

ATTACHMENTS UNDER SEPARATE
COVER

ORDINARY COUNCIL MEETING
22 NOVEMBER 2016



PORT STEPHENS
C O U N C I L

INDEX

Item No	Attach. No	Attachment Title	Page No
COUNCIL REPORTS			
1	2	ASSESSMENT REPORT.	3
1	3	CONDITIONS OF CONSENT.	21
1	4	HUNTER WATER RESPONSE.	38
1	5	RMS RESPONSE.	39
3	1	REVISED ON-SITE SEWAGE MANAGEMENT POLICY.	43
3	2	CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.	47

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

**APPLICATION DETAILS**

Application Number	16-2016-212-1
Development Description	Demolition works, service station, restaurant, take away food and drink premises, alterations and additions to existing motel, and ancillary works
Applicant	NEWCASTLE AIRPORT MOTOR INN
Date of Lodgement	30/03/2016
Value of Works	\$2,545,000.00

Development Proposal

Newcastle Airport Motor Inn and Convention Centre Pty Ltd (the Applicant) is seeking approval to construct and operate; a service station, which will include a food and drink premises and associated infrastructure including parking, signage and landscaping. The proposal also includes the extensions/building works to the existing motel located at 2283 and 2285 Pacific Highway, Heatherbrae.

Construction of the development is proposed to occur in two stages:

- Stage one comprises construction of the service station; and
- Stage two includes the works to the existing hotel.

The proposal involves the demolition of all structures within the development area (as shown on the plans). Minor earthworks will also be required to prepare the site for the construction phase of the project.

The service station will operate 24 hours a day, 7 days a week and comprises a convenience store of approximately 317m² (including service yard). Two food and drink premises are proposed to be located within the service station building complex, one of which is a drive through take away restaurant. A shared outdoor area is provided to cater for both food and drink outlets. Details of the end users of the food and drink outlets are unknown at this stage and the use of these premises will require a first use development application (DA). Indicative signage is provided, however full signage details will also be provided with the first use DA.

Two fuel canopies are proposed, one to cater for cars and general motor vehicles with six refuelling dispensers and twelve filling position, the other canopy caters for trucks with two refuelling positions (to cater for B-double vehicles).

Three 70,000 litre double walled fuel tanks shall be provided on site and will be designed, installed and maintained in accordance with the relevant standards (AS4897 and AS1940-2004).

The service station and food premises development includes associated works such as; the construction of acoustic fencing (located between the service station and existing motel), installation of signage (including three pylon signs); construction of 25 additional car parking spaces (resulting in a net increase of 17 car parking spaces on the site); stormwater and drainage infrastructure and the provision of landscaping.

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

Access to the site will be via the existing ingress to the Pacific Highway. It is proposed that an egress be constructed to the Pacific Highway.

Stage two of the application relates to the proposed extension of the existing motel building. The works result in the extension of the existing entrance, construction of a conference room and bistro without outdoor area, proposed car port; and play area. Additional car parking and landscaping is also proposed as part of the works to the motel development.

PROPERTY DETAILS

Property Address	2283 and 2285 Pacific Highway HEATHERBRAE
Owners consent	Newcastle Airport Motor Inn.
Lot and DP	LOTs: 1011 and 1012, DP: 1225318
88B Instrument and Deposited Plan	Nothing on the DP or 88B instrument restricts the proposed development.
Current Use	Hotel (Motto Farm Motel)
Zoning	RU2 RURAL LANDSCAPE
Site Constraints	Acid Sulfate Soils Class 4; RAAF Trigger Height – refer structures over 45 metres; Bird Strike Zone; Prime Agricultural Land; Adjacent local heritage item – Pacific Hwy and Moreton Bay Fig - Lot 103/ Local item 110

Site Description

The development application was lodged on LOT: 1 DP: 350551; LOT: 1, 2, and 3 DP: 264023 and LOT: 101 DP: 807522. However, during the assessment process, the subject lots were consolidated under exempt development. The subject land is now identified as 2283 and 2285 Pacific Highway HEATHERBRAE ('the site') and is legally known as LOTs: 1011 and 1012 in DP: 1225318.

The site has frontage to the Pacific Highway, Kingston Parade and Rainbird Close. The site has an area of 4.9ha and currently contains the 'Motto Farm Motel' development which is comprised of a number of buildings including; motel accommodation, dining/restaurant facilities, reception, cooking/cleaning facilities, recreation areas, conference facilities and associated car parking.

The site is currently accessed via a left-in slip lane from the Pacific Highway. An additional egress is also provided via Kingston Parade.

Low density residential development directly adjoins the site to the north. Rural land adjoins the site to the north-west. Commercial and industrial development is located to the south of the site on the opposite side of the Pacific Highway. A school (Hunter River High School), caravan parks, and another motel are also located within proximity to the site.

Site History

An application for 'change of use – restaurant to hotel' was refused by Council on 8/02/2011. The applicant sought consent for the change of use of part of the existing restaurant within the existing motel. The proposed licensed area had a maximum capacity of 180 patrons and the sale of packaged alcohol was also proposed on site. The applicant appealed the decision to the Land and

Page 2 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

Environment Court. The appeal was dismissed primarily due to the proximity of disadvantaged groups to the proposed hotel and the associated adverse social impacts that were considered likely to arise.

The previous application for 'change of use' was for a different proposal and has no bearing on the assessment of the current application. The applicant does not propose the sale or distribution of liquor under the current application.

Site Inspection

A site inspection was carried out on 12 April 2016. The subject site can be seen in figures 1 to 6 below:



Fig No.1: Existing motel development (taken adjacent to southern boundary within existing slip road)



Fig No.2: Existing motel car park and recreation facilities – location of proposed works (looking towards Pacific Highway and taken adjacent the existing hotel accommodation building)

Page 3 of 18



Fig No.3: Existing motel accommodation (taken adjacent recreation area looking west)



Fig No.4: Rear of main Motel complex and accommodation (looking east)



Fig No.5: Location of proposed works



Fig No.6: View to the proposed works from existing Motel complex (looking west)

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

ASSESSMENT SUMMARY

Designated Development	The application is not designated development
Integrated Development	The application requires additional approvals listed under s.91 of the EP&A Act including: 1. NSW Office of Water (NOW) in accordance with <i>Water Management Act 2000</i> .
Concurrence	The application requires the concurrence of the Roads and Maritime Services Authority.

Internal Referrals

The application (including all amended plans and additional information) was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the s.79C 'Matters for Consideration' below.

Building Surveyor

Council's Building Surveyor raised no objection to the proposed development subject to standard conditions of consent, including requirements relating to fire safety. The existing premises have previously been the subject to extensive fire safety upgrade works and Council's Fire Safety Office has confirmed these works have been completed. The existing premises are provided with a current Annual Fire Safety Statement. It was further noted that a construction certificate (CC) would be required in respect of the project and had not been lodged with Council at this stage.

Development Engineer

Following a request for additional information from the development engineer, additional details were provided relating to stormwater drainage and traffic movements. The development engineer was satisfied with the amend design and additional information and provided relevant conditions to include in any consent.

Traffic Engineer

Council's Traffic Engineer had no objection to the proposed development.

Section 94 Officer

Council's s.94 Officer has confirmed that in accordance with s.25J of the *EP&A Regulation 2000*, the proposed development results in the intensification of the current land use. Accordingly, s.94A levies are required to be imposed in accordance with Council's s.96A Contribution Plan. Conditions of consent shall be imposed requiring the payment of s.94A levies prior to issue of construction certificate.

Environmental Health

The Environmental Health Officer raised a number of issues relating to noise and waste water management. The applicant provided further details including a peer review of their acoustic report to address the concerns raised, and satisfactorily demonstrated compliance with relevant requirements. The Environmental Health officer was satisfied with the additional information and provided relevant conditions to include on any consent.

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

Economic Development

Council's Economic Development office raised no objection to the proposed development and noted that the development was compatible with the 'key destination for bulky goods' identified in the Raymond Terrace and Heatherbrae Strategy (located on the western side of the Pacific Highway) and the commercial development located along the Pacific Highway.

Social Planning – Crime Prevention

A number of issues were identified with the initial design which would improve use of CPTED principles. The recommendations were adopted in the revised plans and no further issues were raised.

Social Planning – Social Impact Assessment

The social impact assessment noted that the development proposes to install both a VR1 and VR2 vapour recovery system. Currently only a VR1 system is required, however recent changes to the legislation means that VR2 systems will become compulsory from January 2017. Given the proximity of the site to residential developments, it is considered acceptable to impose a condition requiring the installation of a VR2 system as well, to reflect the proposal. A condition of consent has been provided in this regard. No other issues were raised by the Social Planner.

Heritage Officer

An arborists report was requested to detail what impact the development will have on the listed Morton bay fig trees adjacent to the subject site. The report detailed that there would be minimal impact on the trees as a result of the development and provided advice on how to mitigate any potential impacts. Conditions were provided to include on any consent, and included a requirement that the development be carried out in accordance with the recommendations of the arborist report.

Vegetation Management Officer

The application was referred to Council's Vegetation Management Officer and it was identified that the landscape design is consistent with Council's Landscape Technical Specification. Further, a condition of consent was recommended to protect the adjoining heritage listed trees during the construction.

Property officer

The property officer noted that the application does not contain any proposed changes to the Council owned lot (Lot 46 DP: 264023) which the existing development currently uses for car parking. It is noted that the intention of this lot is to prevent unnecessary additional connections to the Pacific Highway. It was noted that following the construction of the Heatherbrae bypass of the Pacific Highway, this land will no longer be required for this purpose and Council will form a view of what to do with the land at that time. Council's property section do not have any current views to require the current occupation of the lot to cease or be altered.

External Referrals

The proposed modification was referred to the following external agencies for comment.

Department of Primary Industries – Water (DPI Water)

The application was referred to DPI Water as integrated development as an approval is required in accordance with the *Water Management Act 2000*. General Terms of Approval have been received from DPI Water, dated 16 August 2016 and shall be incorporated into the determination.

Page 7 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

Roads and Maritime Services (RMS)

The application was referred to RMS for concurrence in accordance with s.104 *State Environmental Planning Policy (Infrastructure) 2007*. The proposal relates to a service station with access to a classified road and is captured under schedule 3 of the SEPP. RMS also has a concurrence role in relation to the proposed access from the Pacific Highway (classified road) under s.138 *Roads Act 1993*. Conditions have been received from RMS, dated 6 September 2016, and shall be incorporated into the determination.

Hunter Water Corporation (HWC)

The application was referred to HWC who initially requested additional information to demonstrate that stormwater from the development would not enter the drinking water catchment which is located in close proximity to the development site. A refined stormwater report and design was provided that demonstrated that stormwater from the development would be suitably directed away from the drinking water catchment. Hunter Water Corporation were satisfied with the additional information and provided no objection to the development.

NSW Police

The application was referred to NSW Police to provide comments which were consistent with the Social Planning – Crime Prevention internal referral (as discussed above).

MATTERS FOR CONSIDERATION – SECTION 79C**s79C(1)(a)(i) – The provisions of any EPI****STATE ENVIRONMENTAL PLANNING POLICIES**State Environment Planning Policy 33 (SEPP 33) – Hazardous and Offensive Development

The proposed development falls under the consideration of this SEPP as a potentially hazardous industry. The proposal includes a number of systems to reduce the impact of the development and mitigate potential hazards including, designing in accordance with the relevant Australian Standard (AS4897-2008), installation of a Vapour Recovery System to reduce potential vapour escape, installation of tank leak detection, installation of ground-water monitoring, and appropriate shielding and construction of the refuelling forecourt. The proposal adequately addresses the requirements of SEPP33 and is acceptable in this instance.

State Environmental Planning Policy No.55 – Remediation of Land (SEPP No.55)

SEPP No.55 applies to all land in the State and requires the consent authority to consider whether the land is contaminated prior to granting consent. The provisions of the SEPP specific that should the land be identified as being contaminated, the consent authority must not grant consent unless it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) to the purpose which the development is proposed to be carried out.

Both a phase 1 and phase 2 contamination assessment were undertaken on the site which determined that there are no chemicals of concerns that exceed threshold levels of the National Environmental Protection (Assessment of Site Contamination) Measure 2013 on the site. The report concludes that the land is suitable for the proposed development, but recommends that a Hazardous Materials Assessment be carried out on all buildings prior to commencement of any demolition works. A condition of consent to this effect has been placed on the consent.

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP No.64)

Page 8 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

The application includes a number of signage elements including 3 pylon signs adjacent to the front property boundary. An assessment of the proposed signage has been carried out against schedule 1 of the SEPP as detailed below:

Character of the area – The surrounding locality is typified by similar developments lining the Pacific Highway including other near-by petrol stations. The proposed signage is considered appropriate for such a development and fits with the character of the other developments in close proximity to the site.

Special areas – The only special area in the vicinity of the proposed development is the residential land adjacent to the development site. The proposed signage is not considered to present an unacceptable impact to this adjoining land as signage will be oriented towards the road frontage and will generally not be visible from surrounding residential properties. In addition, the proposed signage is not prominent in comparison to other existing signage and will therefore not draw attention.

Views and Vistas – There are no important views in the locality. The signage is respectful of the height of existing and proposed development on the site and will not dominate the skyline. The signage is also adequately spaced so as not to interfere with the ability of other signage on surrounding properties to be viewed from public places.

Streetscape, setting or landscape – The proposed signage is appropriately spaced and sized so as not to dominate or be prominent with the streetscape. The signage is simple in nature and provides consistency across the entire development site.

Site and building – Proposed signage that is attached to buildings is appropriately sized and located so as not to dominate the façade. Signage is located along single elements of new buildings so as to form a cohesive whole.

Illumination – Signage is internally illuminated and is not anticipated to cause unacceptable glare to passing pedestrians, motorists, or to adjoining properties. A condition of consent is proposed to ensure this outcome.

Safety – The signage constitutes business identification signage and does not involve detailed messages or moving/animated components. The signage is therefore not considered to present a safety impact to any users of adjacent public space.

State Environmental Planning Policy No.71 – Coastal Protection (SEPP No.71)

The proposed development is located in the coastal zone and accordingly the matters for consideration under clause 8 of this policy apply.

The proposed development is not anticipated to have an adverse impact on the ecology, culture or amenity of the foreshore and coastal waters as the development is an industrial use in an appropriate context and is sufficiently separated from the waterway.

