



DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA13/0303
Description of development	Section68 - Replace existing Faulty BioCycle treatment system and Septic Tank with a Earthsafe Environmental Dual Tank System ES3500
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class N/A

DETAILS OF THE APPLICANT

Name & Address	Earthsafe Environmental Pty Ltd PO Box 605 WYONG NSW 2259
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NOTES

1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description: Lot 4 DP 658329
Property Address: 189-223 The Northern Road LONDONDERRY NSW 2753

DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates 28 May 2013
Date the consent expires 28 May 2015
Date of this decision 27 May 2013

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

REVIEW OF DETERMINATION & RIGHTS OF APPEAL

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

3. Right of Appeal if the application was for Designated Development
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

REASONS

The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer	Ashlee Cutter Environmental Planner
Contact telephone number	(02) 4732 8082

SIGNATURE

Name	Ashlee Cutter
Signature	

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the plan prepared by Earthsafe dated 26/3/2013 and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

An operation licence for the system is to be sought from and issued by Penrith City council before the on-site management system is commissioned.

- 2 Prior to commissioning of the system, an Operational Environmental Management Plan (OEMP) is to be provided to Penrith City Council for consideration and approval. The OEMP shall be prepared by a suitably qualified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The OEMP is to address:
 - All environmental aspects of the operation of the on site sewage management system
 - All systems and controls to be implemented to minimise the potential for any adverse environmental impacts
 - A program for ongoing monitoring and review to ensure that the OEMP remains contemporary with relevant environmental standards. Council is to be consulted prior to any amendments of the OEMP. Council may request a review of the OEMP or any proposed amendments.

THE OEMP should include but is not limited to the following:

- a) Monitoring and testing
- b) Maintenance and servicing program
- c) System performance
- d) System failure contingency
- e) Odour and noise control/management
- f) Landscape and disposal management
- g) Health and safety

- 3 Any alternations to the existing system are to be approved by Council prior to any works being undertaken. In the event that the existing system is to fail, Approval is to be sort by Council prior to any works being undertaken on the On Site Sewage Management System.
- 4 All wastewater from the 4 bedroom dwelling and the factory on the site is to be connected to the Earthsafe 3500 and disposed of via surface irrigation in the approved Effluent Management Area of **3200m²**.
- 5 The system is to be utilised for a 4 bedroom dwelling and factory with a total wastewater load of 1650L per day. **Any future dwelling on the site or expansion above the approved 5 (five) workers on the site will require approval from Council.**
- 6 A minimum area of **3200m²** is to be designated as an Effluent Management Area for the direct application of treated effluent by irrigation. Treated effluent is to be distributed evenly over the irrigation area in accordance with the "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households" and AS1547:2012 and the approved plan.

The disposal area is to be prepared in accordance with the "Environmental and Health Protection Guidelines - On Site Sewage Management for Single Households", AS1547:2012 and the stamped approved plan/s prior to the issue of an Operational Licence by Penrith City Council for the system.

- 7 The contents of the existing septic tanks on the site are to be removed by a licensed waste contractor and deposited to an approved waste facility. The disconnected tanks shall be removed, demolished or filled with clean soil and garden lime.
- 8 The design of the irrigation system for the disposal area is to be such that:
 - The distribution line is to be buried from the tank to the designated disposal area.
 - The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
 - The treated wastewater can be evenly irrigated across the entire designated disposal area, avoiding the drip line of native trees.
- 9 A minimum of two signs shall be erected within the effluent disposal irrigation area in accordance with the following specifications:
 - signage is to be in green background,
 - 20mm high series 'C' lettering in black or white, and
 - The words of the sign are "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT".
 - The signage shall be maintained for the term of the development.
- 10 All practical measures are to be taken to minimise irrigation within the root zone of any existing native trees within the effluent disposal area.
- 11 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption is not to be planted with the Effluent Management Area.
- 12 No concreting, vehicles, product storage or any other structure is to be located over any portion of the Effluent Management Area.
- 13 The septic tank system shall be located at least 1.5m from any building.
- 14 All house sewer and plumbing work shall be carried out in accordance with Sydney Water's requirements or the Local Government (Water, Sewerage and Drainage) Regulation 1993.
 - a) Penrith City Council is both the consent authority and certifying authority for the installation of the On Site Sewage Management System (OSSM), otherwise known as a septic tank system. **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.** In this regard, the following will require inspection:
 - All drainage lines and septic tanks before they are backfilled.
 - On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

- i. The septic tank, drainage lines and effluent disposal area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

- ii. There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.
 - iii. There shall be available all year round, adequate water supply that is available to the property
- 15 All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:
- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
 - standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
 - all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level, and
 - spray irrigation equipment connected to distribution lines shall be fixed. Spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.
- 16 The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:
- i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:
 - the chlorinator,
 - replenishment of the disinfectant,
 - all pumps,
 - the air blower, fan or air venturi,
 - the alarm system,
 - the effluent disposal area and irrigation spray outlets,
 - the slime growth on the filter media, and
 - the operation of the sludge returns system.
 - ii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.
 - iii. The following field tests are to be carried out at every service:
 - free residual chlorine using DPD colorimetric or photometric method,
 - pH from a sample taken from the irrigation chamber,
 - dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.
 - iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.
 - v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, the date the service was conducted and the technician's name. A copy of the service report is to be:
 - given to the property owner and another to the applicant (if not the same), and
 - forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

CONSTRUCTION

17 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

LANDSCAPING

18 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Ashlee Cutter

Signature

For the Development Services Manager