

## **ORDINARY COUNCIL MEETING**

**WEDNESDAY, 23 SEPTEMBER 2020**

### **ATTACHMENT BOOKLET 5**

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## BURIAL ON PRIVATE RURAL LAND

### Summary:

The purpose of this policy is to set standards for having areas of land set aside by rural land owners as private cemeteries.

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<b>Policy Custodian</b>	Manager Planning & Development Services
<b>Superseded Documents</b>	N/A
<b>Related Legislation</b>	
<b>Delegations of Authority</b>	Manager Planning & Development Services

### 1. Overview

The intention of this policy is to standardise Council's requirements for having areas of land set aside by rural land owners as private cemeteries.

### 2. Policy Principles

To provide direction and guidance for the establishment of private rural cemeteries.

### 3. Policy Objectives

To set clear standards for the establishment of private rural cemeteries.

### 4. Policy Statement

- Establishment of a 'cemetery' is a land use which is permitted with development consent under the provisions of Tenterfield Local Environmental Plan 2013 – a Development Application must be lodged with

**Council for assessment and determination to allow for a private rural cemetery.**

- Total minimum area of rural land that can apply/support a Private Rural Cemetery (PRC) being 40 hectares (100 acres). This size has a significant impact on future owners as they may wish to subdivide but are unable due to the location of the PRC;
- Recommended size for PRC allocation of 15 metres X 15 metres (225m<sup>2</sup>);
- Geotechnical report – or site located on elevated land, not low lying or within 100 metres from a watercourse;
- Proof of ownership of the land;
- Burials for immediate family only;
- Identification of how many burials can take place in the area proposed;
- Council will consult with owners/occupiers of dwellings and dwelling sites immediately adjoining the proposed PRC.
- Direct access should be maintained by means of a formal Right of Carriageway and have reasonable and safe pedestrian and vehicular access;
- The boundary of the PRC to have an appropriate stock proof fence;
- PRC must be at least 40 metres from the property boundary;
- ~~• No monument to be built any higher than 1.5 metres above natural ground level;~~
- ~~• Building restrictions of a minimum of sixty (60) metres from the boundary of the proposed PRC to prevent building or disturbances of the grave sites (providing it is assessed on a case by case merit basis to be consistent with the objects of the relevant zone).~~
- Council to ensure advice of the PRC is provided within any **Section 149 Planning** Certificates relating to the parcel of land;
- All burial locations should be described and drawn by a registered surveyor together with GPS details of the location and shall be forwarded to Council for placement on the relevant property file;
- Council to maintain a register of all private rural burials;
- All graves necessitate permanent markers (minimum size 200 X 200mm) plaque placed on concrete plinth or rock;
- An application to have a grave location on private property approved by Council in accordance with the *Public Health (Disposal of Bodies) Regulation*

as amended shall be lodged with Council showing all of the abovementioned details and together with the appropriate application fee;

- Council will not approve the burial in or on any land if there is risk of contamination of a drinking water supply or a domestic water supply;
- No private burial area shall take place until the excavated grave has been inspected and approved by an authorised Council Officer;
- Grave must have minimal depth of 900mm from top of casket;
- A registered undertaker must present application for Right of Burial together with a death certificate to Council prior to a *Permit for Burial* being issued and subsequent burial taking place;
- The existence of the PRC is to be designated on the land title as a permanent record, a copy of the amended title or planning instrument (88b) is to be provided to Council for its records;
- Installation of ashes do not require any approval from Council, however details of the deceased shall be forwarded to Council in order to maintain accurate records of all burials within the Shire.
- The application for a PRC, any burials in the PRC and the cemetery itself must satisfy relevant provisions of the Public Health Act & Regulations, and relevant NSW Health Policy and Council Policy.

#### Variations from the Proposed Policy:

- That the ~~General Manager~~ Chief Executive be authorised to vary this policy where deemed appropriate in light of the circumstances of the case to do so. Where a variation is sought the applicant must provide a comprehensive submission to accompany the application.
- Council may notify affected neighbour/s of an application for a variation.
- If the variation is to reduce the setback distance, the applicant must detail what measures are to be undertaken to mitigate any impacts on affected neighbours. These measures are to be determined following proper consultation of the proposal with all affected neighbours.
- For the purposes of section 41(1) (d) of the Births, Deaths and Marriages Registration Act 1995, the following information is required from a funeral director or other person who arranges for the disposal of human remains:
  - (a) Date and place of death of the deceased;
  - (b) Sex, date of birth (or age at death) and place of birth of the deceased;
  - (c) Occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death;

- (d) Proposed date of disposal of the remains of the deceased;
- (e) Full name and business address of the funeral director or other person who is arranging the disposal of the remains;
- (f) If the deceased was born outside Australia, the period of residence in Australia of the deceased before death;
- (g) Whether or not the deceased was of Aboriginal or Torres Strait Islander origin or both Aboriginal and Torres Strait Islander origin;
- (h) The marital status of the deceased immediately before death;
- (i) If the deceased had married;
  - (i) Only once - the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name (including maiden family name) of his or her spouse, or;
  - (ii) More than once - the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name (including maiden family name) of each spouse;
- (j) The full name and maiden family name (if any) of any de facto partner of the deceased;
- (k) The given names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children);
- (l) the full name, maiden family name (if any) and occupation of each parent of the deceased.

#### Application Fees:

The application fee will be charged as per Council's adopted Fees & Charges at the time of payment.

#### **5. Scope**

To provide direction and guidance for the establishment of private rural cemeteries.

#### **6. Accountability, Roles & Responsibility**

##### **Elected Council**

Not applicable.

##### **Chief Executive, Executive and Management Teams**

Not applicable.

##### **Management Oversight Group**

Not applicable.

## Individual Managers

Manager Planning & Development Services.

### 7. Definitions

"cemetery" means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services (*Tenterfield LEP 2013*).

The above definition includes "private rural cemetery" being located on private land in accordance with this policy.

### 8. Related Documents, Standards & Guidelines

Births, Deaths and Marriages Registration Act 1995 No 62;  
Public Health Act 2010 No 127;  
Public Health Regulation 2012.

### 9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	23/09/09	Council	Adoption of Original Policy (Res No. 1231/09)
V2.0	22/08/12	Council	Review/Amended (Res No. 311/12)
V3.0	27/03/13	Council	Review/Amended (Res No. 74/13)
V4.0	23/03/16	Council	Review/Amended (Res No. 52/16)
V5.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V6.0	23/09/20	Council	



## LIMIT OF DELEGATED AUTHORITY IN DEALING WITH DEVELOPMENT APPLICATIONS AND COMPLYING DEVELOPMENT CERTIFICATES

### Summary:

The purpose of this policy is to provide clear direction on delegations when dealing with Development Applications and Complying Development Certificates lodged with Council for assessment and determination.

<b>Policy Number</b>	3.122
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<b>Superseded Documents</b>	N/A
<b>Related Legislation</b>	N/A
<b>Delegations of Authority</b>	Manager Planning & Development Services

### 1. Overview

Pursuant to section 378(2) of the *Local Government Act 1993* the General Manager has delegated certain functions under the *Environmental Planning and Assessment Act 1979* to the Chief Corporate Officer. These functions allow the Chief Corporate Officer to determine development and complying development applications. The delegation further allows for granting consent, either conditionally or subject to conditions or refusing applications.

Both the Department of Local Government (DLG) and the Independent Commission Against Corruption (ICAC) recommend that Councils put in place procedures to reduce corruption risks in the development approval process.

### **Where this Policy Applies**

This policy applies to the entire Tenterfield Shire Local Government Area.



## **2. Policy Principles**

To set standards and principles for the delegation of authority when dealing with DA's and CDC's.

## **3. Policy Objectives**

This policy aims to ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly to avoid impropriety. It also aims to ensure to avoid any occasion for suspicion and any appearance of improper conduct.

In determining development applications, it is essential that Council are highly conscious of the potential for even the slightest impropriety that may lead to suspicion of misconduct.

### **Pecuniary and Non-Pecuniary Conflict of interests**

A conflict of interests exists when Council or Council staff could be influenced, or a reasonable person would perceive that they could be influenced by a personal interest when carrying out your public duty. Perceptions of a conflict of interests are as important as actual conflict of interests.

A conflict of interests can be of two (2) types:

Pecuniary - An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. (Sections 442 and 443).

Non-pecuniary - A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

### **Improper and Undue Influence**

The policy aims to ensure that Council and staff do not take advantage of their position to improperly influence other council officials in the performance of their public or professional duties to secure a private benefit for yourself or for somebody else. It also ensures that Council and staff do not take advantage (or seek to take advantage) of their status or position with, or functions performed for, Council in order to obtain unauthorised or unfair benefit for himself or herself or for any other person or body.

### **Procedure for approvals**

The procedures for determining level of Delegated Authority in the approval of Development Applications and Complying Development Certificates are outlined below.