In addition, given the separation of the development from the waterway, there are no anticipated impacts on access to, or views to or from the waterway and foreshore area. There are no anticipated conflicts between the proposed land use and the use of the waterway.

The proposed development has been considered against the matters for consideration under the SEPP and is acceptable in this regard.

State Environmental Planning Policy (Infrastructure) 2007

Page 9 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

The application was referred to RMS for concurrence in accordance with s.104 *State Environmental Planning Policy (Infrastructure) 2007*. The proposal relates to a service station with access to a classified road and is captured under Schedule 3 of the SEPP.

The RMS did not object to the proposed development providing a number of conditions were included in any consent. A condition has been placed on the consent requiring the development to be undertaken in accordance with the RMS correspondence which has also been attached to the consent.

LOCAL ENVIRONMENTAL PLANNING POLICY

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone objectives and Land Use Table

The subject land is zoned RU2 Rural Landscape.

The objectives of the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- To maintain the rural landscape character of the land; and
- To provide for a range of compatible land uses, including extensive agriculture.

Although the proposed development does not strictly comply with the zone objectives, it will be developed on land that is currently utilised as a motel thereby not adding to the impacts on the surrounding land uses.

The proposed development is defined as demolition works, service station, restaurant, take away food and drink premises, alterations and additions to existing motel, and ancillary site works.

These development types are not all permissible in the RU2 zone. The site contains an existing motel and the site maintains an existing use right for this use. Accordingly, the alterations and additions are permissible as an existing use right. The service station and food and drink premises instead rely on an additional permitted use included in Schedule 1 of the LEP as described below.

Clause 2.5 – Additional Permitted Uses for Particular Land

The service station, restaurant and take away food and drink premises are specifically listed in Schedule 1 of the LEP in relation to the subject land, and accordingly are permissible with consent under this clause.

Clause 2.7 – Demolition requires development consent

The demolition of structures proposed as part of the development requires development consent.

A number of conditions relating to the demolition works has been included to ensure all works are undertaken in accordance with AS 2601-2001 and limited to business hours.

Clause 4.3 – Height of Buildings

There is no maximum height of buildings described for the subject property. It is noted however that the maximum building heights are in keeping with the existing buildings heights on the property and surrounding land.

Clause 5.10 – Heritage Conservation

Land adjoining the subject site contains two trees listed as heritage items of local significance. The access driveway of the proposed development is located within close proximity of the trees and within the root zone. An arborists report was submitted with the application which adequately demonstrated that the proposed development is unlikely to have a negative impact on the trees and is therefore acceptable in terms of impact. A number of conditions relating to the protection of the trees have been included on the consent.

Clause 7.3 – Flood Planning

Page 10 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

The rear of the subject land is flood prone, however this does not extend to the land the subject of the development. Accordingly there are no flood considerations relevant to the proposal.

Clause 7.6 – Essential Services

The proposed development has access to all relevant essential services. The applicant has provided details of the on-site sewage management system, demonstrating that it is adequate to cater for the existing and proposed development.

Clause 7.8 – Drinking Water Catchments

The land on the opposite side of the Pacific Highway is within a drinking water catchment as mapped in the LEP, however the subject site is located outside of this area. In addition, stormwater drainage details have been provided by the owner demonstrating that all stormwater drains to the rear of the site, away from the catchment. In addition, the application was referred to Hunter Water Corporation who provided correspondence stating that they were satisfied that the development would not result in negative impacts to the drinking water catchment.

s79C(1)(a)(ii) – Any draft EPI

There are no draft EPI's relevant to the proposed development.

s79C(1)(a)(iii) – Any DCP**Port Stephens Development Control Plan 2014**

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

Chapter A.12 – Notification and Advertising

In accordance with the requirements of chapter A.12, the development application was notified and advertised. As a result of this process 12 objections were received (including 3 petitions). The petitions contained a total of 77 signatures. The matters raised in the submissions have been discussed in further detail below.

Chapter B3 – Environmental Management

The proposal includes a service station and has the potential to produce air pollution in the form of fuel vapours. The application proposes to incorporate a VR1 vapour recovery system to capture any free vapours released during tanker fuel delivery operations. In addition, a condition of consent has been imposed requiring the use of a VR2 vapour recovery system as well to capture free vapours released during vehicle refuelling processes. The use of these systems will reduce the chance of nuisance vapours affecting neighbouring properties.

The proposed development offers refuelling options for a range of vehicles up to and including B-Double trucks. In addition the site provides a range of parking options for passing motorists and truck drivers. Vehicle manoeuvring, especially acceleration and deceleration operations, can result in offensive noise. The applicant has provided an acoustic report that demonstrates the development will not result in unacceptable noise impacts on surrounding properties. In addition, the acoustic report has been peer reviewed and the resulting peer review report concurs with the findings. A condition has been included on the consent requiring the development to be carried out in accordance with the recommendations of the acoustic report.

Chapter B4 – Drainage and Water Quality

A stormwater drainage design and report has been provided which demonstrates that stormwater from the development can be appropriately disposed of through the use of on-site infiltration and appropriate water quality control devices. Refuelling forecourts have been adequately protected from rainfall, and have been bunded to prevent any incidental run-off water leaving the site without

Page 11 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

adequate treatment. A number of conditions in relation to the stormwater drainage system have been included on the consent.

Chapter B7 – Williamstown RAAF Base

The subject land is defined as being within the Bird Strike Group A zone, however does not form one of the development types that are discouraged. Accordingly the development is acceptable in this regard.

The subject site is located on land with a height trigger of 45m, requiring any proposed development that exceeds this height to be referred to the Department of Defence. The proposal is well under this height and accordingly does not require referral to the department.

Chapter B9 – Road Network and Parking

The proposed development connects to the Pacific Highway, a state highway under the control of the RMS. The application was referred to the RMS as traffic generating development under SEPP (Infrastructure). The RMS provided a written response stating that they have no objection to the proposed development, subject to the imposition of a number of conditions. The conditions relate to access to the highway and works within the road reserve and a condition of consent has been imposed requiring the development to be carried out in accordance with the RMS conditions.

The application proposes both a number of additional car parking spaces and alterations additions to existing car parking. 25 new car parking spaces are proposed which results in a net increase of 17 car parking spaces (existing car parking spaces will be removed for alterations and additions to the existing motel). The new car parking spaces meet the requirements of the relevant Australian Standard in terms of dimensions and circulation space. In addition, accessible car parking spaces have been provided at key entrance points to the development.

Chapter B10 – Social Impact

A social impact assessment was provided in support of the development and outlined the social impact of the development. The proposal was assessed by Councils social planner who requested a number of changes to the initial development. Following submission of amended plans and additional information it was determined that subject to a condition of consent, the development would not result in adverse social impacts to the locality.

Chapter C2 – Commercial

This chapter applies to Commercial development as defined under the LEP. The primary use proposed in this application is not a commercial development however the proposed food and drink premises fit within this definition. Accordingly, the requirements of this chapter have therefore been addressed. The site coverage is below the maximum percentage allowed under the DCP when taking into consideration the entire site and the proposal includes a development frontage exceeding 20m. The proposal meets all minimum setbacks from boundaries and is considered to be consistent with setbacks of surrounding non-commercial sites. The proposal utilising a massing and proportionality similar to other surrounding developments, and is considered to address the streetscape appropriately given the length of the frontage. Materials are consistent with similar contemporary developments, with integrated elements utilised in the proposed alterations and additions to the existing motel. The site benefits from clear and recognisable points of access to the site, catering for both access to and from the adjacent highway.

Chapter C8 – Signage

The application proposes a number of new signage elements which have been assessed throughout this report. There are no anticipated negative impacts as a result of the proposed signage.

Chapter D10 – Heatherbrae

Page 12 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

- D1.1 – The proposed works are setback a minimum of 10metres from the Pacific Highway boundary in accordance with the DCP. A landscaping strip has been provided along the front property boundary and contains only signage associated with the development. The landscaping strip is approximately 4.5metres wide which is less than the 5metres specified in the DCP. This variation allows for sufficient on-site manoeuvring of large vehicles and is not considered to be detrimental to the objectives of the DCP. A condition is proposed to be included on the consent requiring the landscaping strip to be registered on the title of the property, as required by the DCP.
- D1.2 – The subject land lays outside the area described for the planting of Hills Figs as described under the DCP.
- D1.4 – The subject land is located outside the Tomago sand beds catchment, and includes a stormwater management system that directs captured water away from the catchment area. The proposal has been reviewed by Hunter Water who were satisfied with the development and that no adverse impacts would result for the catchment.

The proposed development is acceptable in accordance with the requirements of this DCP chapter.

s79C(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F

There are no planning agreements that have been entered into under section 93F relevant to the proposed development.

s79C(1)(a)(iv) – The regulations

Clause 94 – This clause requires consideration of existing buildings to be altered and / or enlarged, and whether they should be upgraded so as to comply with the BCA. The existing motel building has been the subject of recent extensive fire safety upgrades and is compliant with the BCA. There are no noted major non-compliance with the BCA and accordingly no upgrades are considered necessary.

s79C(1)(a)(v) – Any coastal management plan

There are no coastal management plans applicable to the proposed development.

s79C(1)(b) – The likely impacts of the development

Social and Economic Impacts

The proposal is not considered to have any adverse impact on the social or economic make-up of the locality. The development will generate viable employment and economic activity through both the construction and operation of the resulting businesses. Through consultation with Council staff, the applicant has included features and facilities such as vapour recovery systems, acoustic barriers and accessible paths of travel, to ensure the development will cater for the needs of the local and wider community.

Impacts on the Built Environment

The development is appropriately located in a transport corridor, within proximity of similar types of development. The design of the development is contemporary with similar developments and where appropriate, respects the character of existing development on the site. Surrounding residential developments are suitable separated or screened to reduce the impact of the development on the characteristics of those improvements. Suitable access and egress has been

Page 13 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

provided from the Pacific Highway to ensure safe movement of vehicles. There are no anticipated significant adverse impacts on the built environment.

Impacts on the Natural Environment

The development includes control features such as water quality control devices, and an upgraded on-site sewage management system to reduce the impact of the development on the natural environment. In addition, consideration has been given to the nearby heritage listed fig trees to ensure they will not be negatively impacted.

Having regard to Section 5A of the Environmental Planning and Assessment Act the proposed development is considered to not have a detrimental impact to any critical habitat, threatened species or ecological community.

The existing site is devoid of any natural habitat or native vegetation and there are no anticipated negative impacts on the natural environment.

s79C(1)(c) – The suitability of the site

The subject site is located in a major transport corridor being the Pacific Highway, adjacent to a light industrial zone that typifies the surrounding developments. The lot is currently occupied by a motel, and the development site is occupied by motel accommodation rooms, a swimming pool and basketball court. This portion of the site is appropriate for the proposed use given its position adjacent to the highway and in proximity of existing access points, and the large amount of currently underutilised land. The development site is remote from surrounding residential properties and is not anticipated to have negative impacts on residential amenity.

s79C(1)(d) – Any submissions

Nine submissions from 12 people have been received in relation to the proposed development, in addition to three petitions. The petitions contain a number of signatures of individuals who wrote their own submissions, however a total of 77 signatures were recorded on the petitions.

Issue Raised	Comment
Increased noise <ul style="list-style-type: none"> Acoustic assessment is insufficient 	An acoustic assessment was requested by Council staff and consequently provided by the applicant. The report was reviewed by Councils Environmental Health Officer and a number of deficiencies were noted. The applicant provided a revised report to address the matters raised and was found to be satisfactory by Council officers. Given the potential for noise impact, a peer review of the report was requested to confirm that the development would not result in noise levels above the acceptable criteria. The peer review confirmed the calculations and modelling were accurate, demonstrating that the proposal will not exceed allowable noise levels in relation to impact on surrounding properties. In addition, the proposal includes the installation of an acoustic barrier to the north of the development to reduce the impact of noise on surrounding properties.
Air pollution	The development has the potential to cause air pollution through the release of fuel vapours during both fuel delivery, and car/truck refuelling activities. The application has proposed the installation of a VR1 vapour recovery system to capture release vapours during fuel delivery activities. In addition, a condition of consent is proposed that requires the installation of a VR2 vapour recovery system to capture release vapours from refuelling activities. VR2

Page 14 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

	systems are not currently mandatory however a change in legislation requires any system installed from January 2017 to utilise such a system. Given the proximity to surrounding residential properties, the condition is considered appropriate in this instance.
Nuisance light spill	Light from the proposed development is considered to present a minimal impact to adjoining properties as a number of intervening buildings are located between the development and surrounding residential properties. Regardless, a number of conditions are considered relevant to the proposal and are proposed on the consent. These relate to the provision of details of lighting to the certifying authority that demonstrate compliance with AS4282-1997 Control of the Obtrusive Effects of Lighting.
Increased litter	The proposed development includes a service station and 2 take-away food outlets. It is noted that in similar developments, garbage bins are provided at a relatively high rate. Regardless, a condition of consent is proposed requiring the provision of at least one garbage bin at the entry to each tenancy, a least one within the refuelling area, and at least one in the car park and located in a position convenient to access for vehicles leaving the site.
Increased anti-social behaviour	The proposed development has been assessed by Councils social planner, and was also referred to the Port Stephens Local Area Command (PSLAC) branch of the NSW Police. Both Council staff and the PSLAC did not anticipate an increase in anti-social-behaviour as a result of the proposal. Further, it was noted that a number of features have been included in the development to decrease the opportunity for anti-social behaviour, such as the use of a 'night-pay' window. The application does not propose any modification or expansion of the existing liquor licence already issued for the site and accordingly there are no anticipated additional impacts as a result of alcohol consumption.
The development is not compatible with a 'semi-rural/residential area'	The surrounding land is characterised by a mix of R5 Large Lot Residential, RU2 Rural Landscape, B5 Business Development and IN1 General Industrial zoned land. In particular, the subject site is located at the confluence of land zoned R5, RU2 and B5. It is considered that the subject land cannot be clearly identified as semi-rural/residential. The proposed development is consistent with other developments on the opposite side of the Pacific Highway, and is not out of character with the varied development types located along the same side of the Highway. It is considered that the development is therefore not out of context with the character of the locality.
Requirement for removal of the existing fig trees in close proximity to the development site	The existing fig trees are located in the road reserve adjacent to an adjoining property and are listed as items of local heritage significance. Accordingly, an arborists report was requested to determine if the trees were likely to be negatively impacted on by the proposed development. The arborist report confirmed that the development was unlikely to result in any increased impact to the trees in comparison to existing effects. The report was reviewed by Councils Heritage consultant who provided a number of conditions

