the General Manager be delegated authority to finalise the easement and Licence agreement on behalf of Council and ensure that the general intent of this resolution be enacted;**
10. **the General Manager and the Mayor be delegated authority to affix the Common Seal of the Council to all documentation required to give effect to the legalisation of the easement and Licence agreement on Council land.**
11. **Council authorise the General Manager to waive any fees required to paid by the applicant under the Council policy for water pipelines for the**

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## Detailed report

Mr Rob Loneragan, on behalf of the Rylstone Aerodrome development is seeking approval from Council to extract water from the Rylstone Dam for Rural Fire Fighting purposes for aerial fire fighting. It is my understanding that Mr Loneragan will install a 150,000 litre tank for storage so that if there is any need for aerial fire fighting in the Rylstone area, aeroplanes can be filled at the Rylstone Aerodrome.

It should be noted that to achieve this outcome, Mr Loneragan requires a Licence agreement and easement across Council land to the Rylstone Dam and approval for a pipeline route to be installed along Cox's Creek Road to the Aerodrome.

It should also be noted that DA 0263/2012 required *on-site provision of water including the storage of 5,000L per combined usesite for fire fighting purposes*. It is a requirement of the consent that the development be undertaken in accordance with the Statement of Environmental Effects. In the Statement water, including water for fire fighting purposes is to be provided by rainwater. The proposed pipeline should not be used to meet the fire fighting water requirements for development on the aerodrome but restricted to providing water for the use of the Rural Fire Service for aerial fire fighting. Use of the water at the aerodrome has a greater potential to impact on the water security for the Rylstone town water supply.

Enclosed for your information (Attachment 1) is a copy of an aerial photograph showing the approximate location of the water pipeline. The line shown on the map from the road to the dam will need to be amended so that it's fully within the Council reserve. Also attached (Attachment 2) shows the location of the Council reserve bounded in pink. Within that Council reserve you will see a green star which is Mr Loneragan's preferred location for the extraction pump from the dam. I will now deal with each issue separately.

### LOCATION OF PUMP

Council's water management staff would prefer to see the location of the extraction pump above the dam, or below the dam wall. The reason for suggesting that extraction should be below the dam is to ensure it doesn't place any further stress on Rylstone town water supply. Should the water supply be used for unapproved uses this will place an additional risk on the security of the town water supply for Rylstone. Upstream of the dam would still be better than from the dam, as it would still prevent extraction when the dam is low (i.e. no flow coming into dam). The location as indicated by the green dot on Attachment 2 is generally supported by the Business Manager of Services. Where ever the extraction point is a meter will need to be installed to ensure that the

water is only being used for the intended purposes. Monthly meter readings by the applicant shall be provided to the Council in normal conditions and weekly meter reading when water restrictions are in place.

The Cudgegong River at Rylstone is not regulated which means that there is probably no monitoring (by Office of Water) of licence holders re their compliance with licence conditions.

Consulting engineers completed a Rylstone Dam Water Balance in 2010 and found that irrigation consumption (licences other than Council's town water supply licence) was approximately 18% whereas Council town water use was approximately 17%.

Mr Loneragan has told us that only a works order (as opposed to a water licence) is required to extract water from the dam from the NSW Office of Water. This has been confirmed verbally by the Office of Water because the exemption applies for the suppressing of fires. They will not give the final approval until Council gives approval for the water to be taken and the easement.

#### *EASEMENT ACROSS COUNCIL LAND*

This report recommends that Council approve an easement across the Council land and a formal licence agreement for the pump site and access to the pump site. The costs of legalising the easement and the licence agreement are to be at the applicant's expense. Once the easement and Licence agreement are legalised, then the applicant would then have the ability to install the water pipe and the pump. It is my understanding that the pump will be powered by a solar panel.

As the owner of the land burdened by the easement, Council is entitled to compensation to be paid by the beneficiary of the easement. Additionally, an annual licence fee would be raised against the licensee for the pump site and access to same.

It is estimated that approximately \$1,700 in compensation would be required to be paid to Council by Mr Loneragan in relation to securing the easement and \$1,500pa for the Licence over those parts of Lot 1 DP 228887. However as the easement and Licence are required to facilitate the transfer of water from around the Rylstone water supply dam to the storage tank at the Rylstone Aerodrome for exclusive use by the RFS or other Government agencies for aerial fire fighting purposes, it is recommended the \$1,700 compensation entitlement and the annual Licence fee of \$1,500 be waived.