#### **1. Applications where Council may have a perceived conflict of interest**

Where Council is the owner of land and the developer requires a consent for a sale to proceed:

Assessment of application to be conducted by suitably qualified Town Planner independent of Council and report considered by full Council.

1.1 Where Council has sold land however Council is still the owner of the land:

- Assessment of application to be conducted by suitably qualified Town Planner independent of Council and report considered by full Council.

1.2 Where Council owns land and is the applicant:

- Applications to be prepared independent of Department of **Planning and Regulation Services**;
- Where development does not exceed \$300,000 assessed by **Planning and Regulation Services** staff and approved by the **Chief Corporate Officer** and reported to Council monthly meeting;
- Where development exceeds \$300,000 and is not greater than \$750,000 in value assessed by **Planning and Regulation Services** staff and report considered by full Council; and
- Where development exceeds \$750,000 assessment of application to be conducted by suitably qualified Town Planner independent of Council and report considered by full Council.

## **2. Applications where Council staff may have a perceived conflict of interest**

2.1 Where Senior Staff (management team members), Planning and Development Services Staff and Engineering staff involved in development assessment are applicants and / or owners for commercial development:

- Where development does not exceed \$300,000 assessed by independent member of **Planning and Regulation Services** and considered by full Council;
- Development exceeding \$300,000 assessment of application to be conducted by suitably qualified Town Planner independent of Council and report considered by full Council.

2.2 Where Senior Staff (management team members), Planning and Development Services staff and Engineering staff involved in development assessment and are applicants and / or owners for residential development:

- Where development does not exceed \$100,000 assessed by independent member of **Planning and Regulation Services** Staff and approved by Chief Corporate Officer and reported to Council monthly meeting;

- Applications involving the Chief Corporate Officer where development does not exceed \$100,000 assessed by independent member of **Planning and Regulation Services** Staff and considered by full Council;
- Development exceeding \$100,000 application to be assessed by independent member of **Planning and Regulation Services** Staff and approved by full Council; and
- All applications involving the Chief Corporate Officer exceeding \$100,000 to be assessed by suitably qualified Town Planner independent of Council and report considered by full Council.

**Applications of public interest**

Applications whereby three (3) or more submissions are received objecting to the development on valid planning grounds:

Application assessed by **Planning and Regulation Services** Staff and considered by full Council.

Applications of public interest being commercial developments exceeding \$500,000:

Application assessed by **Planning and Regulation Services** Staff and considered by full Council.

Applications recommending refusal on planning principles:

Application assessed by **Planning and Regulation Services** Staff and considered by full Council.

**4. Policy Statement**

To set standards and principles for the delegation of authority when dealing with DA's and CDC's.

**5. Scope**

To identify appropriate delegations for the assessment of DA's and CDC's

**6. Accountability, Roles & Responsibility**

**Elected Council**

As required.

**Chief Executive, Executive and Management Teams**

As required.

**Management Oversight Group**

As required.

**Individual Managers**

Manager Planning & Development Services

## 7. Definitions

Nil.

## 8. Related Documents, Standards & Guidelines

- *Environmental Planning & Assessment Act, 1979;*
- Independent Commission Against Corruption (ICAC) Anti-corruption Safeguards and the NSW Planning System February 2012
- *Local Government Act 1993*

## 9. Version Control & Change History

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
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V3.0	23/09/20	Council	



## RAINWATER TANKS – INSTALLATION REQUIREMENTS WHERE RETICULATED WATER IS CONNECTED

### Summary:

The purpose of this policy is to provide clear direction for the installation of rainwater tanks where reticulated water is connected.

<b>Policy Number</b>	3.180
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<b>Superseded Documents</b>	N/A
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<b>Delegations of Authority</b>	Manager Planning & Development Services

### 1. Overview

This Policy was adopted to:

- a) encourage water conservation by the installation of water tanks, connected to household fixtures, through a safe and reliable method, to supplement the mains supply; and,
- b) set out Council's requirements as a Water Authority in reticulated supply locations.

This policy does not cover water tanks in non-reticulated water supply areas.

This includes the installation of water tanks not connected to household fixtures, to prevent later illegal connection.

This Policy must also be read in conjunction with the **“State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008”** – Subdivision 32 – Rainwater tanks (above ground) and Subdivision 33 – Rainwater tanks (below ground).

**Note:** The provisions of the SEPP will prevail this policy. Clause 2.64 of the SEPP states “if reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authorities requirements”.

## **2. Policy Principles**

To encourage water conservation by the installation of water tanks, connected to household fixtures, through a safe and reliable method, to supplement the mains supply.

## **3. Policy Objectives**

To ensure that installation of water tanks where reticulated water is available are done so in accordance with current legislative requirements.

## **4. Policy Statement**

Council’s requirements as the Water Authority are:

1. Any water tank which is to be connected to plumbing fixtures, must be connected separately to the fixture and an approved “intelligent controller” system installed, which shuts off water tank supply and opens main supply when the water tank level becomes to low, or due to power failure.
2. There can be no direct connection between the mains supply and the water tank.
3. All plumbing work is to be carried out in accordance with the Plumbing Code of Australia.
4. Maintenance of the tank or tanks shall be in accordance with the guidelines from the New South Wales Department of Health for the “Guidance on use of rainwater tanks” 2010.

## **5. Scope**

Where it is proposed to install rainwater tanks where a reticulated water supply is available.

## **6. Accountability, Roles & Responsibility**

### **Elected Council**

Not applicable.

### **Chief Executive, Executive and Management Teams**

Not applicable.

### **Management Oversight Group**

Not applicable.

### **Individual Managers**

Manager Planning & Development Services.

## 7. Definitions

Nil.

## 8. Related Documents, Standards & Guidelines

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- New South Wales Department of Health for the "Guidance on use of rainwater tanks" 2010.

## 9. Version Control & Change History

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V5.0	23/09/20	Council	







## PRIVATE SWIMMING POOL SAFETY

### Summary:

The purpose of this policy is to provide clear direction on the requirements for the installation of domestic swimming pools and associated fencing and safety measures.

<b>Policy Number</b>	3.194
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<b>Superseded Documents</b>	N/A
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<b>Delegations of Authority</b>	Manager Planning & Development Services

### 1. Overview

Tenterfield Shire Council is concerned at the dangers presented to young children, particularly those under the age of five (5) years, by domestic swimming pools. Statistics from the Royal Lifesaving Society indicate that 70% of child drownings occur in swimming pools, 80% of which occur when the child has direct access to the pool after leaving the bounds of the associated dwelling.

Tenterfield Shire Council requires that all swimming pools are separated from residential buildings on site by a barrier complying with AS 1926. 1-2012 as required by the Swimming Pool Act 1992. It is apparent that many owners are unaware of the requirements, choose not to comply with the requirements, or are oblivious to the potential for tragedy or legal ramifications resulting from non-compliance.

There is no substitute for constant adult supervision of children in and around swimming pools to prevent drowning and other accidents. Swimming pool owners should be familiar with first aid and resuscitation techniques.

## **2. Policy Principles**

To ensure domestic swimming pools are installed and operated in accordance with current Australian Standards to ensure the safety of all users.

## **3. Policy Objectives**

To save and protect lives by preventing drowning in backyard pools.

To inform pool owners of their responsibilities and obligations under the Swimming Pool Act 1992.

## **4. Policy Statement**

To save and protect lives by preventing drowning in backyard pools.

To inform pool owners of their responsibilities and obligations under the Swimming Pool Act 1992.

## **5. Scope**

### **PART 2: INSTALLATION OF NEW POOLS**

#### **Approval**

##### **2.1 General**

1. Prior to constructing or installing a pool, an applicant must obtain either:
  - A development consent and associated construction certificate; or
  - A complying development certificate.
  
2. A BASIX Certificate must be provided with any application for the installation of any swimming pool where the capacity is 40,000L or more. The details provided on this BASIX Certificate are to be reflected on the plans. These details are to be carried out for the pool. For example: BASIX Certificate reflects that the pool is to have a pool cover; this is to be installed prior to Councils issuing any Occupation Certificate for the pool.
  
3. Applications for swimming pools must generally be accompanied by:
  - A site plan showing measurements of the location of the pool in relation to all other buildings on the allotment, and the boundaries of the allotment;
  - A plan clearly showing the location of the required swimming pool safety barrier and gate, and specifications to demonstrate the proposed swimming pool barrier complies with AS 1926.1 – 2012;

- Location of proposed swimming pool pump, and water overflow discharge;
- A section through the pool indicating the height of any coping or decking in relation to the; ground level or dividing fences to ascertain any privacy issues that may exist;
- All plans are to be legible and to a suitable scale e.g. 1:100;
- Statement of Environmental Effects.

Refer to Council's combined DA/CC/CDC Application Form.

Guides for further submission requirements.

## **2.2 Structural**

- a. A pool construction site or pre-fabricated pool shall comply with the relevant Australian Standard; including:
  - AS 2783 – 1992 – use of concrete for swimming pools;
  - AS/NZS 1838 – 1994 Swimming Pools – premoulded fibre-reinforced plastics – design and fabrications; and
- b. Where a pool is constructed of reinforced concrete it shall be finished with a suitable surface and shall be designed by a practicing structural engineer.