Page 15 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

	to impose on any consent to safeguard the trees.
The amount of fuel and other dangerous good stored on the site is of concern	The proposal includes the installation of three new 70,000 litre fuel tanks. These tanks are double walled fibreglass tanks that are to be designed and installed in accordance with the current standard – AS4897. Contamination assessments have been undertaken to ensure there is no existing contamination of the site as detailed elsewhere in this report. The proposed fuel storage is considered to include a suitable volume for the predicted traffic volume, and has been appropriately designed. The development is anticipated to include the sale of other dangerous goods such as oils, lubricants and the like, consistent with the typical operation of a service station. The volumes of such material is anticipated to be moderate to small and is not expected to result in any adverse impacts to the land, surrounding properties or the local population.
Increased development in the locality will have a negative impact on water and electricity services	The applicant is required to consult with Hunter Water prior to the commencement of works, which will allow Hunter Water to ensure adequate measures are in place to adequately supply the development with water services. The development is not anticipated to be a significant user of the water supply and there are no anticipated adverse impacts to the local water supply network. In addition, there is no evidence that the local electricity supply network will be negatively affected by the proposed development. It is considered that the existing network, which caters for similar and other industrial developments in the surrounding locality, will be so designed as to be adequate for the provision of electricity services.
The development would require the subject and surrounding land to be re-zoned industrial which may have an impact on land rates	The proposed use is permissible on the subject land as an additional permitted use under the Port Stephens LEP and so does not require the rezoning of the subject or any other land. Further, land use zoning under the LEP does not determine land rate category of each lot.
Usage and safety of users of the road network will be impacted by: <ul style="list-style-type: none"> • Deliveries of stock to the site which will increase traffic on the road network • Accessing of the site from the Pacific Highway • Increased traffic at the intersection of Kingston Parade with the Pacific Highway due to addition vehicles exiting the development • A greater number of vehicles parking along the Pacific Highway 	<p>The adjoining road is a state main road, being the Pacific Highway. The application has been referred to the RMS who have not objected to any traffic generation aspects of the development or on the potential impacts of the development on the road network. It is considered that the additional traffic generated by the proposed development is within the capacity of the existing road network and that existing and proposed intersections meet the safety guidelines of the RMS.</p> <p>The Pacific Highway shoulder in this location is currently a no-stopping area. Any vehicles that park in this location will be in contravention of existing road rules. It is considered that the proposed development, which increases the number of available off-street car parking sites, will encourage motorists to park with the new and existing parking on the subject site, and result in a decreased propensity for drivers to park within the road reserve of the Pacific Highway. In addition, the development includes dedicated truck parking bays.</p> <p>The impacts of the proposed development on the road network are considered to be within the capacity of the road network so as not</p>

Page 16 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

	to a significant adverse impact.
The development will attract an increase number of pedestrians from surrounding areas that will need to walk along the highway which is not safe	The road reserve along this side of the Pacific Highway is sufficiently wide enough that any passing pedestrians will have ample room to walk safely within the road reserve. However the service station and take-away food outlets (including one with a drive-through) is considered to primarily serve motorists who will not travel to the site by foot.
<p>Increased traffic on Kingston Parade will result in:</p> <ul style="list-style-type: none"> • Increased traffic incidents on that road • Greater conflict with pedestrians and cyclists • Increased overflow parking along Kingston Parade and Rainbird Close • The likely removal of right turn options onto the Pacific Highway • Decreased quality of life for residents 	<p>The primary access and egress from the site will be directly to and from the Pacific Highway, with an additional exit to Kingston Parade. It is considered that the biggest traffic generator on the site will be the service station and drive-through food outlet, both of which can efficiently exit directly to the Pacific Highway via the new egress point. It is noted from these facilities the exit via Kingston Parade will not be readily apparent, and is significantly more complex to navigate to. It is expected that vehicle egress from the site via Kingston Parade will continue to occur primarily from vehicles attending functions at the existing motel, and from those vehicles utilising overflow parking. Whilst this is expected to result in an increase in traffic utilising this egress, the impact on Kingston Parade is not considered to present an unacceptable impact. Councils Traffic Engineer has reviewed the proposed development and noted that sufficient lines of sight are available to safely manoeuvre into and out of the site from Kingston Parade, and the RMS has not objected to the vehicle traffic entering or exiting the main road network to this street.</p> <p>It is noted that the subject site contains a large number of existing car parking sites which will be complimented by new proposed car parking spaces and it is anticipated that any need for overflow parking beyond that provided will be minimal.</p> <p>The RMS has not required any changes to the intersection of Kingston Parade and the Pacific Highway and there is no anticipated need for right-turn options to be removed. It is also noted that for any motorists hesitant in making the right hand manoeuvre, a left hand turn provides an opportunity to turn at a round-a-bout, approximately 1km north of the intersection.</p>
The septic system may be inadequate to cater for the development	The applicant has provided details of the on-site sewage management system, demonstrating that it is adequate to cater for the existing and proposed development.
Hunter Water may object to the development as it is located within the Tomago sand beds drinking water catchment	As described elsewhere in this report, the subject site is located outside the Tomago sand beds drinking water catchment. In addition, a suitable storm water management system has been provided which directs captured water away from the drinking water catchment. The application was referred to Hunter Water for comment, who were satisfied that the proposal was unlikely to have an impact on the drinking water catchment.
<p>The hotel expansion will:</p> <ul style="list-style-type: none"> • Likely include installation of poker machines which cause social harm 	The proposed alterations and additions to the existing hotel includes construction of a carport, construction of a new entry awning, construction of a new conference room (also to be used for additional bistro seating area), internal reconfiguration to increase the size of the existing kitchen and add additional offices,

Page 17 of 18

ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

16-2016-212-1

<ul style="list-style-type: none"> An additional liquor outlet which is not needed in the locality Cause an increase to the incidents of violence Include live music and extended hours of operation Increase social problems in the locality Devalue surrounding properties Increase the chance of inebriated members of the public vandalising the nearby Hunter River High School 	<p>and the conversion of the existing first floor managers residence to office space. The applicant has not proposed any change of use to a hotel.</p> <p>The issue of liquor and/or gaming licences is not assessed or undertaken by Council. At this time, Council is not aware of any proposal for the applicant to lodge any such an application with the relevant authorities. However should such an application be made, relevant public notification and consultation is required to be undertaken and it is at this time that concerns with such an operation should be addressed.</p> <p>It is noted that the existing motel already retains a liquor licence, and the applicant has expressly stated that they are not proposing any changes to the licence at this time.</p>
<p>The development is likely to detrimentally impact the financial viability of other service stations in the locality, and with the future Pacific Highway bypass of Heatherbrae, this development is unlikely to be financially viable</p>	<p>There is no evidence that the subject development will be financially unviable. The subject land is located on a major road that will continue to be one of the main transport routes servicing the Heatherbrae industrial and business areas, as well as being the main connecting road between Newcastle and Raymond Terrace following the bypass of Heatherbrae. It is anticipated that there is sufficient through traffic to support the proposed business. It follows that the surrounding service stations will continue to have access to sufficient through traffic. Further, it is not in the public interest for Council to restrict business competition.</p>
<p>The existing motel restaurant is likely to be unviable as a result of the new food outlets and so there will be a loss of those existing jobs</p>	<p>The existing motel restaurant is an eat-in bistro type food premises, in comparison to the proposed take-away food premises. The patronage is anticipated to have a minimal overlap and each development will cater to different groups. Further, it is not Councils role to restrict business competition.</p>

s79C(1)(e) – The public interest

The development is consistent with Council's Planning controls and is suitable in the locality. The proposal will provide additional services, revitalise the existing sites and is not considered to have a detrimental cumulative impact on the community or the surrounding locality. The proposed development is considered to be in the public interest.

DETERMINATION

The application is recommended to be approved under delegated authority, subject to conditions as contained in the notice of determination.

Brett Gardiner
Senior Executive Planner

Page 18 of 18

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc. Title	Sheet	Revision	Date	Drawn By
Development Plans – DA0153	01, 02, 10	A	20/05/16	WA Brown Building Pty Ltd
	03, 07, 08, 09, 15	B	16/06/16	
	13, 14	B	17/06/16	
	12	C	15/07/16	
	04, 05, 06, 11, 16	D	15/07/16	
Landscaping Plans – DA0153	17	D	15/07/16	Ayus Botanical
	18	C	15/07/16	
Civil Roadworks Plans - 9224	RMS-C01 to RMS-C05	A	14/07/16	Eclipse Consulting Engineers
Stormwater Civil Works	C01 to C04, and C06 to C10	B	08/09/16	Eclipse Consulting Engineers
	C05	C	08/09/16	

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

2. The development may be carried out in stages in accordance with the approved staging plan. However, nothing in this condition prevents the stages be carried out consecutively or in an overlapping manner.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

3. A Construction Certificate is required for each component of the approved development, prior to commencement of the relevant works as approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
4. The development is to be carried out in accordance with:
 - a. The conditions contained within the Roads and Maritime correspondence relating to the development (reference number CR2016/003630) and dated 6 September 2016 (Reproduced in Schedule 3 to this determination);
 - b. The General Terms of Approval issued by Department of Primary Industries: Water (reference number 20 ERM2016/0266) and dated 31 May 2016 (attached as Schedule 4 to this determination);
 - c. The recommendations of the acoustic report prepared by Muller Acoustic Consulting (Ref. No. MAC 160260 RP1 V01 and dated 30/06/2016);
 - d. The recommendations of the acoustic report prepared by Spectrum Acoustics (Ref. No. 161228/6696)
 - e. The lighting plan provided to the certifying authority as required under this consent;
 - f. The detailed stormwater drainage plan submitted to the certifying authority as required under this consent; and
 - g. The recommendations of the Hazardous Materials Assessment prepared in accordance with the conditions of this consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

5. **Prior to the commencement of works**, CCTV shall be captured within the public storm water pipe within lots 1011 and 1012 of DP 1225318 described as existing drainage line E1 on the approved Stormwater Civil Works Plans. A copy of the CCTV footage shall be provided to Council in accordance with condition 27 of this consent.
6. **Prior to the condition of any demolition works**, a Hazardous Materials Assessment shall be carried out on the buildings to be demolished. The assessment is to include recommendations for the handling and removal of any identified hazardous materials.
7. **Prior to the commencement of works**, the person having the benefit of this consent shall contact Hunter Water Corporation (HWC) to ensure that the approved works do not impact upon existing or proposed HWC infrastructure. A copy of the information received from HWC shall be provided to Council within 10 days of receipt. Should HWC require modification to the approved development a

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

Section 96 Modification Application and/or modified Construction Certificate Application must be lodged.

8. **Prior to the commencement of works**, the applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

9. **Prior to the issue of any Construction Certificate**, a monetary contribution is to be paid to Council, pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Port Stephens Section 94A Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the S94A contribution is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Section 94A Development Contributions Plan, must be approved by Council prior to issue of the Construction Certificate. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

10. **Prior to the issue of any Construction Certificate**, an application is to be made under Section 68 of the *Local Government Act 1993* for the trade waste system.
11. **Prior to the issue of any Construction Certificate**, a detailed stormwater drainage plan, generally in accordance with the approved concept stormwater plan, is to be provided to the certifying authority and must include all engineering details relevant to the collection, management and disposal of stormwater from the site. The plan must also include pit sizes, infiltration system details, existing site surface levels, finished site surface levels, pipeline sizes, invert levels, pipe grades and supporting calculations.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

12. **Prior to the issue of any Construction Certificate**, a lighting plan is to be provided to the certifying authority demonstrating that all lighting will comply with the requirements of AS4282-1997 Control of the Obtrusive Effects of Lighting. The lighting plan must give specific consideration to the amenity of surrounding properties.
13. **Prior to the issue of any Construction Certificate for works in Stage 1**, an approval issued under Section 68 of the *Local Government Act 1993* for any work required to be carried out within the public drainage easement, consistent with the approved plans, is to be submitted to the certifying authority.

Engineering plans for the required work within a public drainage easement must be prepared, designed and constructed by a suitably qualified professional, in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec', and Section B of Development Control Plan 2007 to the satisfaction of Council.

The following works and information are to be detailed in the Section 68 approval:

- a. Reinforced pavement design to demonstrate no loading from the development will be applied to the existing stormwater pipe line
- b. Subsurface drainage pipe line clearance to public infrastructure
- c. Payment of applicable fees and bonds; and
- d. Contractor's public liability insurances to a minimum value of \$10 million dollars.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

14. All building work must be carried out in accordance with the provisions of the Building Code of Australia and the Disability (Access to Premises-Buildings) Standard 2010. Demolition work shall be carried out in accordance with the Building Code of Australia and Australian Standard AS2601-2001 - The Demolition of Structures. Any asbestos containing material encountered during works is to be removed by an appropriately licenced contractor in accordance with the requirements of WorkCover NSW, and disposed of to an appropriately licenced waste facility.
15. The following operational requirements shall be implemented at all times during construction works:
 - a. Construction work that is likely to cause annoyance due to noise is to be restricted to the hours of **7am to 5pm, Monday to Saturday**. No construction work that is likely to cause annoyance due to noise is to take place on Sunday or Public Holidays. When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A);

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.**PORT STEPHENS
COUNCIL****CONDITIONS OF CONSENT**

- b. Sanitary facilities must be provided within the development site for tradespeople and shall be located so as to have minimal impact on adjoining properties;
 - c. A PCA sign must be installed at the public boundary of the development site;
 - d. A waste containment facility shall be provided within the development site and is to be regularly serviced; and
 - e. The property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". Protection measures may include erosion and sedimentation controls as required. All protection measures are to be installed to the satisfaction of Council prior to the commencement of works, and regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.
16. Any fill material shall be either Virgin Excavated Natural Material (VENM) as defined by the EPA, or material the subject of an appropriate in force Resource Recovery Exemption issued by the EPA.
17. Should any substantial intact archaeological deposits, whether artefacts, relics or occupation deposits be discovered or uncovered during excavation and/ or disturbance of the site, work is to immediately cease and the Consent Authority notified. Works shall not recommence until authorised by the Consent Authority, and where necessary the appropriate permits have been obtained.
18. The heritage listed trees in the Pacific Highway road reserve shall be adequately protected for the duration of the construction phase of the project. The following measures shall be implemented:
- a. Stockpiling or storage or mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling, siting of offices or sheds and the lighting of fires shall not occur within the dripline of the identified trees;
 - b. All tree protection works including protective fencing shall be carried out before excavation, grading and site works commence;
 - c. The Structural Roots Zone of the existing *Ficus Macrophylla* identified in the arborist report dated 27 June 2016, located on the neighbouring property, is not to be impacted upon;
 - d. All works including pruning will be undertaken under the supervision of the project arborist in consultation with Port Stephens Council vegetation Management Officer; and
 - e. Low impact machinery is to be employed in the vicinity of the tree closest to the entrance.
19. The UPSS (Underground Petroleum Storage System) must comply with all applicable legislation, guidelines and codes of best practice, including:
- a. *Protection of the Environment Operations Act 1997 (NSW)*,

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.



PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

- b. *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014,*
 - c. NSW Safe Work NSW Code of Practice: Storage and Handling of Dangerous Goods,
 - d. AS4897-2008 - Design, installation and operation of underground petroleum storage systems,
 - e. AS1940-2004 - The Storage and Handling of Flammable and Combustible Liquids.
20. Both a VR1 and a VR2 type vapour recovery system is to be installed to capture displaced fuel vapours from fuel delivery and refuelling activities associated with the operation of the development.
21. The Fuel Dispensing Area (FDA) shall be designed and constructed to best practice standards and in accordance with the following:
- a. The FDA is to be sealed and constructed with all gaps and/or cracks filled so that an impervious barrier is maintained;
 - b. The FDA is to be clearly delineated from other areas by painted line work on the ground, roll-over bunding or other surface delineation capable of physically demarking the FDA from other areas;
 - c. Runoff and pollution generated within the FDA is to be directed to a collection system which is not connected to the stormwater system; and
 - d. Fuel spills in the FDA are to be collected in a suitable underground containment system compatible with petroleum products and other chemicals likely to be collected in the FDA. The containment system shall have a volume of 110% of the largest delivery tanker storage compartment that is expected on site at any given time.
22. The waste storage area is to be screened so as not to be visible from a public place or a communal area. The enclosure is to be constructed of materials that are durable, impervious to moisture and capable of being easily cleaned, and consistent with those used in the approved building. The enclosure is to be capable of separate storage of recyclable and non-recyclable material, and incorporate a covered wash down area that drains to the on-site sewage management system.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

23. **Prior to the issue of any Occupation Certificate**, any redundant easements or rights of carriageway registered over the development site are to be extinguished. In addition, rights of carriageway are to be registered over the development site to facilitate the following access and egress arrangements
- a. To and from adjoining Lot 102 DP:807522, in accordance with the approved plans; and

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

- b. Between each of the lots on which the development is located, up to and including relevant accesses from and egresses to the public road network.
- 24. **Prior to the issue of each Occupation Certificate**, certification is to be submitted to the Principal Certifying Authority to certify that the relevant construction of the development complies with the recommendations of the Acoustic Assessment Report No. Muller Acoustic Consulting (Ref: MAC 160260 RP1 V01 dated 30/6/2016) and the Spectrum Acoustics report titled '*Acoustic Review – Service Centre (ref 161228/6696)*'.
- 25. **Prior to the issue of each Occupation Certificate**, the following garbage bins are to be provided for the relevant part of the development:
 - a. Service station – one at the entry to the service station building and one within the fuel dispensing area;
 - b. Food and Drink Premises' – one within the shared outdoor area; and
 - c. For any works within stage one – a minimum of one within the car parking area, located so as to facilitate the disposal of waste in a convenient fashion when leaving the site.
- 26. **Prior to the issue of the Final Occupation Certificate for works in Stage 1**, and following the completion of works in Stage 1, CCTV shall be captured within the public storm water pipe within lots 1011 and 1012 of DP 1225318 described as existing drainage line E1 on the approved Stormwater Civil Works Plans. A copy of the CCTV footage including a report detailing the difference (if any) between before and after footage shall be submitted to Council's Assets Engineer for review. All remediation works deemed necessary by Council's Assets Engineer shall be carried out by the developer to the satisfaction of Council's Assets Engineer at no cost to Council.
- 27. **Prior to the issue of each Occupation Certificate**, landscaping for the relevant stage is to be installed in accordance with the approved landscaping plans. In addition, a restriction as to user under Section 88b of the *Conveyancing Act 1919* is to be registered over the landscaped areas adjacent to the Pacific Highway. The restriction is to prevent the use of the landscaped areas for any use other than landscaping, or as otherwise agreed by Council. The authority listed to release, vary or modify the restriction is to be listed as Council.
- 28. **Prior to the issue of each Occupation Certificate**, the applicant shall restore, replace or reconstruct any damaged sections of footpath, cycleway, kerb and guttering, road pavement, stormwater, or any other public infrastructure located within the Road Reserve that occur as a result of construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.
- 29. **Prior to the issue of an Occupation Certificate**, the following line marking and traffic direction signage is to be installed:

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

- a. Appropriate line marking and a 'Left Only' sign at the exit from the drive through driveway to deter drivers from attempting to exit via the new egress driveway to the Pacific Highway; and
 - b. Signage to prevent vehicles north east of the drive through exit from accessing the egress onto the Pacific Highway and the service station.
30. **Prior to the issue of any Occupation Certificate**, all car parking spaces are to be delineated in accordance with the approved plans. Any disabled car parking spaces are to be appropriately sign posted.
31. **Prior to the issue of any Occupation Certificate**, appropriate directional signage is to be installed at the existing access driveway from the Pacific Highway indicating the path of travel to the motel reception area.
32. **Prior to the issue of each Occupation Certificate**, all relevant civil engineering works associated with the Section 68 Approval required under this consent shall be carried out to the satisfaction of Council, with a letter of practical completion issued. The letter of practical completion is to be accompanied by Works-As-Executed plans prepared by a suitably qualified person and detailing all drainage works within the public drainage easement in accordance with Council's Design and Construction Specifications, policies and standards. All works associated with the section 68 approval shall be at no cost to Council.
33. **Prior to the issue of each Occupation Certificate**, all relevant civil engineering works shall be carried out in accordance with a Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of the Certifying Authority.
34. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
35. **Prior to the issue of any Occupation Certificate for the service station**, an Emergency Response and Incident Management Plan (or similar) is to be prepared for the approved service station and is to detail procedures relating to fuel spills, contamination incidences, fires and the like. A hard copy of the plan is to be stored in an easily accessible place within the service station and must be available at all times. Further copies of the plan are to be forwarded to Fire and Rescue NSW, and Council prior to commencement of use of the service station.

CONDITIONS TO BE SATISFIED AT ALL TIMES

36. **Within 30 days of commencement of the use**, a suitably qualified acoustic consultant is to undertake acoustic monitoring to verify compliance with the

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.**PORT STEPHENS
COUNCIL****CONDITIONS OF CONSENT**

maximum noise levels predicted within the acoustic assessment. A report made by the acoustic consultant is to be submitted to Council within 14 days of the monitoring event, and is to include recommendations for mitigation measures wherever any non-compliance is identified. If the operation of the development results in non-compliance with the acoustic assessment, the development use is to cease after 30 days, until such time as mitigation work is undertaken to achieve compliance with the acoustic maximum design level.

37. The hours of operation of the development shall be restricted to the following:
 - a. Service Station – 24 hours each day;
 - b. Food and Drink Premises – 6am to 10pm each day; and
 - c. Motel – in accordance with the existing consent relating to this development.
38. All bulk fuel transfers are to occur within the Fuel Dispensing Area.
39. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
40. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

ADVICE

- A. A separate development application is required for the fit-out of the approved food and drink premises.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.**PORT STEPHENS
COUNCIL****CONDITIONS OF CONSENT****SCHEDULE 3 – ROADS AND MARITIME SERVICES CONDITIONS**

- R1 The vehicular access to and from the Pacific Highway and associated road works shall be designed and constructed in accordance with *Austroads Guide to Road Design (2010)* and Roads and Maritime supplements, to the satisfaction of Roads and Maritime and Council. The access shall be generally in accordance with Drawing No's. RMS-001-A to RMS-005-A dated May 2016.
- R2 As roadworks are required to be carried out on the Pacific Highway (A1), Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions as the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993, as applicable, for all works under the WAD.
- R3 The developer should consult with Roads and Maritime (and Council) prior to the execution of the WAD and undertaking any design work. The WAD shall be executed prior to the issue of any construction certificate for the development.
- R4 Prior to issuing any occupation certificate for the subject development, the developer shall complete all road works under the WAD to practical completion, as determined by Roads and Maritime.
- R5 All works associated with the proposed development shall be carried out at full cost to the developer and at no cost to Roads and Maritime or Council, to Roads and Maritime and Council requirements.
- R6 A Construction Traffic Management Plan (CTMP) should be prepared which details the management of light and heavy vehicle movements associated with the project during construction, including the new intersection upgrade. The CTMP shall address the movement of oversize loads to and from the site, the management of construction traffic, any restrictions to the hours of heavy vehicle movements to avoid road use conflicts and the transport of construction waste materials. The CTMP should be submitted to Roads and Maritime and Council for acceptance prior to commencement of any works.
- Roads and Maritime reserves the right to review the CTMP at any stage and make changes in the interests of maintaining road safety and network efficiency on the classified road network
- R7 The applicant must contact Hunter Traffic Operations via the Roads and Maritime website (see: <https://myrta.com/0p1inc2>) to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the future roadworks.
- R8 Advertising signs shall be constructed entirely within private property and shall not encroach or overhang into the road reserve.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.



PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

- R9 Advertising sign shall meet the criteria contained in Section 3.2.5 of the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)* - *Illumination and reflectance*.
- R10 Any proposed advertising sign must not incorporate:
- Flashing lights or messages
 - Electronically changeable messages, unless in accordance with the Department of Planning's *Transport corridor Outdoor Advertising and Signage Guidelines (July 2007)*.
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

SCHEDULE 4 – DPI WATER GENERAL TERMS OF APPROVAL

Department of
Primary Industries
Water

Contact: Hannah Grogan
Phone: 02 4904 2516
Email: hannah.grogan@dpi.nsw.gov.au
Our ref: 20 ERM2016/0266
Your ref: DA16/2016/212/1

The General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324
Via email: council@portstephens.nsw.gov.au

Attention: Amy Stone

31 May 2016

Dear Ms Stone

Re: Integrated Development Referral – General Terms of Approval**Dev Ref: 16/2016/212/1****Description of proposed activity: Building Construction of Service Station & Extension to Existing Motel****Site location: 2285 Pacific Highway HEATHERBRAE Lot 1 DP 350551**

I refer to your recent letter regarding an Integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA). It is noted that excavations during construction may require temporary dewatering works as excavations are proposed to be 3.5 metres (m) whilst the water table is expected to be 2 m below ground level. Should dewatering likely exceed 3 mega litres a licence under Part 5 of the *Water Act 1912* will be required. The proponent is encouraged to liaise with DPI Water regarding groundwater licensing requirements for the site.

Should any permanent take of groundwater be required for the project a Water Access Licence and nominated work approval in the Tomago Groundwater Source will be required. However no licence is required for the construction of monitoring bores for the purposes of Underground Petroleum Storage Tank monitoring, as per the definition of an exempt monitoring bore in the *Water Management (General) Regulation 2011*.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development.

www.water.nsw.gov.au

Level 3, 26 Honeyuckle Drive NEWCASTLE NSW 2300 | PO Box 2213 DANGAR NSW 2309 |

T: (02) 4904 2500 | e: water.enquiries@dpi.nsw.gov.au

Template Ref: CAN04, Version 1.2 – July 2015

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.



PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

The attached GTA are not a groundwater licence. The applicant must apply (to DPI Water) for a groundwater licence **after** consent has been issued by Council **and before** the commencement of any extraction of groundwater exceeding 3 ML.

Finalisation of a groundwater licence application can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a groundwater licence together with a dewatering management plan, fee of \$151, proof of Council's development consent and any other documentation as requested by DPI water.

Application forms for a groundwater licence are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Applications and fees](#) >

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

A black rectangular box redacting the signature of Hannah Grogan.

3/5/16

Hannah Grogan

Water Regulation Officer

Water Regulatory Operations, Water Regulatory Operations South

NSW Department of Primary Industries – DPI Water



PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000	
Number	Condition
Site Address:	2285 Pacific Highway HEATHERBRAE Lot 1 DP 350551
DA Number:	DA16/2016/212/1
LGA:	Port Stephens Shire Council
General	
1	An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
2	The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.
3	Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: <ul style="list-style-type: none"> A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and B. any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and C. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
4	Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
5	DPI Water requires documentation (referred to as 'report') comprising measurements, maps, borelogs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Newcastle Office, in a format consistent with electronic retrieval without adding restrictions; new data should be presented in Excel spreadsheets without editing.

www.water.nsw.gov.au
 Level 3, 26 Honeyuckle Drive NEWCASTLE NSW 2300 | PO Box 2213 DANGAR NSW 2309 |
 T: (02) 4904 2500 | F: (02) 4904 2503 | e water.enquiries@dpi.nsw.gov.au
 Template Ref: CAA04 Version 1.1 - June 2015

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

Number	Condition	File No:
	restrictions.	
Prior to excavation		
6	<p>The following shall be included in the initial report:</p> <ul style="list-style-type: none"> (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including borelogs and three-dimensional identification information. (b) a map of the site and its immediate environs depicting the watertable (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the watertable during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based. (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction. (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.] 	
7	<p>The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.</p>	
8	<p>Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.</p>	
9	<p>Groundwater quality testing generally in accordance with the previous condition, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.</p>	
<small> www.water.nsw.gov.au Level 3, 26 Honeysuckle Drive NEWCASTLE NSW 2300 PO Box 2213 DANGAR NSW 2308 T: (02) 4904 2500 F: (02) 4904 2503 e water.enquiries@dpi.nsw.gov.au Template Ref: CAN04 Version 1.1 - June 2015 </small>		

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.

