

## NOTICE OF DETERMINATION APPROVAL TO OPERATE A SYSTEM OF SEWAGE MANAGEMENT

Section 99 Local Government Act 1993

Aurizon Operations  
Level 1  
121 Woodstock Street  
MAYFIELD NSW 2304

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<b>Application No:</b>	OS2015/0503
<b>Land:</b>	Lot 13 DP 842856, Lot 6 DP 227556, Lot 5 DP 227556, Lot 10 DP 735235, Lot 2 DP 735456, Lot 1 DP 155530, Lot 102 DP 1084709, Lot 104 DP 1084709, Lot 101 DP 1189565, Lot 102 DP 1189565, Lot 103 DP 1189565, Lot 104 DP 1189565, Lot 105 DP 1189565 & Lot 106 DP 1189565
<b>Property Address:</b>	2 Woodlands Close Tarro NSW 2322
<b>System description:</b>	Moving Bed Biological Reactor & Surface Irrigation Area ("the System")
<b>Location:</b>	Pond south of carpark

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### Determination

The Application for *Approval to Operate a System of Sewage Management* required by the *Local Government Act Section 68 PART C Item 6* has been determined by granting of **APPROVAL** subject to the conditions specified in the attached Schedule 1.

**Date from which approval operates:** 29 September 2021

**Date on which the approval lapses:** 30 June 2024

### Review and Appeal

Section 100 of the Local Government Act 1993 allows you to request Council to review this decision, provided the request is lodged within 28 days of the date of determination and is accompanied by the prescribed fee.

Section 176 of the Local Government Act 1993 allows you to appeal this decision to the Land and Environment Court, provided the appeal is lodged within 28 days of the date of determination.



29 September 2021

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**Paul McMurray**  
**ENVIRONMENTAL HEALTH SERVICES COORDINATOR**  
**REGULATORY, PLANNING AND ASSESSMENT**

**Date of determination**

## SCHEDULE 1

1. The System is maintained such that it complies with any applicable "Approval to Install a Human Waste Storage Facility" issued for the installation of the System except as modified by the conditions of this approval.

**Reason:** To ensure maintenance of the system in the form assessed and approved by Council.

2. The System must be maintained in a sanitary condition and must be operated in accordance with the relevant provisions of the NSW Local Government (General) Regulation, 2005 (as amended).

**Reason:** To make the applicant aware of the requirement of Section 45(2) of the Local Government Regulations.

3. The operation of the System must achieve the following performance standards:

- the prevention of the spread of disease by micro-organisms,
- the prevention of the spread of foul odours,
- the prevention of the contamination of waters,
- the prevention of the degradation of soil and vegetation,
- the discouragement of insects and vermin,
- ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
- the minimisation of any adverse impacts on the amenity of the premises and surrounding lands.

**Reason:** To make the applicant aware of the requirement of Section 44(1)a of the Local Government Regulations.

4. The System must not discharge into any watercourse or onto any land other than its related irrigation area ("land application area").

**Reason:** To make the applicant aware of the requirement of Section 45(3) of the Local Government Regulations.

5. The System must not be permitted to overflow or be disposed of by any other method than that approved by Council.

**Reason:** To prevent the pollution of waters and minimise the risk to human health.

6. The system shall be maintained and operated in accordance with the "Appendix 5 Waste Water Treatment Operational Maintenance and Monitoring Plan (OMMP) and Quarterly Report" as submitted to Newcastle City Council.

**Reason:** To ensure appropriate monitoring and maintenance are conducted for the system.

7. The applicant shall submit to Council a summary maintenance and monitoring report for the system at quarterly (three monthly) intervals, prepared in accordance with the OMMP. This report shall be emailed to [owms@ncc.nsw.gov.au](mailto:owms@ncc.nsw.gov.au)

**Reason:** To allow Council to track the maintenance of the system and confirm its on-going effectiveness.

8. The person operating the System must provide details of the way in which it is operated and evidence of compliance with the relevant requirements of the Local Government

(General) Regulation, 2005 (as amended) and of the conditions of approval, whenever the Council reasonably requires the person to do so.

**Reason:** To make the applicant aware of the requirement of Section 45(5) of the Local Government Regulations.

9. Where Council reasonably suspects that the System is not operating in accordance with an approval, wastewater and/or effluent samples may be collected from the System by Council for analysis. Laboratory analysis charges may be recovered from the operator of the System on a cost to Council recovery basis, together with any administrative and delivery costs.