## **PART 3 – EXEMPTIONS TO POOL REQUIREMENTS**

The Swimming Pools Act 1992 provides some exemptions for existing Swimming Pools constructed or installed prior in specific timeframes in certain circumstances such as on small properties, large properties and waterfront properties to not have a child resistant

barrier installed provided access to the swimming pool from a residential building is restricted in accordance with the provisions of the appropriate Australian Standard.

## **PART 4 – PRIVATE POOL REQUIREMENTS**

### **4.1 Water Quality**

- a. The pool must be provided with filtration equipment that will maintain the water in a clean and hygienic condition and compliant with the installation requirements of AS 1926.3 – 2010, Water recirculation systems."
- b. Water Quality for spa pools shall be in accordance with AS 2610.2 – 2007 Spa Pools --Private Spas.

- c. Water quality for swimming pools must be in accordance with AS 3633 – 1989 Private swimming pools – water quality.

#### **4.2 Backwash/Used Water Disposal**

All backwash, used water or waste pool water must be discharged to the Tenterfield Shire Council sewer. On allotments where sewer is not available these waste waters must be discharged in accordance with an approval under the *Local Government Act 1993*.

**Note: A Section 68 Approval is required for all on-site sewerage management (OSSM) systems.**

#### **4.3 Exemptions**

- a. An application may be made by the owner of the land under Section 22 of the Swimming Pool Act 1992 for and exemption from complying with the requirements of the Act if:
  - It is impractical or unreasonable for the swimming pool to comply with those requirements; or
  - An Alternative provision, no less effective than those requirements, exists for restricting access to the pool.
- b. Any such application must be in writing and accompanied by the prescribed fee (refer to Section 13 of the Regulations).

**Note: The exemptions for swimming pools located on very small, large and water front properties do not apply to any swimming pool for which construction commenced on or after 1 July 2010.**

### **PART 5 – POOL DECKS AND PRIVACY SCREENS**

#### **5.1 Required Approvals**

- a. Prior to constructing any deck or privacy screen (other than those deemed “exempt”) an applicant shall ensure that a development approval and a Construction Certificate approval or a Complying Development Certificate approval is obtained. Approval for such may be obtained in conjunction with the application for the pool installation.

#### **5.2 Design Requirements**

- a. Privacy screening should generally be designed with the following features:
  - It may be trellis, fence or panel. Dividing fences may be used with agreement of the adjoining neighbour;
  - It should be behind the building line; and

- It must be structurally adequate.

**Note: NO part of any privacy screen shall be constructed within the 900mm non-climbable zone of any child resistant barrier.**

## **PART 6 – OTHER POOL REQUIREMENTS – GENERAL INFORMATION**

### **6.1 Aboveground Pools**

- a. For aboveground pools, including inflatable pools, the walls are not considered to be a child resistant barrier.

### **6.2 Spa Pools**

- a. Spa pools may either be surrounded by a child resistant barrier, or covered or secured by a child-safe structure (such as a lockable door, lid grille or mesh) that is fastened to the spa by a child resistant device/lock at all times when the spa is not in use.

### **6.3 Indoor Swimming Pools**

- a. The access doorways to indoor pools must be kept securely closed at all times, and are to be fitted with approved closers and latching devices, as outlined in the Swimming Pools Act 1992, the Regulations under the Act, and AS 1926.1 – 2012.

## **PART 7 – GENERAL SAFETY, HEALTH AND AMENITY REQUIREMENTS**

### **7.1 Safety Requirements**

- a. A child resistant barrier (fence) complying with the requirements of the Swimming Pool Act 1992 and AS 1926.1 – 2012 must be installed and maintained whilst the pool remains on site.
- b. During construction, and prior to the erection of the child resistant barrier, the pool must be surrounded by a temporary fence to the dimensions provided in AS 1926.1 – 2012.
- c. All gates to the child resistant barrier (fence) shall be adequately maintained. The gate must latch from any open position without the need for manual assistance. The gates must be kept closed at all times. The self-closing mechanism must be located a minimum of 1.5 m (above ground level) AGL. The self-closing mechanism must be located a minimum of 1.5 m (above ground level) AGL. However where the release to either the latching device or the latch is located at a height less than 1500mm AGL, the latch and its release shall be so shielded that no opening greater than 10mm occurs within an area bounded by either an effective radius of 450mm from the operating parts of the latch; and the top of the fence, if this intersects the area described above.

- d. Adequate means of egress from the pool must be provided (ladder/steps).
- e. A resuscitation sign depicting resuscitation methods must be displayed and maintained in a prominent position adjacent to the pool, such posters can be obtained from Council, the Royal Life Saving Society or pool installation companies.
- f. Any pool chemicals shall be stored and handled in accordance with manufacturer's instructions.

**Note: Should any inconsistency occur between this guideline and AS 1926.1, the Australian Standard shall prevail.**

## **7.2 Noise Control**

- a. Any potential noise generating equipment must be located or treated so as to not cause noise nuisance for neighbours.

## **PART 8 – FENCING OF SWIMMING POOLS**

### **8.1 Fencing must comply with AS 1926.1 – 2012**

- a. Fencing and gates must be designed and installed so that at any point along their length the fence will present an effective barrier to young children. Again this applies to above ground pools and inflatable pools;
- b. Gates incorporated in a child proof barrier must be fitted with a device to return the gate to a closed position and operate a latch without use of manual force from any position. The gate will only open outwards (away from the pool);
- c. Each child resistant barrier (fence) must be approved by the certifying authority prior to the use of the pool;
- d. Boundary fences may be used as effective child resistant barriers provided they comply with AS 1926.1 – 2012. In essence the boundary fence must be a minimum 1800mm high with a non-climbable zone on the inside, top of the fence;
- e. Windows may open to a pool area provided:
  - The bottom of the lowest opening panel of the window must when measured in a closed position, be a minimum of 1.8 metres above finished floor level; or,
  - The window is fitted with a permanently fitted security screen preventing access from the window; or,
  - The window is installed so that it is only able to be opened to a maximum of 100mm.

- f. The rails to any fence intersecting with the child resistant barrier must be shielded from the bottom of that fence to a height of 1200mm, for a distance of 1200mm on the outside of the pool area and 300mm inside the pool area to maintain the non-climbable zone.

## **PART 9 – SWIMMING POOL REGISTRATION & COMPLIANCE CERTIFICATES**

The owners of properties with a swimming pool and/or a spa pool are required to register their pools and spas on the:

<http://www.swimmingpoolregister.nsw.gov.au/>

Failure to register a swimming pool or spa may result in a fine for the amount of \$220.00.

Tenterfield Shire Council has commenced the implementation of an inspection program with intent to carry out an inspection of all swimming pools and their barriers located within the Tenterfield Local Government Area. Should the swimming pool be compliant following the inspection, then a "*Certificate of Compliance*" will be issued for the swimming pool which remains valid for 3 years.

In order for a Swimming Pool or Spa to be deemed compliant and issued with a "Certificate of Compliance", the Pool or Spa must be registered on the *NSW Swimming Pool Register* and must have a compliant child resistant barrier installed and maintained as per the standards set out in the *National Code of Australia*.

As of the 29<sup>th</sup> April 2016, any property in NSW on which a swimming pool or spa pool is located cannot be sold or leased without a valid certificate of compliance.

### **6. Accountability, Roles & Responsibility**

#### **Elected Council**

Not applicable.

#### **General Manager, Executive and Management Teams**

Not applicable.

#### **Management Oversight Group**

Not applicable.

#### **Individual Managers**

Manager Planning & Development Services.

### **7. Definitions**

For the purpose of this Policy the following definitions apply:

"Act" – means the Swimming Pool Act 1992.

"Existing Pool" – means a swimming pool whose construction had commenced prior to 1 August 1990.

“New Pool” – means a swimming pool whose construction or installation had commenced after 1 August 1990.

“Swimming Pool” – means a permanent or temporary excavation, structure or vessel that is:

- a. Capable of being filled to a depth of 300mm or more; and
- b. Solely or principally used or that is designed, manufactured or adopted to be used for the purpose of swimming, wading, paddling or any other human aquatic activity and includes a spa pool or tub but does not include a spa bath situated within a private bathroom.