PORT STEPHENS
COUNCIL

CONDITIONS OF CONSENT

Number	Condition	File No:
10	A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).	
11	A copy of a valid development consent for the project shall be provided in the initial report.	
12	The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the <i>Protection of the Environment Operations Act 1997</i> and any requirements of the relevant controlling authority.	
13	Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.	
During Excavation		
14	Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.	
15	Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.	
16	Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.	
17	Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval.	
www.water.nsw.gov.au Level 3, 26 Honeysuckle Drive NEWCASTLE NSW 2300 PO Box 2213 DANGAR NSW 2309 T: (02) 4904 2500 F: (02) 4904 2503 e water.enquiries@dpi.nsw.gov.au Template Ref: GA004 Version 1.1 - June 2015		

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CONDITIONS OF CONSENT

Number	Condition	File No:
	and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.	
18	Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.	
19	The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.	
20	Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.	
Following Excavation		
21	1. Following completion of the dewatering operations, the Applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include: <ul style="list-style-type: none"> (a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and (b) a watertable map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and (c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure. 	
22	The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.	
END OF CONDITIONS		
<small> www.portstephens.nsw.gov.au Level 3, 28 Honeysuckle Drive NEWCASTLE NSW 2300 PO Box 2213 DARGAR NSW 2308 T: (02) 4904 2800 F: (02) 4904 2803 water.enquiries@dpi.nsw.gov.au Copyright Ref: OASIS Version 3.1 - June 2015 </small>		

ITEM 1 - ATTACHMENT 4 HUNTER WATER RESPONSE.



Hunter Water Corporation
ABN 46 228 513 446

PO Box 5171
HRMC NSW 2310
36 Honeysuckle Drive
NEWCASTLE NSW 2300
1300 657 657 (T)
(02) 4979 9468 (F)
enquiries@hunterwater.com.au
hunterwater.com.au

14 September 2016

Our Ref: HW2015-1091/15.008

General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Attention: Brett Gardiner

Dear Brett

DEVELOPMENT APPLICATION 16-2016-212-1: MOTTO FARM SERVICE STATION

Thank you for your email of 14 September 2016 seeking Hunter Water's comments on the revised stormwater drainage details for the proposed service station, food and drink premises, extension to existing motel and ancillary works at 2285 Pacific Highway, Heatherbrae.

Hunter Water expects that all development in drinking water catchments will demonstrate Neutral or Beneficial Effect on Water Quality (NorBE). A development is considered to demonstrate NorBE if the development:

- (a) has no identifiable potential impact on water quality, or
- (b) will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site, or
- (c) will transfer any water quality impact outside the drinking water catchment where it is treated and disposed of to standards approved by the consent authority.

Hunter Water understands that the proposed development will divert all stormwater outside the Tomago Sandbeds Special Area. As such, we have no further comment on the development under Section 51 of the Hunter Water Act.

If you require further advice or clarification regarding the submission, please contact me on (02) 4979 9545.

Yours sincerely



Malcolm Withers
Senior Developer Services Engineer

ITEM 1 - ATTACHMENT 5 RMS RESPONSE.



Transport
Roads & Maritime
Services

6 September 2016

CR2016/003630
SF2014/034883
KAP

General Manager
Port Stephens Council
DX 21406
RAYMOND TERRACE

Attention Brett Gardiner,

PACIFIC HIGHWAY (A1): MOTTO FARM MOTEL DEVELOPMENT – 2885 PACIFIC HIGHWAY,
HEATHERBRAE – DA 16/2016/212/1

I refer to Council's email dated 18 July 2016 regarding additional information and amended plans for the subject development forwarded to Roads and Maritime for consideration. I also refer to Roads and Maritime's email correspondence dated 13 May 2016.

Roads and Maritime understands the subject development involves construction of a service station, food and drink premises, extension to existing motel and ancillary works. Direct vehicular access to the site is proposed from the Pacific Highway.

Roads and Maritime response

Roads and Maritime has reviewed the information referred by Council and provides the following comments to assist Council in making a determination:

- The internal layout has been changed to reflect the reconfiguration of the service station and food premises and the removal of the proposed car wash facility and provision of additional car parking at the eastern end of the service station / food premises site.

Council should ensure that all vehicles accessing the drive thru facility and the car parking area to the east of the service station are directed to egress the site via Kingston Parade to avoid any conflict with vehicles exiting the service station. Appropriate line marking and signposting should be provided to ensure it is apparent to these vehicles of the necessity to turn left onto the right of access and egress the site via Kingston Parade.

Roads and Maritime Services

Level 1, 59 Darby Street, Newcastle NSW 2300 |
Locked Bag 30, Newcastle NSW 2300 |

www.rms.nsw.gov.au | 13 22 13

ITEM 1 - ATTACHMENT 5 RMS RESPONSE.

The applicant has provided turning paths to indicate the design vehicle (Class 2 B-Double) can enter and exit the site, from and to the Pacific Highway, safely however, Council should ensure that all movements for the design vehicle on site are adequate and will not result in conflict with other vehicles.

Roads and Maritime has no objection to the subject development provided the following requirements are included in Council's conditions of consent:

- The vehicular access to and from the Pacific Highway and associated road works shall be designed and constructed in accordance with *Austrroads Guide to Road Design (2010)* and Roads and Maritime supplements, to the satisfaction of Roads and Maritime and Council. The access shall be generally in accordance with Drawing No's. RMS-C01-A to RMS-C05-A dated May 2016 (attached).

Comment: As previously advised in an email dated 13 May 2016, the Pacific Highway in this location is a Controlled Access Road (CAR) and direct access across the boundary is restricted. On final approval of the plans for access to the site from the Pacific Highway, Roads and Maritime will add the new access point (egress from the site) to our records of licenced accesses.

- As roadworks are required to be carried out on the Pacific Highway (A1), Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime would exercise its powers and functions as the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993, as applicable, for all works under the WAD.

Comment: It is requested that Council advise the developer that the conditions of consent set by Council do not guarantee Roads and Maritime's final consent to the specific road work, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work. Further advice regarding the WAD process is provided in Attachment A.

- The developer should consult with Roads and Maritime (and Council) prior to the execution of the WAD and undertaking any design work. The WAD shall be executed prior to the issue of any construction certificate for the development.

Comment: The WAD process, including acceptance of design documentation and construction, can take a considerable amount of time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through the process as soon as possible with Roads and Maritime.

- Prior to issuing any occupation certificate for the subject development, the developer shall complete all road works under the WAD to practical completion, as determined by Roads and Maritime.
- All works associated with the proposed development shall be carried out at full cost to the developer and at no cost to Roads and Maritime or Council, to Roads and Maritime and Council requirements.

ITEM 1 - ATTACHMENT 5 RMS RESPONSE.

- A Construction Traffic Management Plan (CTMP) should be prepared which details the management of light and heavy vehicle movements associated with the project during construction, including the new intersection upgrade. The CTMP shall address the movement of oversize loads to and from the site, the management of construction traffic, any restrictions to the hours of heavy vehicle movements to avoid road use conflicts and the transport of construction waste materials. The CTMP should be submitted to Roads and Maritime and Council for acceptance prior to commencement of any works.

Roads and Maritime reserves the right to review the CTMP at any stage and make changes in the interests of maintaining road safety and network efficiency on the classified road network.

- The applicant must contact Hunter Traffic Operations via the Roads and Maritime website (see: <https://myrta.com/oplinc2>) to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the future roadworks.
- Advertising signs shall be constructed entirely within private property and shall not encroach or overhang into the road reserve.
- Advertising sign shall meet the criteria contained in Section 3.2.5 of the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) - Illumination and reflectance*.
- Any proposed advertising sign must not incorporate:
 - Flashing lights or messages
 - Electronically changeable messages, unless in accordance with the Department of Planning's Transport corridor Outdoor Advertising and Signage Guidelines (July 2007).
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- All matters relating to internal arrangements on site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.
- Discharged stormwater from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system. Council shall ensure that drainage from the site is

ITEM 1 - ATTACHMENT 5 RMS RESPONSE.

catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety on the Pacific Highway and the general vicinity.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Pacific Highway, a classified State road (A1). In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4924 0688 or by email at development.hunter@rms.nsw.gov.au.

Yours sincerely



David Collaguazo
A/ Manager Land Use Assessment
Hunter Region

Enc. Attachment A - WAD Advice to Consent Authority and Developer

Attachment B – Drawing No's. RMS-C01-A to RMS-C05-A dated May 2016

ITEM 3 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.**Policy**

FILE NO: PSC2013-00406

TITLE: ON-SITE SEWAGE MANAGEMENT POLICY

POLICY OWNER: DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER

PURPOSE:

The purpose of this policy is to provide Council with a formal framework for the management and regulation of on-site sewage systems in the Port Stephens local government area (LGA).

CONTEXT/BACKGROUND:

Within the Port Stephens LGA there are approximately 4,800 on-site sewage management systems. The effective and successful management of domestic, commercial and industrial wastewater systems within the un-sewered areas of Port Stephens is a non-discretionary role of Council to ensure protection of the area's pristine waterways, preserve the diverse environment, maintain public health and mitigate the risk to public health.

The *Local Government Act 1993 and subordinate regulation* are the key legislative instruments utilised for regulation of these systems.

All owners and operators of functioning on-site sewage management systems are required to obtain an 'Approval to Operate' for each system (annually or otherwise determined based on risk). Additionally, the installation, alteration or construction of a new on-site sewage management system is an activity that requires the prior approval of Council.

Council first adopted an On-site Sewage Management Policy in 1999 with a review in 2004. The policy should be read in conjunction with Councils On-site Sewage Management Guidelines (The Guidelines) which clarify standard operating requirements for the effective management of existing and new on-site sewage management systems.

Key components of Councils On-Site Sewage Management program include:

- Approval to operate an on-site sewage management system;
- Approval to install an on-site sewage management system;
- On-site sewage management system inspection program;
- Education, advice and complaints;
- Pollution and incident investigation.

Policy

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Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 19/10/2004

Printed: xx/xx/xxxx

Review Date: xx/xx/xxxx

Page: 1 of 4

ITEM 3 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



This policy has been developed to define Council's role in the effective regulation of on-site sewage management systems in Port Stephens in order to preserve the area's waterways, community health and the environment. The policy supports a systematic approach to sustainable land use planning, site assessment, system design and installation and ensures accountability by owners and operators for the correct operation and maintenance of on-site sewage management systems.

The policy also assists Council in the prioritising of resources for the efficient regulation and monitoring of on-site sewage management systems and facilitates coordinated data collection, system approval, monitoring and environmental assessment.

This policy recognises that Council has a non-discretionary role to consider the medium to long term impacts that on-site sewage management systems can have on the environment, public health, tourism and industry. The policy and associated guidelines have been developed with consideration to ecologically sustainable development principles, catchment management, productive re-use of resources and protection of public health. It is also recognised that the future development of land without access to reticulated sewer will continue and that this development can only be permitted with an appropriate level of planning and regulation by Council.

The policy and guidelines provide stakeholders with a clear framework for the consistent, timely and effective management of existing and proposed on-site sewage management systems in the un-sewered areas of Port Stephens. The community expectations regarding protection of the environment and waterways will be met through implementation of this policy.

For the majority of property owners, developers and installation companies seeking to develop land in areas identified as a low or medium risk (within the Guidelines) this policy will provide a simpler, cost effective and timely process for submitting and receiving an approval for the installation of a system of sewage management.

The development of land or the installation of new systems in areas identified as high and very high hazard will be subject to a level of scrutiny commensurate with the prescribed hazard class. It has been shown that the appropriate management of developments involving on-site sewage management early in the development process provides better performance outcomes and minimises impacts.

SCOPE:

Council's non-discretionary role for the regulation of on-site sewage management systems involves those with a capacity to treat less than 2,500 equivalent persons or <750kL per day or systems that are not operating under a licence issued by the Office of Environment and

Policy

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Issue Date: 19/10/2004

Printed: xx/xx/xxxx

Review Date: xx/xx/xxxx

Page: 2 of 4

ITEM 3 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



Heritage (OEH). Council regulates all systems within the LGA except four sewage treatment plants (STPs) operated by the Hunter Water Corporation (HWC).

DEFINITIONS:

Council	For the purposes of this policy refers to the Port Stephens Council.
DCP	Development Control Plan within the meaning of the <i>Environmental Planning and Assessment Act, 1979</i> .
Ecological Sustainable Development	Development that improves the quality of life, both now and for the future, in a way that maintains the ecological processes on which life depends.
LGA	Local Government Area.
On-site Sewage Management System	Any facility that stores, treats and/or disposes of sewage and wastewater on-site.

POLICY STATEMENT:

This policy applies to owners and operators of all permanent on-site sewage management systems in the Port Stephens LGA that do not directly discharge human effluent and trade wastes to a Hunter Water Corporation sewer and are not specifically regulated under an environment protection licence of the Office of Environment and Heritage. The systems covered by this policy include a wide range of public, commercial, industrial and domestic sewage management facilities.

POLICY RESPONSIBILITIES:

- 1) Coordinator Environmental Health and Compliance – reviewing the policy and effective implementation of PSC On-site Sewage Management Guidelines.

RELATED DOCUMENTS:

- 1) Port Stephens Council On-Site Sewage Management Guidelines (2016)
- 2) Port Stephens Development Assessment Framework.
- 3) *The Local Government Act, 1993*.
- 4) *The Local Government (General) Regulations, 2005*.
- 5) *Protection of the Environment and Operations Act, 1997*.
- 6) *Environmental Planning and Assessment Act, 1979*.

Policy

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Issue Date: 19/10/2004

Printed: xx/xx/xxxx

Review Date: xx/xx/xxxx

Page: 3 of 4

ITEM 3 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



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RM8 container No	PSC2013-00406	RM8 record No	16/397683
Audience	Staff, installers, consultants, general public		
Process owner	Coordinator Environmental Health and Compliance		
Author	Coordinator Environmental Health and Compliance		
Review timeframe	Three years	Next review date	**/09/2021
Adoption date	19 October 2004		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
V1	19/10/2004	Manager Environmental Services	Policy approved by Council	375
V2	28/09/2012	Manager Development Assessment and Environmental Health	Policy amended	010
V2.1		Coordinator Environmental Health and Compliance	Clearer reference to associated guidelines and modified to new template.	