It is also recommended that a water meter be installed at the pump site to record the amount of water transferred from the Dam to the storage tank at the Rylstone Aerodrome. It is envisaged that once the 150,000 litre storage tank has been filled, no further water uptake will be required until and if, the RFS use any of the stored water for aerial fire fighting purposes.

The water meter will enable Council to monitor water uptakes and to correspond and relate these uptakes directly to the use of the water by the RFS or other Government agencies during specific fire fighting episodes. Any discrepancies will be investigated and any unexplained discrepancy may lead to the water supply being cut-off and the Licence agreement being terminated by Council.

The costs of the water meter and meter installation are to be borne by Mr Loneragan.

#### *PIPE ON COUNCIL ROAD*

The proposed pipeline is defined as *water reticulation system* under the Mid-Western Regional LEP 2012. Lot 1 DP 228887 and Cox's Creek Road, which includes the land upon which the proposed pipeline will be located, are zoned E3 Environmental Management. A water reticulation system is prohibited in the E3 Environmental Protection Zone. The State Environmental Plan - Infrastructure (Infrastructure SEPP) allows *water reticulated infrastructure systems* to be carried out by or on behalf of a public authority without consent on any land. Therefore the only way that the pipeline can be constructed on the land is if Council constructs the pipe line as private works or Mr

Loneragan is able to submit documentation that indicates that the pipeline is being installed on behalf of the rural fire service. Undertaking the work under the Infrastructure SEPP provision will require the submission of a REF which includes an investigation of impact on flora, fauna and aboriginal heritage.

You will note in Mr Loneragan's email (Attachment 3) that he is also seeking that the pipeline be included in the concrete culvert which exists on the road reserve. Council staff have no concerns with this happening as long as the pipe is securely connected to the underside of the top of the culvert pipe, and that the pipeline's existence be at Mr Loneragan's risk. Council from time to time clean out these culverts and will certainly take all care to ensure the pipeline isn't damaged, but often machinery involved can cause damage and any repairs from culvert cleaning should be at Mr Loneragan's expense.

The installation of the pipeline on the Council road reserve has existing authority to staff within the Council's policy. The policy also requires the applicant to pay a rental for the use of the water pipeline on the Council road reserve. As this water is required for RFS or other Government agencies for aerial fire fighting purposes it is recommended that this fee be waived

### Financial and Operational Plan implications

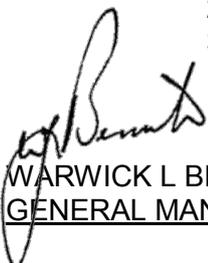
There is no financial cost to Council if the recommendations in this report are endorsed. – mention costs of forgoing easement compensation and annual Licence fee?

### Community Plan implications

The installation of the pipeline along Council reserves is covered by existing policies. The creation of an easement across Council land requires a Council resolution.

*Attachments:*

1. Aerial photograph showing approximate location of water pipeline
2. Aerial photograph showing location of Council reserve (in pink)
3. Email from Mr Rob Loneragan dated 14 January 2014