## 8. Related Documents, Standards & Guidelines

- Swimming Pool Act 1992
- AS 1926.1-2012 Fences
- AS 2783-1992 – use of concrete for swimming pools;
- AS/NZS 1838 – 1994 Swimming Pools – premoulded fibre-reinforced plastics – design and fabrications; and

## 9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	26/11/12	Council	Adoption of Original Policy (Res No. 480/12)
V2.0	25/11/15	Council	Review/Amended (Res No. 380/15)
V3.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V4.0	23/09/20	Council	





## AERATED WASTEWATER TREATMENT SYSTEMS

### Summary:

The purpose of this policy is to provide clear direction to regulate installation, maintenance and monitoring procedures for the use of Aerated Wastewater Treatment Systems

<b>Policy Number</b>	3.011
<b>File Number</b>	N/A
<b>Document version</b>	V4.0
<b>Adoption Date</b>	
<b>Approved By</b>	Council
<b>Endorsed By</b>	Council
<b>Minute Number</b>	
<b>Consultation Period</b>	N/A
<b>Review Due Date</b>	September 2023 – 3 years
<b>Department</b>	Office of Chief Corporate Officer
<b>Policy Custodian</b>	Manager Planning & Development Services
<b>Superseded Documents</b>	N/A
<b>Related Legislation</b>	N/A
<b>Delegations of Authority</b>	Manager Planning & Development Services

### 1. Overview

This Policy was adopted to regulate installation, maintenance and monitoring procedures for the use of Aerated Wastewater Treatment Systems, to provide a more flexible approach to water conservation, re-use and to ensure the protection of public health and the environment in the Tenterfield Shire area.

It should be read in conjunction with Council's current On-Site Sewage Management Policy.

### 2. Policy Principles

To ensure the correct installation and operation of aerated wastewater treatment systems across Tenterfield Shire.

### 3. Policy Objectives

The objectives of this policy are to set standards for the installation and operation of aerated wastewater treatment systems.

#### **4. Policy Statement**

That Council permit the installation of Aerated Wastewater Treatment Systems, subject to the following:

1. Aerated Wastewater Treatment Systems are to be accredited by NSW Health;
2. Aerated Wastewater Treatment Systems are to be installed by a licenced plumber with all plumbing work to be carried out in accordance with the National Plumbing and Drainage Code and the New South Wales Plumbing and Drainage Code of Practice.
3. Aerated Wastewater Treatment Systems including the construction of irrigated areas are to be designed and installed in accordance with relevant Standards including AS/NZS 1547:2012, AS/NZS 1546.3.2008, and/or the Environment and Health Protection Guidelines for "*On-Site Sewage Management for Single Households*".
4. All irrigation area(s) being maintained in good order at all times. Such maintenance includes;
  - a. For mulched spray/drip surface and drip sub-surface irrigation areas, regular weeding, adding more bark/mulch to maintain depth, and replacement of plants as necessary; and
  - b. For grassed sub-surface irrigation areas, regular mowing.
5. Aerated Wastewater Treatment Systems are limited to either non-sewered areas or for subdivisions adjacent to reticulated sewer with lot sizes 4000 m<sup>2</sup> or greater, despite being within 70 metres, or close enough to connect to reticulated sewage providing they contribute to an overall holistic environmentally friendly subdivision on suitable land.
6. Aerated Wastewater Treatment Systems are to be entered on Council's date base with the facility to track mandatory maintenance reports.
7. The owner of the Aerated Wastewater Treatment System must enter into an annual maintenance contact with the manufacturer or another suitably qualified person (designer or installer). These details are to be forward to Council. The system must provide 3 months storage of chlorine tablets.
8. A copy of the service report shall be provided by the contractor to the Council and to the owner, after each service.
9. The effluent application area shall not be used for active recreation purposes and must not be used to grow vegetable or fruit for human consumption.

10. At least 2 prescribed warning signs should be installed along the boundary of the approved landscaped effluent application area with the words "RECLAIMED EFFLUENT – NOT FOR DRINKING – AVOID CONTACT".
11. The effluent shall at all times comply with the following standard.
12. Physical and chemical properties of treated effluent are to be maintained in accordance with the manufacturers specifications, and disposal areas are to be designed to accommodate these parameters, and in accordance with point 3 of this policy.
13. A telephone number for emergency service shall be fixed and located in or near the alarm control panel so as to be easily visible.
14. Vehicular traffic must be excluded from the disposal area.
15. Recommended buffer distances for On-Site Effluent Disposal Areas:

	SYSTEM TYPE	RECOMMENDED BUFFER DISTANCES
1	All land application systems	<ul style="list-style-type: none"> <li>• 100 metres to permanent surface waters (e.g. river, streams, lakes, etc.)</li> <li>• 250 metres to domestic groundwater well and/or bore</li> <li>• 40 metres to other waters (eg farm dams, intermittent waterways and drainage channels, etc.)</li> </ul>
2	Surface spray irrigation (by large droplet sprinklers with maximum 1.0m radius spray)	<ul style="list-style-type: none"> <li>• 6 metres if area up-gradient and 3 metres if area down-gradient of driveways and property boundaries</li> <li>• 15 meters to dwellings</li> <li>• 3 metres to paths and walkways</li> <li>• 6 metres to swimming pools</li> </ul>
3	Surface drip and trickle irrigation Sub-surface irrigation	<ul style="list-style-type: none"> <li>• 6 metres if area up-gradient and 3 metres if area down-gradient of swimming pools, property boundaries, driveways and buildings.</li> </ul>

16. Council may at any time resolve to specify training and accreditation requirements of persons acting as service agents for AWTS systems, Council may also specify standard testing procedures, site management checks (such as assessment of irrigation area) and reporting requirements, as well as procedure for lodging reports and for maintaining accreditation as a qualified person.
17. Council may carry out inspections where problems are identified by AWTS service agents or through random monitoring of these systems to

ensure that the service agents are inspecting and monitoring to the required standard of system operation.

**5. Scope**

The installation and operation of on site aerated wastewater treatment systems.

**6. Accountability, Roles & Responsibility**

**Elected Council**

Not applicable.

**Chief Executive, Executive and Management Teams**

Not applicable.

**Management Oversight Group**

Not applicable.

**Individual Managers**

Manager Planning & Development Services.

**7. Definitions**

“*aerated wastewater treatment system*” (AWTS) treat wastewater to a secondary standard (a higher standard than septic tanks and composting toilets), so that the effluent can be used for irrigation on your property. AWTS use several pumps and are more complicated than septic tanks, and require more frequent maintenance.

**AWTS:** a wastewater treatment process typically involving:

- Settling of solids and flotation of scum;
- Oxidation and consumption of organic matter through aeration;
- Clarification - secondary settling of solids, and;
- Disinfection of wastewater before surface irrigation.

**8. Related Documents, Standards & Guidelines**

- AS/NZS 1547:2012;
- AS/NZS 1546.3.2008;
- Environment and Health Protection Guidelines for “*On-Site Sewage Management for Single Households*”.
- Local Government Act, 1993 (Item 5 of Part C of the table to section 68)

**9. Version Control & Change History**

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	26/04/12	Council	Adoption of Original Policy
V2.0	22/08/12	Council	Reviewed/Amended
V3.0	20/05/15	Council	Reviewed/Amended
V4.0	23/09/20	Council	



## ON SITE SEWAGE MANAGEMENT

### Summary:

The purpose of this policy is to provide clear direction in the treatment and disposal of sewage on site where a reticulated sewage treatment system is not available.

<b>Policy Number</b>	3.150
<b>File Number</b>	N/A
<b>Document version</b>	V.60
<b>Adoption Date</b>	
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<b>Department</b>	Office of Chief Corporate Officer
<b>Policy Custodian</b>	Manager Planning & Development Services
<b>Superseded Documents</b>	N/A
<b>Related Legislation</b>	N/A
<b>Delegations of Authority</b>	Manager Planning & Development Services

### 1. Overview

Approximately 250,000 households throughout New South Wales use “on-site sewage management systems” (OSSM systems) for their wastewater needs. Recently there have been increasing concerns that these systems are failing to adequately treat and dispose of wastewater leading to pollution of waters and unhealthy conditions.

Within the Tenterfield Shire Local Government Area (LGA) there are upwards of 1500 on-site sewage management facilities many of which are older style septic tank and trench systems. The number of OSSM systems is increasing as more development occurs in rural and semi-rural areas.

Effective management of domestic sewage and wastewater is an important consideration for the public health of residents in the Tenterfield Shire Area and the environment. It requires the active involvement of both the Council and landholders.

This Policy has been developed to help Tenterfield Shire Council assess, regulate and manage the selection, design, installation, operation and maintenance of OSSM systems. The Policy is a useful resource for rural homeowners, developers and others who wish to install and operate an OSSM systems within the Tenterfield Shire Council area.

This Onsite Sewage Management Policy draws upon the principles; technical data and overall advice contained in the publication "*Environment and Health Protection Guidelines - On Site Sewage Management for Single Households.*"

## 2. Policy Principles

The aims of the On-site Sewage Management Policy are to:

- Guide landholders towards sustainable on-site management of domestic/business/commercial sewage and wastewater.
- Protect and enhance the quality of public health and the environment in the long term within the Tenterfield Shire Area.
- Co-ordinate environmental assessment, data collection and monitoring which is related to On-Site Sewage Management.
- Assist Council to prioritise resources for the efficient regulation and monitoring of on-site sewage management systems within its area.