Policy

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Issue Date: 19/10/2004

Printed: xx/xx/xxxx

Review Date: xx/xx/xxxx

Page: 4 of 4



Minute No: 010

FILE NO: PSC2011-03249

TITLE: ON-SITE SEWAGE MANAGEMENT POLICY

RESPONSIBLE OFFICER: MATTHEW BROWN, MANAGER DEVELOPMENT
ASSESSMENT AND ENVIRONMENTAL HEALTH

Key components of the program include:

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

- Approval to operate an OSMS
- Approval to install an OSMS
- OSMS Inspection program
- Education, advice and complaints
- Pollution and incident investigation

OBJECTIVE

This policy has been developed to define Council's role in the effective regulation of On-Site Sewage Management Systems in Port Stephens in order to preserve the areas waterways, community health and the environment. The policy supports a systematic approach to sustainable land use planning, site assessment, system design and installation and ensures accountability by owners and operators for the correct operation and maintenance of on-site sewage management systems. It will assist Council in the prioritising of resources for the efficient regulation and monitoring of on-site sewage management systems and facilitates coordinated data collection, system approval, monitoring and environmental assessment.

PRINCIPLES

- 1) **Legislation and Guidelines:** Owners and operators shall comply with prescribed legislative instruments relating to the operation or installation of on-site sewage management systems. Standards and industry accepted guidelines will be used by staff to assist in the assessment process and ensure appropriate design and installation of on-site sewage management systems.
- 2) **Performance Objectives:** The installation and operation of on-site sewage management systems shall meet minimum performance standards having regard to:
 - preventing the spread of disease by micro-organisms
 - preventing the spread of foul odours,
 - preventing contamination of water,
 - preventing degradation of soil and vegetation,
 - discouraging insects and vermin,
 - ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - the re-use of resources (including nutrients, organic matter and water),
 - the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

- 3) **Operational Framework:** The policy specifies an operational framework designed to effectively manage and monitor existing on-site sewage management systems. This is achieved through the maintenance of a comprehensive OSSMS database, Approval to Operate conditions and routine inspection program. The installations of all on-site sewage management systems are assessed in accordance with legislative requirements and the Development Assessment Framework (DAF). The result for the majority of property owners, developers and installation companies is a timely and cost effective mechanism for receiving an approval to install and operate a system of sewage management.
- 4) **Resourcing:** The OSMS program is managed within the Environmental Health and Regulation team. The program is funded through the fees collected from annual approvals to operate and installation applications. The program is neutrally funded.
- 5) **Education and Research:** A component of the OSMS program involves funding research and educational projects.

POLICY STATEMENT

This policy applies to owners and operators of all permanent on-site sewage management systems in the Port Stephens LGA that do not directly discharge human effluent and trade wastes to a Hunter Water Corporation sewer and are not specifically regulated under an environment protection licence of the Office of Environment and Heritage. The systems covered by this policy include a wide range of public, commercial, industrial and domestic sewage management facilities.

RELATED DOCUMENTS

Port Stephens Council Local Environment Plan 2000
Port Stephens Council Development Control Plan (DCP 2007)
Port Stephens Council Compliance Policy 2007

SUSTAINABILITY IMPLICATIONS

This policy recognises that Council has a non-discretionary role to consider the medium to long term impacts that On-site Sewage Management Systems can have on the environment, public health, tourism and industry. The policy has been developed with consideration to ecologically sustainable development principles, catchment management, productive re-use of resources and protection of public health. It is also recognised that the future development of land without access to reticulated sewer will continue and that this development can only be permitted with an appropriate level of planning and regulation by Council.

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****SOCIAL IMPLICATIONS**

The policy will provide stakeholders with a clear framework for the consistent, timely and effective management of existing and proposed on-site sewage management systems in the un-sewered areas of Port Stephens. The community expectations regarding protection of the environment and waterways will be met through implementation of this policy.

ECONOMIC IMPLICATIONS

There are no additional costs associated with the implementation of this policy. The OSMS program is neutrally funded through collection of scheduled fees linked to the approval to operate (annual renewal) and applications for new installations. These fees are reviewed annually.

For the majority of property owners, developers and installation companies seeking to develop land in areas identified as a low or medium risk this policy will provide a simpler, cost effective and timely process for submitting and receiving an approval for the installation of a system of sewage management.

ENVIRONMENTAL IMPLICATIONS

The implementation of this policy will facilitate acceptable environmental and health standards and assist in the minimisation of impacts caused by On-site Sewage Management Systems. The development of land or the installation of new systems in areas identified as high and very high hazard will be subject to a level of scrutiny commensurate with the prescribed hazard class. It has been shown that the appropriate management of developments involving On-site Sewage Management early in the development process provides better performance outcomes and minimises impacts.

RELEVANT LEGISLATIVE PROVISIONS

The key legislative provisions are obtained through:

- The Local Government Act, 1993 (NSW)
- The Local Government (General) Regulations, 2005 (NSW)

Additional legislative instruments used include:

- Protection of the Environment and Operations Act, 1997 (NSW)
- Environmental Planning and Assessment Act, 1979 (NSW)
- Water Industry Competition Act, 2006 (NSW)

IMPLEMENTATION RESPONSIBILITY

- Co-ordinator, Environmental Health and Regulation
- Team Leader, Environmental Health and Regulation
- Environmental Health Officers, Environmental Health and Regulation

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

REVIEW DATE

This Policy will be reviewed 4 years after the date on which Council has adopted it.

Attachment 1

Policy Framework

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****Table of Contents**

1. LEGISLATION AND GUIDELINES	1
2. EXISTING CONDITIONS	4
3. OPERATIONAL FRAMEWORK	6
a. DEVELOPMENT ASSESSMENT FRAMEWORK (DAF)	6
b. APPROVAL TO OPERATE	11
c. NEW INSTALLATIONS	12
d. RISK CATEGORIES & INSPECTION FREQUENCY	13
e. REVIEW OF AND CHANGES TO CATEGORIES OR RISK	14
f. INSPECTION PROCESS	15
g. UPGRADING FAILING SYSTEMS	16
4. RECORDS, REPORTING, REVIEW & EDUCATION	18
a. COUNCIL RECORDS	18
b. NOTIFICATION THROUGH THE 149 CERTIFICATE	18
c. ENVIRONMENTAL AUDIT	18
d. ANNUAL REPORTING	19
e. REVIEW & EVALUATION OF THIS STRATEGY	19
f. EDUCATION & PROVISION OF INFORMATION	19
5. FEES and RESOURCING	20
a. FEES	20
b. RESOURCING	21
6. GLOSSARY OF TERMS	22

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****1. LEGISLATION AND GUIDELINES**

This section contains an outline of legislation, guidelines, standards and investigations that must be considered by Council in the regulation of new and existing On-site Sewage Management Systems (OSMS).

Table 1: Applicable Legislation

Legislation	Relevance or Purpose to On-site Sewage Management
Local Government Act, 1993	Legislative instrument applicable to all activities and functions relevant to On-site Sewage Management Systems
Local Government (General) Regulation, 2005	Sets standards and conditions for assessment, installation and operation of on-site sewage management systems
Hunter Water (special areas) Regulation, 2003	Defines drinking water catchment areas and conditions relating to sewage disposal within these special areas.
Environmental Planning and Assessment Act, 1979	Legislative instrument governing the LEP and DCP
Marine Park Act, 1997.	Applicable to development affecting a marine park - part 3, division 2(20)
Local Environment Plan 2000	The LEP 2000 is a statutory instrument that sets out the land use zones and broad development controls for development within the LGA.
Development Control Plan (as amended from time to time)	The DCP is a suite of documents that provide practical information to support development that retains and enhances the natural and heritage values of the PSC LGA. The DCP applies to all land zoned under the LEP.
State Environmental Planning Policies (as amended from time to time)	Sepp14 – coastal wetlands Sepp62 – sustainable aquaculture (part3a) Sepp71 – coastal protection (part 4(15))
Water Industry Competition Act, 2006	Legislative instrument applicable to installation of OSM systems greater than 2 dwellings – generally commercial and industrial installations relating to recycling or sewer mining. Managed by IPART.

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

Table 2: Applicable Standards, Guidelines and Reports

Standard/guideline/other document	Purpose
Environment and Health Protection Guidelines – On-site Sewage Management for Single Households	Guidelines compiled to assist councils in regulating small to medium on-site sewage management systems.
Various State Government Department Guidelines	Use of Effluent by Irrigation (Dept. OEH) Use and Disposal of Biosolid Products (Dept. OEH)
Australian standards	<p>AS/NZ 1546</p> <p>A set of standards prescribing performance requirements and performance criteria for septic tanks and treatment systems. They specify technical means of compliance and provides test specifications that enable septic tanks to be manufactured to comply with the performance requirements and criteria.</p> <p>AS/NZ 1547: 2000 – on-site domestic waste water management</p> <p>A reference document providing procedures, guidance and information covering site and soil assessment, treatment systems and disposal areas.</p>
Broad Scale Study of On-site Effluent Disposal Suitability in the Port Stephens Council LGA, Martens and Associates, 1999	<p>Port Stephens Council commissioned the above study to be carried out by Martens and Associates early in 1999. This study was completed in May 1999 and provided council with:</p> <ol style="list-style-type: none"> 1. A study report summarising all investigations, field auditing and sampling programs, modelling and recommendations. 2. Land capability or 'suitability' map(s) for on-site effluent disposal in the Port Stephens LGA. 3. A gis dataset of relevant factors of consideration for on-site wastewater disposal in the Port Stephens LGA. 4. Recommendations regarding suitable systems, system sizes based on ESD principles and required management protocols for each of the identified capability classes. 5. Recommendations for the management of on-site wastewater disposal in existing unsewered rural and urban residential areas where allotment density exceed critical densities as defined by the modelling exercises and where existing systems are failing <p>The document has been used by council in the assessment of proposed development in un-sewered areas.</p>

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****Table 2 con't: Applicable Standards, Guidelines and Reports**

Standard/guideline/other document	Purpose
Port Stephens Council On-site Sewage Management Technical Manual, BMT WBM, March 2011	<p>The main objectives of the study were:</p> <ul style="list-style-type: none">• Review methodologies adopted in the broad scale study (1999);• Produce revised land capability maps;• Identify sustainable system densities and minimum allotment sizes;• Provide a technical/scientific justification for restricting un-sewered development.• Produce a framework for assessing and classifying land according to risk.
Port Stephens Council On-site Sewage Development Assessment Framework (DAF), BMT WBM, August 2011	<p>The framework by which all new and replacement On-site Sewage Management Systems are assessed. The document also defines criteria and standards relating to treatment systems and disposal areas.</p>
NSW Health accreditation for domestic On-site Sewage Treatment Devices	<p>NSW health is responsible for accrediting human waste treatment or storage devices that are intended to receive domestic wastewater or human waste. Accreditation is mandatory for commercially manufactured units and for commercially distributed standard designs of the types specified in the regulations.</p>

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

2. EXISTING CONDITIONS

Port Stephens Council has an area of approximately 977 square km and extends from the coast with Newcastle Council to the South and Great Lakes Council to the North, inland to the west where it is bordered by Maitland and Dungog Council areas. The LGA includes a variety of landscapes from the port, beaches, extensive estuaries, river and sand dune systems, volcanic outcrops and a large rural hinterland.

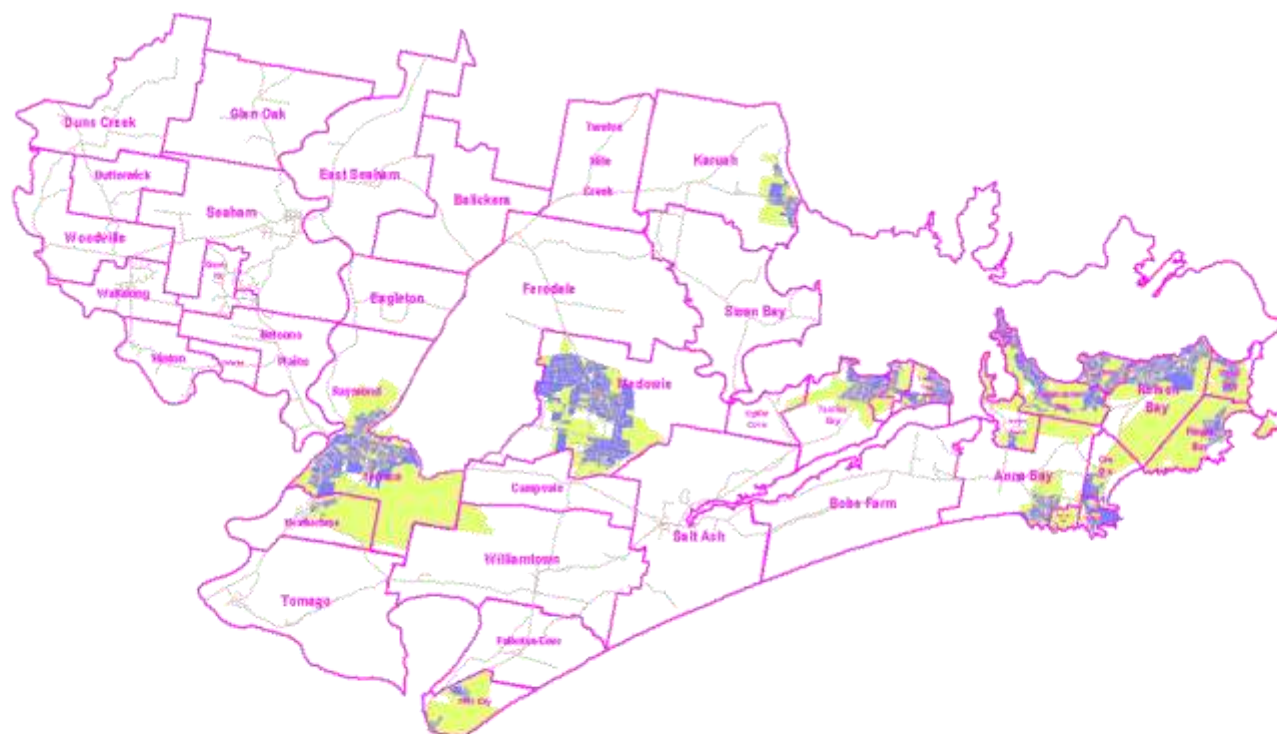
The potential impact of on-site sewage management systems on water quality is of particular relevance in the Port Stephens Council Area where development has taken place around a variety of waterways. The region's rapidly expanding tourist industry relies upon clean lakes and beaches for swimming, diving, boating and fishing, as does the local oyster and aquaculture industry for commercial production. The area serves as a catchment for the Hunter, Paterson, Karuah and Williams Rivers, and the water storage areas of Grahamstown Dam and the Tomago and Tomaree aquifers. The area is the source for Port Stephens residents' water supply, much of the domestic supply for the city of Newcastle and also supplies the regions' agricultural industry with water to irrigate and water stock.