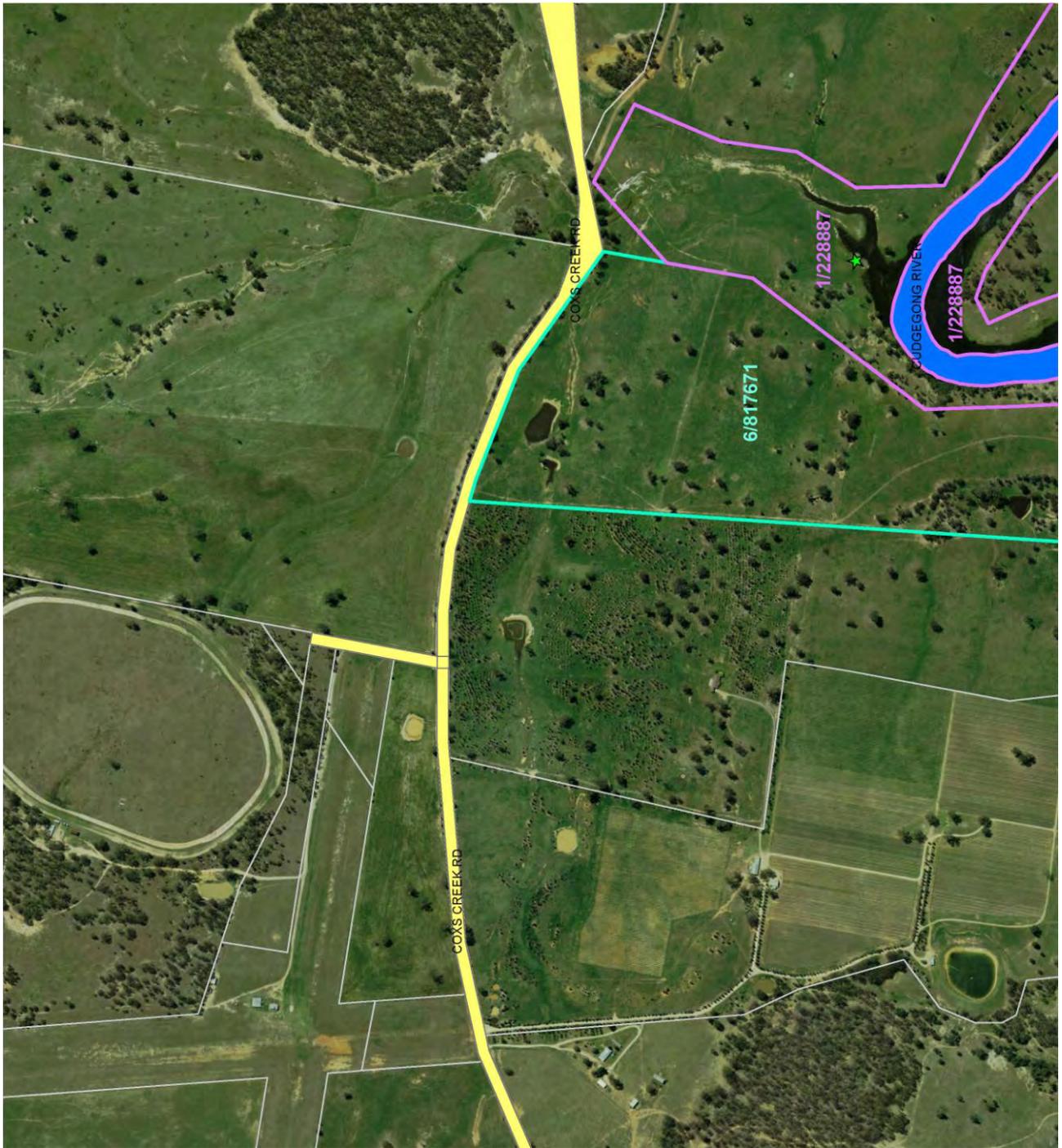


WARWICK L BENNETT  
GENERAL MANAGER

15 January 2014



ATTACHMENT 2



**From:** [Rob Loneragan](#)  
**To:** [Warwick Bennett](#)  
**Subject:** Rylstone Aerodrome pipeline  
**Date:** Tuesday, 14 January 2014 11:58:45 AM  
**Attachments:** [Option #1 5th CC Road.png](#)  
[ATT0001.htm](#)  
[Loneragan Aviation Pump site.pdf](#)  
[ATT0002.htm](#)  
[MWRC RYL aerm Pipeline Application.pdf](#)  
[ATT0003.htm](#)  
[PastedGraphic-13.biff](#)  
[ATT0004.htm](#)

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Good morning Warwick

I refer to our meeting on the 6th January and subsequent on site inspection with Council's works engineer Sally Mullinger, regarding the proposed route for the pipeline from the Rylstone dam to the Aerodrome via the road reserve.

Could you kindly confirm the following:

1. Your agreement to allow the creation of an easement across Council's waterfront land at the dam.
2. Your approval that the pipeline route may be installed in the road reserve as per the attached plan.
3. That the 425mm concrete pipe which crosses under Coxs Creek Road adjacent to the Aerodrome be used for the pipeline to cross the road.

Attached also is the completed application form.

I look forward to your advice on this at your earliest convenience.

Regards

Rob

Attachments:

1. Aerial photo - Pipeline route from dam to Aerodrome
2. Lot and DP plan provided by NSW Water showing Council's foreshore land at Dam
3. MWRC Application Form