## 3. Policy Objectives

The objectives of this On-Site Sewage Management Policy are –

- **Prevention of public health risk** – sewage contains bacteria, viruses, parasites and other disease causing organisms. Contact with effluent must be minimised or eliminated, particularly for children. Residuals, such as composted material, must be handled carefully. Treated or untreated sewage must not be used on edible crops that are consumed raw. Unacceptable public health risks associated with the operation of any OSSM systems must not occur;
- **Protection of surface waters** – OSSM systems must be selected, sited, designed, constructed, operated and maintained so that natural or artificial surface waters are not contaminated by any flow from sewage or wastewater treatment systems and/or land application areas;
- **Protection of groundwaters** – OSSM systems must be selected, sited, designed, constructed, operated and maintained so that unacceptable risks of groundwater contamination do not occur;
- **Protection of lands** – OSSM systems should not cause deterioration of land and vegetation quality through soil structure degradation, salinisation, waterlogging, chemical contamination or soil erosion;
- **Protection of community amenity** – OSSM systems must be selected, designed, sited, constructed, operated and maintained so that they do not unreasonably interfere with quality of life, and, where possible, so that they add to the local amenity. Special consideration should be given to aesthetics, odour, dust, vectors and excessive noise;

- **Conservation and reuse of resources** – the resources in domestic wastewater (including nutrients, organic matter and water) should be identified and utilised as much as possible within the bounds posed by the other performance objectives. Water conservation should be practiced and wastewater production should be minimised;
- **Ecologically sustainable development** – OSSM systems should be selected, sited, designed, constructed, operated and maintained using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future can be increased.

#### **4. Policy Statement**

This policy has been developed to help Tenterfield Shire Council assess, regulate and manage the selection, design, installation, operation and maintenance of OSSM systems across the Shire.

#### **5. Scope**

This Policy applies to all fixed on-site sewage management systems in the Tenterfield Shire area that are not directly connected to the public sewage system.

The systems covered by this Policy include a wide range of public, commercial and domestic sewage management facilities.

The following wastewater treatment devices are all classed as on-site sewage management systems –

- Septic tank and absorption trenches
- Septic tank and evapotranspiration areas
- Aerated wastewater treatment systems
- Septic tank to pumpout
- Dry composting toilets and greywater treatment systems
- Wet composting toilets and subsurface application systems
- Septic tank and constructed wetlands
- Septic tank and soil mound systems
- Any other system that stores, treats and/or disposes of sewage and wastewater onsite

State legislation specifies that all on-site sewage management facilities in the Local Government area are required to be registered (by way of lodging an application for approval to operate the OSSM systems) with the Tenterfield Shire Council. This applies to both new and existing systems.

#### **Goals**

It is planned that through the development of Council's On-Site Sewage Management Policy, certain short and medium term goals can be achieved to improve the function and effectiveness of this Policy. These goals include-

- Maintain and update the database of all existing on-site sewage systems

- To develop and implement a cost effective supervision program for on-site sewage management systems.
- To adopt a partnership approach with householders and service agents to support continual improvement of on-site systems
- To provide education and information for operators of on-site sewage management systems
- To ensure that all onsite systems are inspected at regular intervals and are de-sludged and maintained as required
- To ensure that all residents with Aerated Wastewater Treatment Systems consult with service agents and submit quarterly maintenance reports
- To ensure that all land application areas comply with environment and health protection standards as well as Council operating requirements.
- To review council development standards and approval criteria for subdivision, development and building to ensure that appropriate provision is made for on-site sewage management when residential development occurs in non-sewered areas.

## **6. Operational Programs**

### **6.1 Information Database**

Information provided to Council as part of the application to operate an onsite sewage management facility will form the basis of the information database. Information collected during the inspection will be included to provide a comprehensive record of each OSSM system.

### **6.2 Education/ Promotion**

It is important that owners of OSSM system understand how their system operates and the possible consequences of a faulty or mismanaged system. Older houses with on-site systems may have been bought and sold a number of times and current owners may not even know where the system is located.

Council recognises its responsibility to provide appropriate information to owners. This will be through Council's inspection program. This program will include informal education of owners on site and distribution of information and fact sheets. It may also involve the education of service contractors to ensure a consistent approach in inspection and certification.

### **6.3 Inspection of Onsite Sewage Management Systems**

Council officers will audit individual sewage management facilities having regard to the performance standards specified in AS/NZS 1547:2012 – On-site Domestic Wastewater Management, and the Environment and Health Protection Guidelines for *"On-Site Sewage Management for Single Households"*.

Information will be recorded about the location, type and condition of the system in operation and Council may direct the property owner to carry out rectification works on the system to achieve compliance with the relevant statutory requirements for on-site wastewater management.



AS/NZS 1547:2012 provides the requirements for primary and secondary treatment units and associated land application systems. The Standard gives specific details for septic tanks for domestic wastewater, and for land application and absorption systems including:

- Conventional trenches and beds;
- Evapo-transpiration systems;
- Mound systems;
- Surface and sub-surface irrigation systems.

Information regarding system selection and sizing, site and soil evaluations, and general management of on-site domestic wastewater systems (including operation and maintenance) is also covered in the Standard.

## **7. Approval to Operate a System of Sewage Management**

Item 5 of Part C of the Table to s68 *Local Government Act 1993* identifies operating a system of sewage management as an activity that requires the approval of Council. This means that an "Approval to Operate" a system of sewage management must be obtained from Council.

The nature of the particular sewage management facilities in use is a relevant matter for consideration. However, it is the activity of sewage management, not the facilities, which are the subject of the approval. The design and construction of sewage management facilities and land application areas is properly regulated by the requirement to obtain either development consent under the *Environmental Planning & Assessment Act 1979*, or activity approval under the *Local Government Act 1993*. Facility upgrading requirements are properly dealt with by an order under s124 *Local Government Act 1993*.

The frequency of issuing approvals for operating on-site sewage management facilities will largely depend on the level of risk (**high or low**) to public and environmental health and may be issued every 1-3 years, or every 5-7 years. In determining the risk classification, and subsequently the approval period for each sewage management facility, Council has taken into consideration the following factors:

- Land Capability Assessment and Site Evaluation Procedure as specified in initial geotechnical report.
- Practical experience (e.g. investigation of complaints, site inspections);
- Size of allotment;
- Environmental sensitivity (i.e. Water Catchment Areas, creeks and rivers, etc.)
- Purpose for which land is used (i.e. residential, commercial or industrial).

**Note:** On-site sewage management facilities located in designated water catchment areas and on residential allotments will be subject to a greater number of random and routine audits due to the increased risk they pose to public and environmental health.

### **7.1 New Systems**

All On-Site Sewage Management Systems currently require approval in accordance with Item 5 of Part C of the Table to s68 *Local Government Act 1993*. Each site is to be assessed by the determining Environmental Health and Building Surveyor and appropriate conditions of approval imposed. Fees associated with this approval process are outlined in Council's Delivery and Operational Plan - Fees and Charges.

All new systems shall be designed by a Geotechnical Engineer/Engineer/Hydrological Consultant or a person with extensive experience in designing these systems. Design plans submitted will be assessment by Environmental Health and Building Surveyor.

Applicants must submit an Application to Install an On-site Sewage Management System (Appendix 1) accompanied by:

- a) Site plan indicating, buffer distances from, the dwelling, boundaries, swimming pool, paths, groundwater bores and waterways, primary and reserve disposal area and stormwater diversion drains.
- b) Specifications of the system
- c) Operation and maintenance requirements including any maintenance agreement
- d) Site assessment
- e) Details of number of persons to reside on the premises and other factors relevant to the capacity of the system.
- f) Any additional information required by Council to enable assessment in accordance with the Environmental and Health Protection Guidelines and AS/NZS 1547:2012.

All new systems shall not be used until Council has given the applicant notice of approval in writing.

Council shall not approve a system that does not have a current accreditation from the Director-General of the NSW Department of Health.

Aerated systems shall continue to have quarterly services from an appropriately qualified service contractor with all reports and documentation held together on site and copies submitted to Council.

## **7.2 Existing Systems**

All existing OSSM systems are required to be registered and receive the relevant approval from Council.

Clause 42 *Local Government (General) Regulation 2005*, provides the definition of "*operating a system of sewage management*". The definition includes all systems that result in the disposal of effluent on site, and systems that hold or process sewage that is subsequently discharged into a public sewer, such as pump out systems.

Clause 44 *Local Government (General) Regulation 2005*, also outlines the performance standards which a system of sewage management must be operated in accordance with, prior to the issue of an 'Approval to Operate'.

Operating an OSSM system does not include any use of sewage or sewage by-products after their discharge into a public sewer (Clause 42 3b).

### **7.3 Upgrading of Failing Systems:**

System failure is deemed to have occurred when a system fails to achieve prescribed performance standards and conditions of approval that may result in adverse impacts on public health or the environment.