Table 3: Locality Guide for Onsite Sewage Management Systems in Port Stephens

Localities in Port Stephens containing on-site sewage management systems		
High reliance	Moderate reliance	Low reliance
Balickera	Anna Bay	Fern Bay
Bobs Farm	Medowie	Karuah
Brandy Hill	Taylor's Beach	One Mile
Butterwick		Raymond Terrace
Campvale		Tomaree Peninsula
Duns Creek		
Eagleton		
East Seaham		
Ferodale		
Glen Oak		
Heatherbrae		
Hinton		
Nelsons Plains		
Osterley		
Oyster Cove		
Salt Ash		
Swan Bay		
Tomago		
Twelve Mile Creek		
Wallaong		
Williamstown		
Woodville		

(HUNTER WATER CORPORATION DATA, JAN 2009)

Yellow: Parcels within 75m of sewer service.



PAGE 5 OF 26

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****3. OPERATIONAL FRAMEWORK**

This section of the policy sets out the processes for the issuing of Approvals to Operate, new system installations and the classification and inspection of On-site Sewage Management Systems. The operational policy outlined is designed to provide an effective and self-funding approvals and monitoring framework for On-site Sewage Management in the Port Stephens LGA. The approach taken is based on the principles of protection and enhancement of public health and the environment through the cooperative management of On-site Systems by all stakeholders.

A. DEVELOPMENT ASSESSMENT FRAMEWORK (DAF)

In 1998 Port Stephens Council, using a monetary grant from the NSW Government, engaged a consultant to undertake a comprehensive study relating to On-site Sewage Management in the PSC LGA. The resulting document titled *Broad Scale Study of On-site Effluent Disposal in the Port Stephens Council LGA, NSW* (Martens and Associates, 1999) was used to assist in development of the OSMS program.

Being that the initial study took place over ten years ago there have been many improvements in scientific knowledge and technologies relating to the design of On-site Sewage Management Systems and in environmental assessment procedures. As a consequence in 2009 Council engaged consultants BMT WBM Pty Ltd (Newcastle) to undertake a comprehensive review of the "Broad Scale Study".

The project aims were to:

- Undertake a background review and develop objectives through;
 - Data collection and background review
 - Field visits and discussion with Council
 - Review the 1999 Broad Scale Study
 - Refine mapping and modelling methodology
- Develop revised land capability maps through;
 - Development of land capability assessment logic
 - GIS analysis and creation of land capability map
 - Apply land capability to Council policy
- Develop sustainable system densities and allotment sizes through;
 - Build On-site system water quality models
 - Calibrate models with available data
 - Develop and run indicative system densities and lot size scenarios
- Prepare project outputs;
 - Technical manual - This document provides the technical basis for:

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

- On-site sewage management hazard mapping
 - Minimum allotment size
 - Maximum lot density
 - Rationale for acceptable solution tables
 - DAF design procedure, and
 - Cumulative impact assessment procedures
- Development assessment framework (DAF) - This document provides Council officers, applicants, consultants and installers the necessary information to undertake an appropriate level of site and environmental investigation, system design selection and sizing and system installation.

Both the DAF and technical manual are separate documents that are called up by this policy. The technical manual provides the technical and scientific basis for the DAF.

The DAF shall be used to determine investigation level, system applicability and minimum site and environment assessment requirements for the installation of new and the replacement of existing systems and in the assessment of applications for the subdivision of land in un-sewered areas.

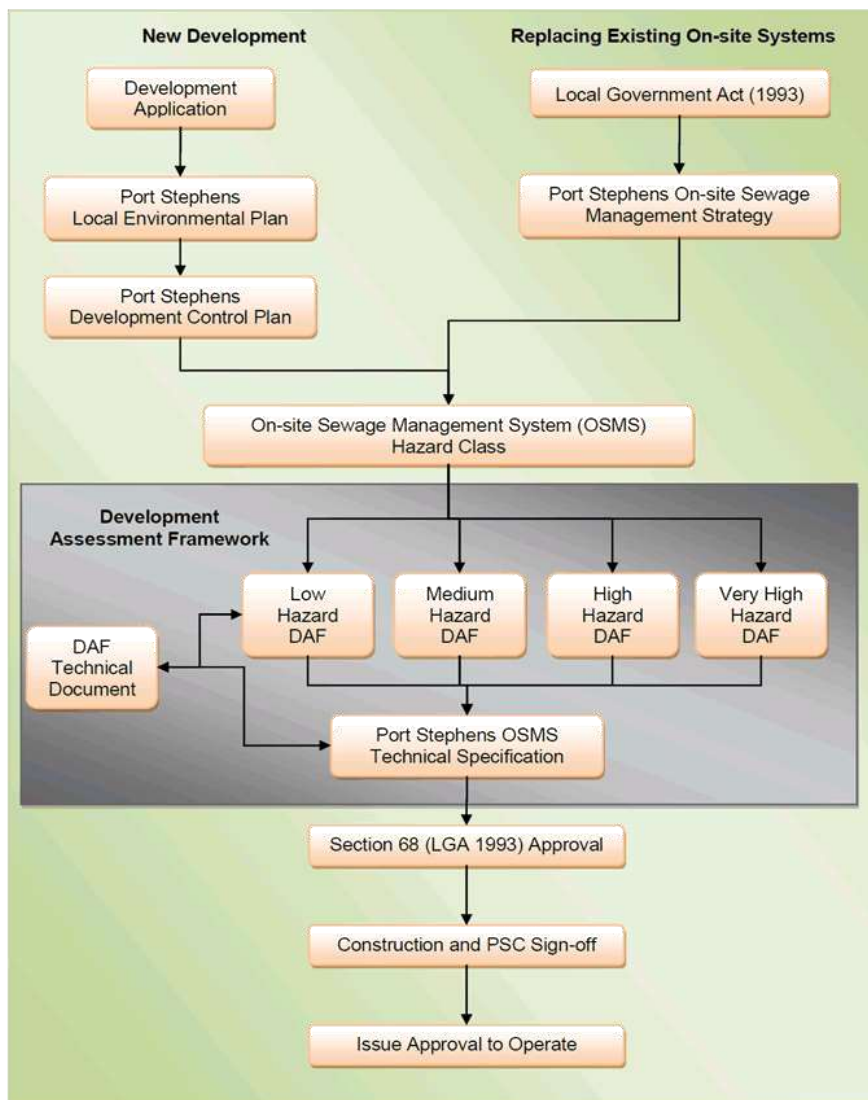
The basis for the DAF is the classification of land into four risk categories (low, medium, high and very high) according to defined topographical, environmental, soil and climate factors. The more constrained the property the higher the hazard class. The level of assessment required for development applications is a function of the hazard class identified for the property. The higher the hazard class the greater the level of assessment required.

Two maps have been developed defining the hazard classes. One map relates to the installation of an on-site sewage management system on a single allotment with a second map defining hazard classes when proposing subdivision of land. Property owners, consultants and installers access these maps to identify the hazard class applicable to the lot identification details. Assessment requirements, developed specifically for each hazard class, are used by the installer or consultant to undertake an appropriate level of investigation and prepare and submit the application with the necessary information.

- **Flowchart 1:** provides an overview of the On-site Sewage Management structure. It includes the legislative framework and development assessment framework for existing and new on-site sewage management systems.
- **Flowchart 2** details the operational flowchart for the approval to operate, inspection program and system installation.
- **Flowchart 3** provides a more detailed explanation for the installation of an On-site Sewage Management System using the DAF.

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

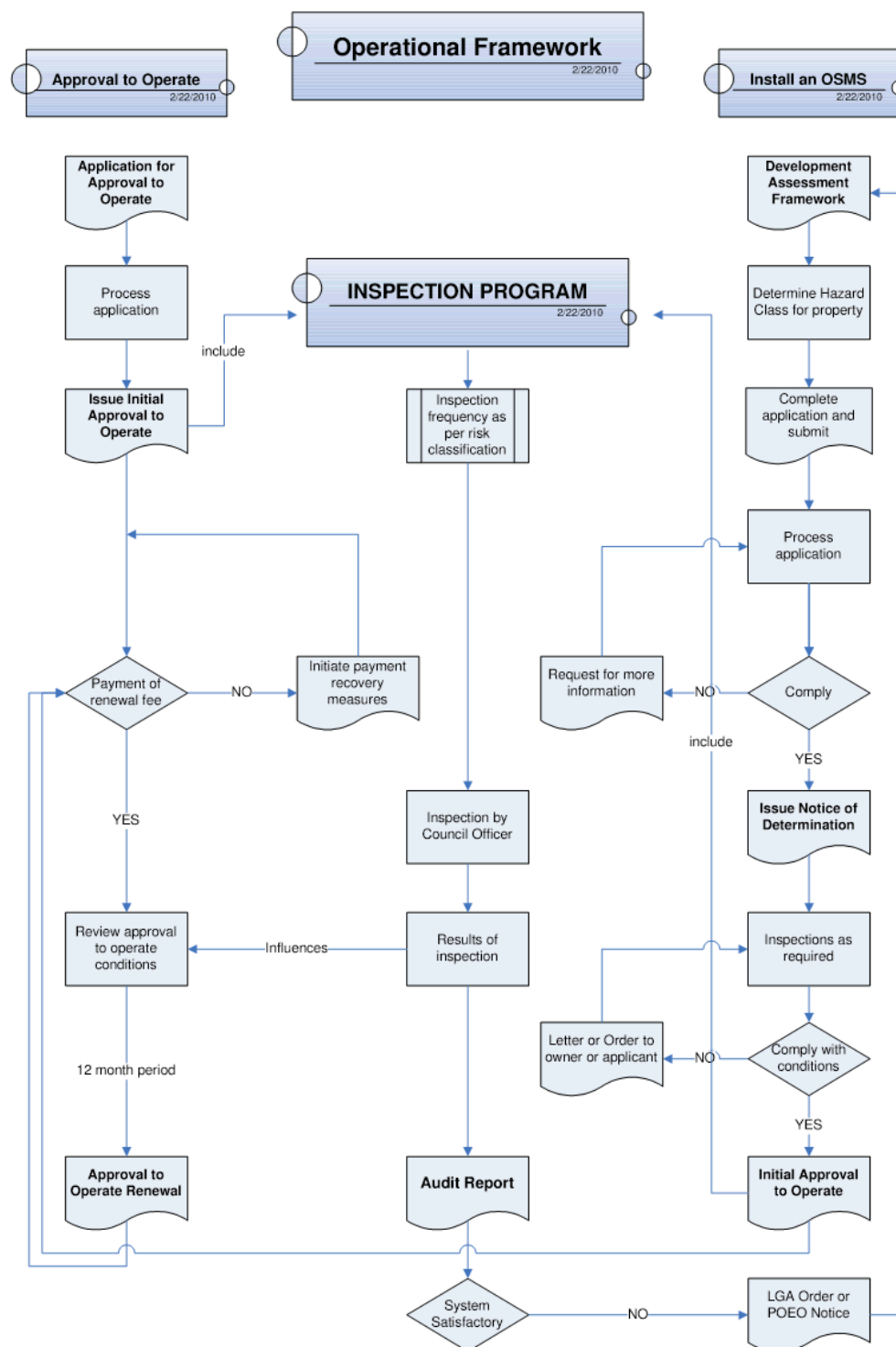
Flowchart 1



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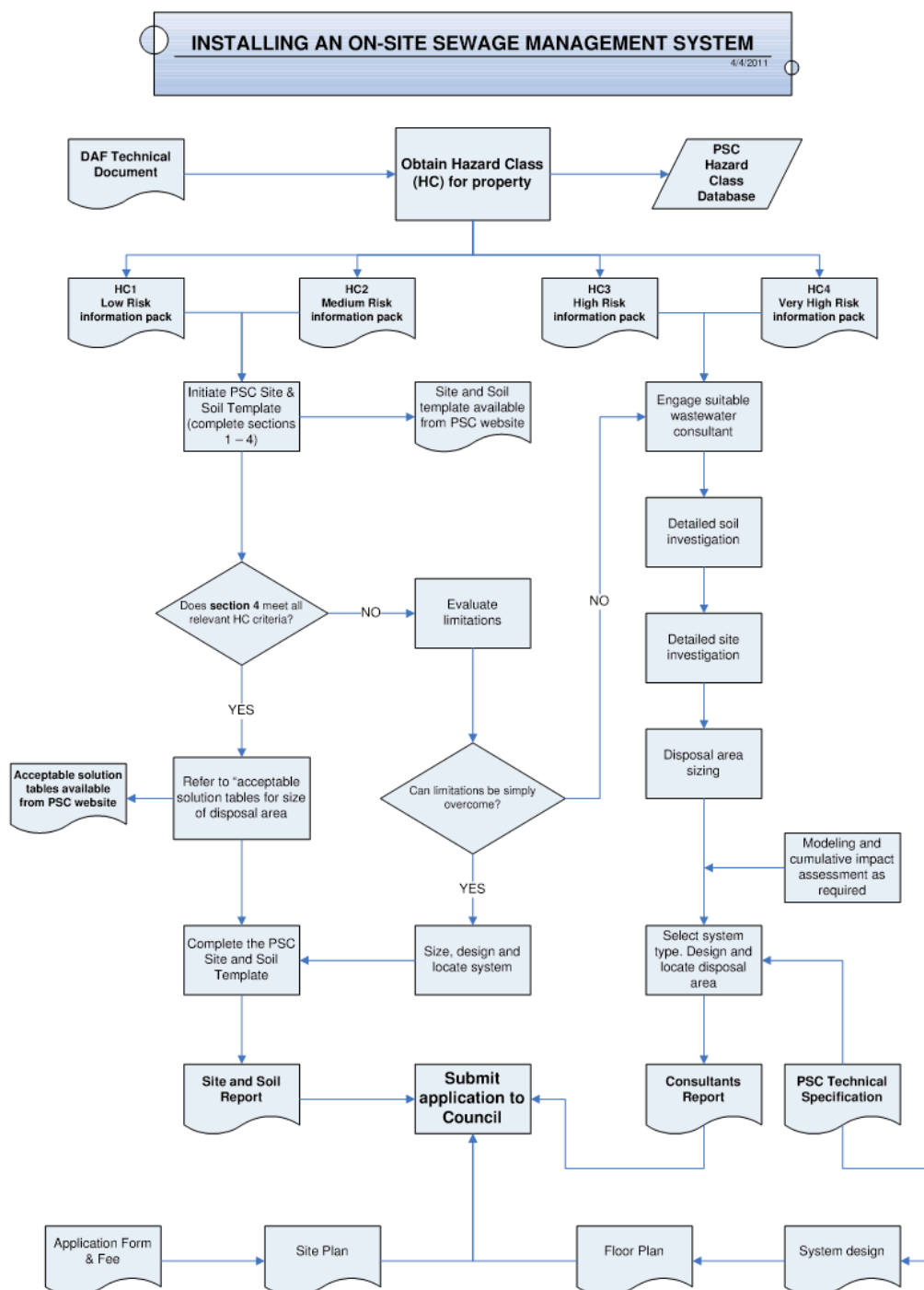
ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.