**Reason:** To notify the applicant of Council's powers to collect wastewater samples of Systems for analysis and to recover the costs associated with sampling and analysis from the applicant.

10. The land application area shall not be used for passive or active recreational purposes.

**Reason:** To prohibit use of the land application area that is likely to result in contact with irrigated effluent and thereby avoid the associated risk to human health.

11. There is to be no interference with the residential amenity of the area by reason of the emission of any noise, smell or otherwise.

**Reason:** To protect the amenity of any surrounding residential premises.

12. No fruit, vegetables or other edible plants shall be irrigated with effluent from the System.

**Reason:** To prohibit the inappropriate irrigation of effluent and avoid the associated risk to human health.

13. Cleaning agents, detergents, disinfectants, bleaches, alkalis, acids, pesticides, herbicides shall be prevented from entering the System in large quantities.

**Reason:** These chemicals can upset the biological processes necessary for the proper operation of the system and to achieve appropriate levels of treatment of effluent.

14. Fats and oils and food waste shall be prevented from entering the System in large quantities.

**Reason:** Fats and oils will increase the scum layer (top layer), reducing the tanks treatment capacity and increasing the maintenance requirements.

15. All inspection openings and access points shall be maintained to prevent insect/vermin access.

**Reason:** To prevent the System becoming a food source or breeding ground for insects and vermin.

16. The land application area shall be enclosed with stock proof fences where required.

**Reason:** To protect the land application area from being damaged by stock.

17. Depressions in the land application area shall be filled with absorbent soil and shall be evenly graded.

**Reason:** To prevent the potential for ponding of effluent to occur on the land application area.

18. Along the boundary of any surface irrigation system there shall be at least four (4) warning signs clearly visible to inform that recycled water is used for irrigation. Each sign shall comply with AS1319 and have lettering visible at 3m, with wording clearly stating that recycled water is being used, that contact must be avoided and it must not be drunk.

**Reason:** To ensure appropriate warning is provided and thereby prevent contact with the irrigated effluent and avoid the associated risk to human health.

19. Spray irrigation equipment shall be fitted with low pressure, low volume spray heads which are not capable of producing aerosols. The spray plume shall have a height of no more than 1.0m and a radius of no more than 8.0m.

**Reason:** To prohibit the inappropriate irrigation of effluent and avoid the associated risk to human health.

20. The land application area shall be kept well vegetated, but clear of long grass and weeds. The erection of structures, construction of paths, animal grazing or driving of vehicles over the land application area are prohibited.

**Reason:** To maximise the evapotranspiration of the land application area and protect it from damage.

21. The repair and maintenance of plumbing and drainage lines associated with the System, shall only be carried out by a plumber licensed by the Department of Fair Trading.

**Reason:** To minimise the potential for inappropriate or substandard repair and maintenance on the System.

22. Safe access to the System is to be provided for the purposes of maintenance and inspection.

**Reason:** To allow Council and other service companies to carry out their work on the System in a safe environment.

23. Council reserves the right to revoke or modify this approval, or require remedial works to be undertaken to ensure the System meets the conditions of this approval.

**Reason:** To make the applicant aware of Council's powers in relation to this approval as provided by Section 109 d of the Local Government Regulations.

24. The Council may carry out compliance inspections of any premises, facilities or records related to the operation of the System in order to assess compliance with this approval. Council may carry out one (1) compliance inspection per year. The Council may also carry out follow up inspections in relation to any matter requiring rectification about which the applicant has been notified. The fee for each such inspection is the approved fee determined in accordance with the Local Government Act 1993.

The approved fee is the amount specified in the Council Management Plan for the period in which the compliance inspection is carried out unless another amount is specified in regulations or determined by the Director General, Department of Local Government.

**Reason:** To Make the applicant aware of Council's powers in relation to this approval and to comply with the provisions of s608(6)(a) of the Local Government Act.

**Advisory Notes:**

1. In addition to compliance inspections in relation to the approval Council may carry out general inspections of any premises in accordance with s191 – 201 of the Local Government Act. If as a result of a general inspection Council requires that rectification work must be carried out, Council may recover the costs of entry and inspection from the owner or occupier of the premises. If no remedial action is required no fee is charged for general inspections of non-commercial premises.
2. A person who purchases (or otherwise acquires) land on which any sewage management facilities are installed may operate a system of sewage management without the approval required under the Local Government Act for the period of three (3) months after the date on which the land is transferred or otherwise conveyed to the person, whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land.

Further, if the person duly applies, within the period of two (2) months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.