Where a system failure is identified, Council may take one or more of the following actions:

- Provide advice and educational material to the system owner and/or operator as to the best practice in operating and maintaining the sewage management system. This may include advice on the use of water saving devices, stormwater diversion, desludging etc. (this will be Councils preferred course of action);
- Council may require action or works to be carried out through section 124 of the *Local Government Act 1993* where it may issue Order to carry out specific work; and

There are a number of social considerations which may be relevant in the on-site sewage management issue, including:

- The financial implication for property owners who may be required to carry out substantial system upgrading works or complete system replacement;
- The introduction of "pump out" arrangements as an alternative to on-site disposal also has substantial financial implications for property owners; and
- The significant ramifications that may arise to property owners if their allotment is considered to be of insufficient size to achieve sustainable on-site effluent disposal.

The above issues require consideration when decisions are made, particularly for existing sewage management facilities. In some circumstances, where there is a serious threat to the environment or public health, it may be necessary for Council to consider undertaking the work required, recovering the cost through a property debt.

### **7.4 Temporary Exemption for Purchasers of Land**

Under Clause 47 *Local Government (General) Regulation 2005*, a person who purchases (or otherwise acquires) land upon which an OSSM system is installed may operate the system without approval for a period of 3 months from the date the land is transferred.

Further, if an application is sought within the first 2 months from the date of transfer of the land, the new owner can continue to operate the OSSM system without approval until the application is determined.

## **8. Performance Standards**

The Council must prescribe performance standards when determining applications for approvals to install or operate on-site sewage management facilities. Minimum performance standards are specified by the Division of Local Government under s44 *Local Government (General) Regulation 2005*, the Council cannot approve any application that will not comply with relevant Regulations. These minimum performance standards are listed below.

An on-site sewage management system must be designed, installed and operated to ensure that the following environmental and health performance objectives will continue to be met over the long term:

- The prevention of the spread of disease by micro-organisms
- The prevention of the spread of foul odours
- The prevention of the contamination of water
- 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 in their ordinary activities on the premises concerned
- The minimisation of adverse impacts on the amenity of the premises and surrounding lands;
- If appropriate, provision for the reuse of resources including nutrients, organic matter, and water.

## **9. Risk Classification System:**

Each of the criteria is considered individually and a risk level determined for each. Council may choose to include additional criteria to reflect specific issues relevant to a particular area. Once the assessment has been undertaken and the weighting determined (which may vary from site to site) then the assessor determines the overall risk level of the site.

### ***High Risk Areas***

- Residential areas situated within the Tenterfield domestic water catchment areas;
- Dwellings where the on-site sewage management system is located within 100 metres of permanent surface waters (e.g. river, streams, lakes, creeks), or 40 metres of intermittent watercourses (e.g. farm dams, drainage channels, etc.);
- Dwellings where the on-site sewage management system is located within 50 metres of a well or bore;
- Properties or areas which have been identified as having a history of system failure;
- Pump out systems located in residential areas (identified through Council records and audit);
- Environmentally sensitive areas as identified by Council and other regulatory authorities:

### ***Low Risk Areas***

- Dwellings where the on-site sewage management system is located more than 100 metres of permanent surface waters (e.g. river, streams, lakes, creeks), and more than 40 metres of an intermittent watercourses (e.g. farm dams, drainage channels, etc);
- Allotments with land area equal to or more than 4000m<sup>2</sup> that do not meet the criteria outlined in 'High Risk Areas';
- Industrial / commercial zoned areas;
- Onsite sewage management systems are located in on good soil well away from waterways, drainage lines and sensitive environments:

Reinspections will be carried out at different intervals depending on the original assessment of the state of functioning of the OSSM system. OSSM systems that are deemed to be **High Risk** will be reinspected between **1 to 3 years**, and those deemed **Low Risk** would be reinspected within **5 to 7 years**. An inspection fee may apply in accordance with Council's Delivery and Operational Plan.

Council officers may increase the inspection program of any installation if the risks are not appropriately addressed.

#### **10. Buffer Distances**

It is necessary, when installing on-site disposal systems, to ensure that sufficient viable land is left for such practices as clothes drying and recreation within the yard of each premise.

Associated with this are buffer zones around the disposal field to minimise impacts on the surrounding environment and to reduce the potential for human contact with wastewater.

The standard buffer zones under the guidelines for all systems are:

- 100 metres to a permanent surface water (e.g., river, streams, lakes etc.);
- 50 metres to domestic ground water well;
- 50 metres to other waters (e.g., dams, intermittent waterways and drainage channels, etc.);
- 1.5 metres from septic tanks to property boundaries;
- In addition; subsurface, subsoil, trickle irrigation and evapo-transpiration systems;
- 6 metres down gradient to swimming pools, property boundaries, and driveways and building;
- 3 metres up gradient to swimming pools, property boundaries, driveways and building;
- 1.5 metres from edge of disposal area to boundaries at same contour level as the disposal area:

Aerated waste water treatment systems and surface spray

- 6 metres down gradient it to swimming pools, property boundaries, driveways and building;

- 3 metres to paths and walkways and up gradient to driveways and property boundaries;
- 1.5 metres from edge of disposal area to boundaries at same contour level as the disposal area;
- 15 metres to dwellings

#### Absorption systems

- 12 metres if area up gradient of property boundary;
- 6 metres if area down gradient of property boundary;
- 6 metres if area up gradient of swimming pools, driveways and buildings;
- 3 metres if area down gradient of swimming pools, driveways and buildings;
- 1.5 metres from ends of trenches to boundaries at same contour level as trenches.

### **11. Enforcement**

Adequate powers exist under the provisions of section 124 of the *Local Government Act 1993*, to ensure compliance with this Policy, to require OSSM system owners to obtain approval to operate, and to require maintenance or upgrading of systems to an acceptable standard.

Council shall:

- Require action to be taken to bring a sewerage system into compliance with relevant standards or requirements (Order No. 5)
- Require owners or operators to do or refrain from doing such things to prevent environmental damage or repair environmental damage (Order No. 11)
- Require an activity on a premises (such as operating an OSSM system) where the activity is or may constitute a threat to public health or safety to cease (Order No. 15)
- Require action to maintain a premises in a healthy condition (Order No. 21)
- Control waste on premises where the waste is not being dealt with satisfactorily (Order No. 22)
- Require the connection to a public sewer where the sewer is within 75 metres and available for connection (Order No. 24)
- Require owner or operators to use or not to use a human waste storage facility (Order No. 25)
- Require compliance with an approval (Order No. 30) where considered necessary

Where pollution is likely to occur alternative action may be issued in accordance with the *Protection of the Environment Operations Act 1997* including Clean-up Notice or Prevention Notice.

### **12. Legislation**

In implementing this Policy Tenterfield Shire Council take into consideration the:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Environmental Planning & Assessment Act 1979*
- *Environmental Planning & Assessment Regulation 2000*
- *Protection of the Environment Operations Act 1997*

### **13. Standards Applying to On-site Sewage Management Systems**

In implementing the On-site Sewage Management Policy Council will adhere to the following standards:

- All new human waste treatment devices shall be accredited by NSW Health Department;
- Environment and Health Protection Guidelines for "*On-Site Sewage Management for Single Households*" (also known as the Silver Book);
- AS3500 National Plumbing and Drainage Code;
- NSW Plumbing and Drainage Code;
- AS1546 On-site Domestic Wastewater Treatment Units (part 1 applies to septic tanks);
- AS1547 On- site domestic wastewater management;
- AS4419 Soils for Landscaping and Garden Use;
- AS2698 Plastic Pipes and Fittings for Irrigation and Rural Applications;
- AS3000 Wiring Rules – Electrical Installation – Buildings, Structures and Premises;
- AS1319 Safety Signs for the Occupational Environment.

### **14. Evaluation, Continuing Improvement and Review of the System**

Council will maintain an on-going evaluation of the Policy. Results of the assessment, monitoring and evaluation may be included in Council's State of the Environment Report.

Tenterfield Shire makes a commitment to the continuing improvement in the regulation and operation of on-site sewage management systems. To that end, Council undertakes to regularly review this Policy to ensure that it reflects the needs and concerns of Council's residents as well as meeting the changing needs of the environment in which Council operates.

## **6. Accountability, Roles & Responsibility**

### **Elected Council**

Not applicable.

### **General Manager, Executive and Management Teams**

Not applicable.

### **Management Oversight Group**

Not applicable.

### **Individual Managers**

Manager Planning & Development Services.

## Definitions

**Absorption:** uptake of liquid into soil

**Aerated wastewater treatment system (AWTS):** a wastewater treatment process typically involving:

- Settling of solids and flotation of scum;
- Oxidation and consumption of organic matter through aeration;
- Clarification - secondary settling of solids, and;
- Disinfection of wastewater before surface irrigation.

**Aerobic:** dissolved or free oxygen is present

**Anaerobic:** dissolved or free oxygen is not present

**Anaerobic digestion:** decomposition of sludge in the absence of free oxygen

**Best management practice:** those approaches that have been developed to prevent or minimise water pollution at source, or as close to the source as practicable. They include those practices determined to be the most effective and practicable ways of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals

**Desludging:** withdrawing sludge, scum and liquid from a tank

**Disinfection:** a process that destroys, inactivates or removes pathogenic microorganisms

**Domestic wastewater:** wastewater arising from household activities, including wastewater from bathrooms, kitchens and laundries

**Evapotranspiration:** removing water from soil by evaporation and from plants by transpiration

**Groundwater:** all underground waters

**Human waste treatment device (HWTB):** device for treating human excreta and other wastewater, including a septic tank, aerated wastewater treatment system, septic closet, water closet, humus closet and combustion closet (from the *Local Government Act 1993*)

**Land application area:** the area over which treated wastewater is applied

**Land application system:** system that can consist of pumps, pipes, nozzles, or trenches designed to apply wastewater evenly over a land application area. Includes both irrigation systems and soil absorption systems

**Local authority:** examples are:

- Licence regulators in metropolitan areas
- Local councils in country NSW
- Water boards established for specific locations



**Nutrients:** chemical elements that are essential for sustained plant or animal growth; the major nutrients essential for plant growth are nitrogen, phosphorus and potassium; in excess, nitrogen and phosphorus are potentially serious pollutants encouraging nuisance growths of algae and aquatic plants in waters and (in the case of nitrate) posing a direct human health risk

**Reticulated water supply:** the provision by a water authority of water for potable and non-potable uses to households through a network of pipes

**Scum:** material that collects at the top of primary wastewater treatment tanks, including oils, grease, soaps and plastics

**Septic tank:** wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge

**Sewage:** waste matter that passes through sewers. Sewage includes any effluent of a kind referred to in paragraph (a) of the definition of waste in the *Local Government Act 1993*.

**Sewage management:** any activity carried out for the purpose of holding or processing, or reusing or otherwise disposing of, sewage or by-products of sewage.

**Sludge:** mainly organic semi-solid product produced by wastewater treatment processes

**Soil absorption system:** (includes leach drains, drain fields, absorption trenches, seepage beds and seepage pits) subsurface land application systems that rely on the capacity of the soil to accept and transmit the applied hydraulic load

**Treated wastewater:** (in these guidelines) wastewater that has received treatment via a human waste treatment device

**Waterless composting toilet:** (humus closet, biological toilet) waterless system that uses the principle of composting to break down human excreta to a humus-type material. The liquid fraction is evaporated or directed to an appropriate management system

**Wet composting toilet:** treats all household wastewater and putrescible household organic solid wastes such as food waste. Uses the principle of aerobic composting to break down the solid waste; the liquid component is directed to a land application system after passing through the pile of solids

## 7. Related Documents, Standards & Guidelines

- Environment and Health Protection Guidelines for "*On-Site Sewage Management for Single Households*" (also known as the Silver Book);
- AS3500 National Plumbing and Drainage Code;
- NSW Plumbing and Drainage Code;

- AS1546 On-site Domestic Wastewater Treatment Units (part 1 applies to septic tanks);
- AS1547 On- site domestic wastewater management;
- AS4419 Soils for Landscaping and Garden Use;
- AS2698 Plastic Pipes and Fittings for Irrigation and Rural Applications;
- AS3000 Wiring Rules – Electrical Installation – Buildings, Structures and Premises;
- AS1319 Safety Signs for the Occupational Environment.

## 8. Version Control & Change History

Version	Date	Modified by	Details
V1.0	27/07/00	Council	Adoption of Original Policy (Res No. 645/00)
V2.0	26/04/02	Council	Review/Amended (Res No. 269/02)
V3.0	15/05/13	Council	Review/Amended (Res No. 156/13)
V4.0	20/05/15	Council	Review/Amended (Res No. 138/15)
V5.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V6.0	23/09/20	Council	

**TENTERFIELD SHIRE COUNCIL**

<b>ON-SITE SEWAGE MANAGEMENT APPLICATION</b>	OSSM Application No. _____
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*Note - On-Site Sewer Management Plans must be designed by a Geotechnical Engineer/Engineer/Hydrological Consultant & copy must be attached to this Application.*

**Location of Proposed On-Site Sewage Management**

Site Address: \_\_\_\_\_

Lot: \_\_\_\_\_ Section: \_\_\_\_\_ Deposited Plan No.: \_\_\_\_\_

Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_ Total Area of land: \_\_\_\_\_

Buildings to utilise on-site sewage treatment: \_\_\_\_\_  
(Dwelling, Additions to Dwellings, etc)

Number of Occupants: \_\_\_\_\_

Install New System

**Approval to Operate an Existing System**

Upgrade Existing System

Type of system proposed: Composting  Standard Septic

Pump-Out to Sewer  Aerated  Other  \_\_\_\_\_

**The following information relates to the proposed site**

Area of land available for practical use: \_\_\_\_\_ m<sup>2</sup>. Distance from nearest dwelling: \_\_\_\_\_ m.

Distance to adjacent boundaries \_\_\_\_\_ m and \_\_\_\_\_ m.

Distance from watercourse: \_\_\_\_\_ m. Name of watercourse: \_\_\_\_\_

Land falls to the \_\_\_\_\_ (direction), and is/is not vegetated.

Geotechnical support information submitted/not required. Comments \_\_\_\_\_

**Information to be included with application**

Site plan, specifications, details of operation, maintenance and servicing requirements of system, erosion control and a statement of action to be taken in the case of a breakdown or interference with the operation of the system.

**Owner/Applicant Details**

Name of Applicant: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Plumber: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

Owner's Name and Address: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

*(This signature hereby authorises power of entry for Council Employees to undertake inspections relating to the ongoing monitoring of the sewage management system.)*

<b>Application</b>	<b>Fee:</b> \$ _____	<b>Receipt</b>	<b>No:</b> _____
_____			
<b>Council</b>			
<b>Officer:</b> _____			
<b>Related DA/CDC No.</b> _____ <b>Assessment/Parcel No.</b> _____			

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Hire Fees - Public Facilities, Halls and Parks**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**OBSOLETE**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**28 September 2000 912/00  
22 August 2012 316/12  
26 August 2015 268/15**

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**Introduction:**

This Policy was brought about due to the increasing number of requests that Council receives for a reduction in the fees for hiring and use of public facilities, halls and parks. Prior to the introduction of this policy each request for a discount to the fees at Council facilities was presented to Council for consideration and this policy was introduced to streamline these requests.

As Council provides an already low fee for the hiring of parks, halls and facilities, as well as a discounted rate for community organisations, it was decided to introduce a policy whereby there will be no concessions granted for, the waiving of, nor a reduction in Council's set fees and charges.

**Policy:**

That it be Council policy that there will be no concessions granted for the waiving of, nor a reduction in the fees charged for hiring and use of public facilities, halls and parks-

The hiring of ovals and sportsgrounds by Schools from within the Shire will be exempt from the set fees and charges.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Memorial Hall/RSL Pavillion - Hiring of Chairs & Tables**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**OBSOLETE**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>20 December 2001</b>	<b>941/01</b>
<b>22 August 2012</b>	<b>317/12</b>
<b>26 August 2015</b>	<b>268/15</b>

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**Introduction:**

This Policy was brought about due to the increased damage to tables and chairs by external organisations and persons who have previously hired the equipment.

As Council has invested significant funds over the previous years in replacing the equipment it is in the best interests of the community that the use of the chairs and tables be restricted by the following policy.

**Policy:**

That any items such as tables and chairs will not be externally hired, but will be utilised only in conjunction with the hire of Council controlled facilities such as the School of Arts or the Memorial Hall/RSL Pavillion.



## DRINKING WATER QUALITY

### Summary:

The purpose of this policy is to provide clear direction on how Council maintains its drinking water quality.

<b>Policy Number</b>	2.162
<b>File Number</b>	
<b>Document version</b>	Version 1.0
<b>Adoption Date</b>	26 September 2018
<b>Approved By</b>	Council
<b>Endorsed By</b>	Executive Management Team
<b>Minute Number</b>	206/18
<b>Consultation Period</b>	4 October to 17 October 2018
<b>Review Due Date</b>	September 2023
<b>Department</b>	Water & Waste Management
<b>Policy Custodian</b>	Manager Water & Waste
<b>Superseded Documents</b>	N/A
<b>Related Legislation</b>	Australian Drinking Water Guidelines 2017 Public Health Act 2010 (NSW) Public Health Regulation 2012
<b>Delegations of Authority</b>	Chief Executive, Directors, Managers

### 1. Overview

This Policy serves to ensure that Council is committed to managing its water supply effectively to provide a safe, quality product that consistently meets appropriate drinking water standards developed in accordance with the Australian Drinking Water Guidelines and other regulatory guidelines.

### 2. Policy Principles

The principles of the policy is to ensure that Council, all managers, supervisors and employees involved in the supply of drinking water are responsible for supporting, understanding, implementing, maintaining and continuously improving the Drinking Water Management System.

### **3. Policy Objectives**

Council is committed to managing its water supply effectively to provide a safe, quality product that consistently meets appropriate drinking water standards developed in accordance with the Australian Drinking Water Guidelines and other regulatory requirements.

### **4. Policy Statement**

Council has implemented and will maintain a Drinking Water Management System to effectively manage the risks to drinking water quality.

### **5. Scope**

In partnership with relevant stakeholders, Council will:

- manage water quality at all points, from source (as possible) through to treatment, storage and distribution, as relevant to Council's systems;
- continue to use a risk-based approach in which potential threats to water quality are identified and balanced;
- continue to revise and develop incident response processes to deal with any water quality issues identified;
- continue to ensure that employees and any contractors involved in the supply of drinking water understand their responsibility and are appropriately trained to implement the Drinking Water Management System;
- continue the routine monitoring of the quality of drinking water; utilise effective reporting mechanisms in place to provide relevant and timely information; and continue to promote confidence in the water supply and its management;
- continue to comply with the regulatory requirements of the Public Health Act 2010 (NSW) and associated Public Health Regulation 2012; and
- continually improve practices by assessing performance against criteria stated in the Drinking Water Management System.

### **6. Accountability, Roles & Responsibility**

#### **Elected Council**

Adopt the Drinking Water Quality Policy and to continue to support the Drinking Water Management System.

#### **General Manager, Executive and Management Teams**

Adopt the Drinking Water Quality Policy and to continue to support the Drinking Water Management System.

#### **Management Oversight Group**

Continue to support and include system risk as described in the Australian Drinking Water Management Guidelines.

#### **Manager Water & Waste**

Responsible for ensuring compliance with Policy, Regulation and guidelines.

### **7. Definitions**

Nil.

## 8. Related Documents, Standards & Guidelines

Australian Drinking Water Guidelines 2017

Public Health Act 2010 (NSW)

Public Health Regulation 2012

## 9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	26/09/2018	Council	Adoption of Original Policy





## LIQUID TRADE WASTE REGULATION

### Summary:

The purpose of this policy is to provide clear direction to ensure the proper management of liquid trade waste discharges to Council's sewerage system.

<b>Policy Number</b>	2.130
<b>File Number</b>	
<b>Document version</b>	V4.0
<b>Adoption Date</b>	26 August 2020
<b>Approved By</b>	Council
<b>Endorsed By</b>	Executive Management Team
<b>Minute Number</b>	120/16
<b>Consultation Period</b>	N/A
<b>Review Due Date</b>	July 2023 – 3 years
<b>Department</b>	Director of Infrastructure
<b>Policy Custodian</b>	Manager Water & Waste
<b>Superseded Documents</b>	V3.0
<b>Related Legislation</b>	Local Government Act 1993 Local Government (General) Regulation 2005 Liquid Trade Waste Regulation Procedure – May 2016
<b>Delegations of Authority</b>	Chief Executive, Directors, Managers

### 1. Overview

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality.

This Policy serves to ensure the integrity of Councils sewage reticulation and treatment systems by ensuring businesses and industry comply with discharge conditions.

### 2. Policy Principles

The principle of this policy is to ensure Council may accept trade waste into its sewerage system as a service to businesses and industry.

### **3. Policy Objectives**

The objective of this Policy is to ensure the proper management liquid trade waste discharges to Council's sewerage system under Section 68 of the Local Government Act 1993.

### **4. Policy Statement**

A person wanting to discharge liquid trade waste to Council's sewerage system must, under Section 68 of the Local Government Act 1993, obtain the prior approval from Council.

Failure to obtain Council's approval to discharge liquid trade waste or comply with the conditions of approval is an offence under Section 626 and 627 of the Act for which penalties apply.

Council has developed a comprehensive Liquid Trade Waste Regulation Procedure to support this Policy. The Procedure is concerned with the approval, monitoring, and enforcement process for liquid trade waste discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges.

### **5. Scope**

This Policy has therefore been developed to ensure the proper management liquid trade waste discharges to Council's sewerage system to:-

- protect public health;
- protect the health and safety of Council employees;
- protect the environment from the discharge of waste that may have a detrimental effect;
- protect Council assets from damage;
- assist Council to meet its statutory obligations;
- provide an environmentally responsible liquid trade waste service to the non-residential sector;
- encourage waste minimisation and cleaner production in the commercial and industrial sectors;
- promote water conservation, water recycling and bio-solids reuse;
- ensure compliance of liquid trade waste dischargers with Council's approved conditions;
- provide operational data on the volume and composition of industrial and commercial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems; and

- ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

## 6. Accountability, Roles & Responsibility

### Elected Council

Adopt and support the Liquid Trade Waste Policy.

### General Manager, Executive and Management Teams

Continue to support the Liquid Trade Waste Policy.

### Management Oversight Group

Continue to support the Liquid Trade Waste Policy.

### Individual Managers

Responsible for ensuring compliance with Policy, Regulation and guidelines.

## 7. Definitions

Liquid Trade Waste means all liquid waste other than sewage of a domestic nature.

## 8. Related Documents, Standards & Guidelines

Local Government Act 1993

Local Government (General) Regulation 2005

Liquid Trade Waste Regulation Procedure – May 2016

## 9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	February 2011	Council	Adoption of Original Policy (Res No. 56/11)
V2.0	April 2014	Council	Reviewed/Amended (Res. No. 131/14)
V3.0	18 May 2016	Council	Reviewed/Amended (Res No. 120/16)



## SEWERAGE – SEPTIC TANK CONNECTIONS

### Summary:

The purpose of this policy is to provide clear direction to ensure the proper connection and management of septic tank sewer discharges to Council's sewerage system

<b>Policy Number</b>	3.190
<b>File Number</b>	
<b>Document version</b>	V5.0
<b>Adoption Date</b>	26 August 2020
<b>Approved By</b>	Council
<b>Endorsed By</b>	Executive Management Team
<b>Minute Number</b>	168/17
<b>Consultation Period</b>	N/A
<b>Review Due Date</b>	July 2023 – 3 years
<b>Department</b>	Director of Infrastructure
<b>Policy Custodian</b>	Manager Water & Waste
<b>Superseded Documents</b>	V4.0
<b>Related Legislation</b>	<i>Local Government Act 1993 Local Government (General) Regulation 2005 Environmental Planning &amp; Assessment Act 1979 Environmental Planning &amp; Assessment Regulation 2000 Protection of the Environment Operations Act 1997 AS3500 National Plumbing and Drainage Code</i>
<b>Delegations of Authority</b>	Chief Executive, Directors, Managers

### 1. Overview

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality.

This Policy serves to ensure the integrity of Councils sewage reticulation and treatment systems by ensuring Septic tank effluent connections to urban sewerage systems for none rateable land.

### 2. Policy Principles

The principle of this policy is to ensure Council may accept Septic tank effluent connections to urban sewerage systems for none rateable land under *Local Government Act 1993*.

### **3. Policy Objectives**

The objective of this Policy is to ensure the proper management of Septic Tank Connections under AS3500 National Plumbing and Drainage Code.

### **4. Policy Statement**

Septic tank effluent connections to urban sewerage systems where the subject land is not rateable will be permitted on the following basis:

- a) that a capital contribution equal to the minimum sewerage rate for the time being be paid as a contribution towards the capital cost of the sewerage treatment plant and reticulation system generally;
- b) that the owner be required to meet all costs attributable to such connection including the maintenance of any pipeline from Council's main to the property, and
- c) that such premises be subject to an annual charge equal to the minimum rate.

### **5. Scope**

The Policy has therefore been developed to ensure the proper management and connections of private domestic waste discharges to Council's sewerage system to:-

- protect public health;
- protect the health and safety of Council employees;
- protect the environment from the discharge of waste that may have a detrimental effect;
- protect Council assets from damage;
- assist Council to meet its statutory obligations;
- provide an environmentally responsible service to the residential sector;
- ensure compliance of connections with Council's approved conditions;
- ensure provision of services and full cost recovery through appropriate sewerage fees and charges.

### **6. Accountability, Roles & Responsibility**

#### **Elected Council**

Adopt and support the Septic Tank Connections Policy.

#### **General Manager, Executive and Management Teams**

Continue to support the Septic Tank Connections Policy.

**Management Oversight Group**

Continue to support the Septic Tank Connections Policy.

**Individual Managers**

Responsible for ensuring compliance with Policy, Regulation and guidelines.

**7. Definitions**

Septic Tank Connections to sewerage reticulation means the discharge of domestic sewerage from an existing privately owned septic tank system to Councils reticulated sewerage system.

**8. Related Documents, Standards & Guidelines**

*Local Government Act 1993*

*Local Government (General) Regulation 2005*

*Environmental Planning & Assessment Act 1979*

*Environmental Planning & Assessment Regulation 2000*

*Protection of the Environment Operations Act 1997*

AS3500 National Plumbing and Drainage Code

**9. Version Control & Change History**

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	27/7/00	Council	Adoption of Original Policy (Res No. 645/00)
V2.0	19/12/12	Council	Review/Amended (Res No.535/12)
V3.0	16/12/15	Council	Review/Amended (Res No.411/15)
V4.0	23/8/17	Council	Review/Amended (Res No. 168/17)