Flowchart 2



ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.

Flowchart 3



**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****B. APPROVAL TO OPERATE**

An approval to operate is required in accordance with section 68 and 68A of the Local Government Act, 1993. The operation of a system of sewage management is an activity that requires an Approval from Council (item 10 of Part F of the table in Section 68 of the Act).

Table 4: Approval to Operate Key Points

Item	Key Points
Legislative instruments	<ul style="list-style-type: none"> Local Government Act, 1993 (Section 68/68A) Local Government (General) Regulations, 2005
Approval to Operate	<ul style="list-style-type: none"> Required by all on-site systems with a capacity <2500EP or 750kL/day and not covered under another statutory licence Rests with the owner or operator not the system or property
Period	<ul style="list-style-type: none"> Valid for 12 months Currently operates 1st September to 31st August
Renewal	<ul style="list-style-type: none"> Renewed annually Application not required
Fee	<ul style="list-style-type: none"> Included in land rates assessment notice Fee in accordance with the annual Schedule of Fees and Charges
Conditions	<ul style="list-style-type: none"> Each approval to operate is conditioned Conditions relate to operational, environmental and health related objectives and are specific to the system type
Modification to Approval	<ul style="list-style-type: none"> Approvals can be modified in accordance with s109 of LGA Conditions reviewed each year The approval and/or conditions may be modified if deemed necessary as a result of information obtained from an inspection
Change of ownership	<ul style="list-style-type: none"> Approval re-issued to new owner/operator following notification from Lands Titles Office

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

C. NEW INSTALLATIONS

The installation, construction or alteration of a waste treatment device or a human waste storage facility is an activity that requires an approval from the local authority in accordance with the Local Government Act 1993.

Table 5: Approval to Install Key Points

Item	Key Points
Legislative Instruments and Policies	<ul style="list-style-type: none"> • Local Government Act, 1993 (Section 68) • Local Government (General) Regulations, 2005 • Protection of the Environment and Operations Act, 1997 • Marine Park Act, 1997 • SEPP's 14, 62, 71 • WICA, 2006 • PSC Local Environment Plan, in-force • PSC Development Control Plan, in-force • PSC Development Assessment Framework • PSC On-site Sewage Management Technical Manual
Standards and Guidelines	<ul style="list-style-type: none"> • Australian Standard AS1546 • Australian Standard AS1547:2000 • Environment and Health Protection Guidelines • The NSW State Groundwater Policy – Framework Documents • Use of Effluent by Irrigation, EPA • NSW Management of Private Recycled Water Schemes • Grey water reuse in sewerred single household residential premises
Applicability	<ul style="list-style-type: none"> • Install, alter or construct a waste treatment device or human waste storage facility (section 68 Part C 5). • Systems with a capacity <750kL/day or <2500EP. • Includes pump to sewer systems.
Documentation	<ul style="list-style-type: none"> • Application Form • Sufficient documentation required for adequate assessment • Division 4 Local Government (General) Regulations, 2005 • Development Assessment Framework (DAF)

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

Table 5 con't: Approval to Install Key Points

Item	Key Points
Fee	<ul style="list-style-type: none"> In accordance with schedule of fees and charges
Valid	<ul style="list-style-type: none"> 5 years from date of approval
Inspections	<ul style="list-style-type: none"> Site (pre-approval) Installation (disposal area) Final on completion Other inspections as required
Satisfactory Final Inspection	<ul style="list-style-type: none"> Issue of Approval to Operate
Unsatisfactory Final Inspection	<ul style="list-style-type: none"> Remedial works required. Local Government Act, 1993 (Section 124)

D. RISK CATEGORIES & INSPECTION FREQUENCY

All existing systems are risk classified according to specific criteria. The risk classification provides a mechanism for determining inspection frequency and the potential health and environmental risks. Three risk classifications are used (refer table 6).

Table 6: OSMS Risk Categories

Hazard Class	Risk Classification	Indicative Inspection Frequency (internal use only)
Very High	High	Annually or 2 years
High	High	2 years
Medium	Medium	3 years
Low	Low	5 years
Low	Low(TS) Functioning secondary treatment system	By Exception Only (complaint, or major fault identified on service report)

Systems will be classified according to the hazard class map for single allotments. The risk criterion in **Table 7** below provides a summary of the logic used to compile the hazard class map. With particular installations there may be additional issues to consider as part of the risk categorisation process. In some circumstances not ALL criteria within a particular category may apply to either the system or location. In this instance the officer performing the classification must make a decision whether there is sufficient reason to move the system into a higher or lower risk category. Generally though, classifying a system to a higher or lower risk category based on one non-complying criterion would not be warranted. (Note: Systems classified as very high according to the hazard class map are classified high with inspections annually or every 2 years).

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****Table 7: OSMS Risk Classification Criteria**

Indicative Criteria	High Risk	Medium Risk	Low Risk
Land Area	<2000m ²	2000 – 4000m ²	>4000m ²
Soil type	Clay or Sand	Loam	Loam
Soil Structure	Weak/massive	Moderate structure	Good structure
Flooding	Flood prone	Not flood prone	Not flood prone
System Type	Primary	Primary Secondary	Secondary or better
Depth to Groundwater or Hardpan	<0.6 metre	0.6 – 1.0 metres	>1 metres
Slope	>20%	10 – 20%	<10%
Water Catchment	Yes	No	No
Buffer distances	Not comply	Partial compliance	Comply

A category known as Low(TS) will be used for systems meeting the following criteria:

- The system is a secondary or advanced secondary treatment system;
- The system has been installed in accordance with a valid approval and is operating in accordance with the conditions of the approval to operate;
- The system is being serviced under a maintenance agreement by a suitably qualified and experienced servicing agent;
- There are no outstanding maintenance issues identified on a service report.

This category are not included on the routine inspection program but managed by exception. Inspections may be undertaken should a problem be identified through a complaint or unsatisfactory service report at the discretion of the assessing Council officer.

E. REVIEW OF AND CHANGES TO CATEGORIES OR RISK

In order to encourage appropriate management and maintenance of on-site sewage management systems Council provides for the re-categorisation of systems from the high and medium risk categories. This will involve re-categorisation of systems from high risk to medium risk where the continuing operation of a particular installation has been shown, to Council's satisfaction, over 2 consecutive programmed inspections, to be in accordance with the performance standards set out in this strategy. Similarly medium risk installations whose continuing operation has been shown, over 2 consecutive programmed inspections, to be in accordance with the performance standards set out in the strategy will be re-categorised to low risk.

Council officers may increase the risk rating of any installation after inspection if that inspection reveals that more frequent monitoring of that system is required.

Council will advise the owners concerned in writing of the outcome of requests for re-categorisation.

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.**F. INSPECTION PROCESS**

Council has developed an inspection program for existing on-site systems to ensure those systems meet environmental and health performance objectives set out in this policy and in the Environmental and Health Protection Guidelines over the long term. The program involves the monitoring of existing service documentation and programmed on-site inspections.

At present there are approximately 4800 on-site sewage management systems in the Port Stephens LGA. To carry out effective and ongoing inspections systems are classified according to risk. Inspections will then be carried out at an interval appropriate to the individual systems risk assessment subject to adequate resourcing.

Council will inspect all systems in the LGA with the exception of those identified as Low(TS). Properties will be inspected to the schedule outlined above and individual systems assessed on performance standards as stated in the EH&P Guidelines. An audit report is completed for each inspection with a copy of the report forwarded to the property owner or designated operator. If changes are made to conditions as a result of the inspection, owners are issued with a amended Approval to Operate (with conditions attached).

Table 8: OSMS Inspection Process

Item	Criteria
Which Systems?	<ul style="list-style-type: none"> All domestic and commercial on-site systems holding an active approval to operate
Exemptions	<ul style="list-style-type: none"> Systems classified as Low (TS)
When undertaken?	<ul style="list-style-type: none"> In accordance with risk classifications If complaint received If requested by owner/operator Request for pre-purchase inspection (ie impending sale of the property)
Who performs?	<ul style="list-style-type: none"> Councils Environmental Health Officers Notification of inspection in accordance with LGA is sent to owners/operators Signed authority to enter property provided with pre-purchase inspection request
Why inspect?	<ul style="list-style-type: none"> To determine operating status and compliance with standards and guidelines Assess risk to environment and public health
Fee	<ul style="list-style-type: none"> No charge for routine inspections Pre-purchase inspection in accordance with schedule of fees and charges
Records	<ul style="list-style-type: none"> Audit sheet s maintained electronically Typed report sent to owner/operator Pre-purchase inspection report to applicant

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

Table 8 con't: OSMS Inspection Process

Item	Criteria
Pumpout Systems (tanker removal)	<ul style="list-style-type: none"> Servicing records obtained by contractors and entered into electronic database. Reports generated detailing servicing frequency.
Aerated wastewater treatment systems (AWTS)	<ul style="list-style-type: none"> Servicing records obtained by contractors and entered into electronic database. Reports generated detailing servicing frequency.
Pump to sewer systems	<ul style="list-style-type: none"> Classified as an on-site sewage system in accordance with regulations. Inspected to determine compliance with Hunter Water Corporation specifications

G. UPGRADING FAILING SYSTEMS

Inspections of on-site sewage management systems are required to ensure that they are installed and operated in accordance with the conditions specified in any Council approval. Beyond system design and installation, those approval conditions relate primarily to the performance standards specified in the regulations and this policy.

System failure is deemed to have occurred when a system fails to achieve prescribed performance standards resulting in adverse impacts on public health or the environment. **Appendix 1** provides a methodology for defining minor and major breaches for treatment systems and disposal areas. **Table 9** provides a methodology for prioritising identified issues, determining an appropriate response and provides tools that may be used to assist in investigating and addressing the issue.

The upgrading of failing system shall be undertaken in accordance with:

- Legislative requirements, and
- The Development Assessment Framework

COMPLAINTS ABOUT FAILING SYSTEMS

A member of the community who has a problem with the operation of an on-site sewage management system is entitled to approach Council about the problem. Council must regulate the operation of on-site sewage management facilities so that risks to health and the environment do not arise or do not escalate. Council will investigate complaints relating to systems failures irrespective of the priority area. This inspection may replace the next scheduled inspection for any system that is the subject of a complaint and where as a result of that inspection Council requires the owner/operator to take some action. Changes may also be made to the risk categorisation of systems as a result of any complaint investigation.

It is the responsibility of the owner or occupier of the premises to ensure that on-site systems are designed, installed and managed so that environmental

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

nuisance/damage does not occur and there is no risk to public health from the operation of the system.

Owners should also ensure that other occupiers of the premises are also aware of the systems operation and maintenance requirements. If a system is defective and cannot be corrected by the proper operation and maintenance, householders should report this to Council so that immediate action can be taken to address the problem.

Table 9 provides a methodology for prioritising identified issues, determining an appropriate response and provides tools that may be used to assist in investigating and addressing the issue.

Table 9: OSMS Prioritisation Methodology

Situation Classification		
Critical	Major	Minor
Situations <ul style="list-style-type: none"> Significant failure of the wastewater treatment system or disposal area whether intentional or unintentional Significant threat to the environment and public health 	Situations <ul style="list-style-type: none"> Major failure of the wastewater treatment system, component or disposal area Moderate to major threat to the environment and public health 	Situations <ul style="list-style-type: none"> Minor or insignificant problem with the wastewater treatment system, component or disposal area Minor or no threat to the environment and public health
Responses <ul style="list-style-type: none"> Immediate action by Council is to commence May need multiple Council staff to respond May need consultation with DECCW staff Same day response Immediate communication with system owner / operator Definite follow up action by Council staff 	Responses <ul style="list-style-type: none"> Important but not urgent. Action by Council should commence within 5 business days May need immediate communication with system owner/operator if necessary Would involve follow up action by Council staff 	Responses <ul style="list-style-type: none"> Needs attention by owner/operator but is not urgent Minimal intervention by Council staff May be remedied with discussion with owner or operator May need a follow up response to ensure the problem does not escalate Educational material may be appropriate
Tools <ul style="list-style-type: none"> Water and/or soil samples. Chemical and microbiological testing Photographic evidence Detailed notes Interviews with relevant persons POEO – Prevention Notice, Clean-up Notice Legal action if warranted 	Tools <ul style="list-style-type: none"> Testing of water and/or soil samples only if necessary. Photographic evidence if necessary Detailed notes Local Government Act Order (s124) if necessary Penalty infringement notice if failure to undertake works in a reasonable time 	Tools <ul style="list-style-type: none"> Routine inspection Audit report or letter Warning letter if left unresolved
Examples <ul style="list-style-type: none"> Significant failure of a wastewater system discharging effluent into a drinking water supply, waterway or stormwater drainage system 	Examples <ul style="list-style-type: none"> Failing wastewater system or disposal area Major unresolved problem with a treatment system component 	Examples <ul style="list-style-type: none"> Minor problem with a wastewater system or disposal area

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****4. RECORDS, REPORTING, REVIEW & EDUCATION****A. COUNCIL RECORDS**

All applications and associated information received are recorded in the appropriate electronic register (Authority) and/or hardcopy file. Such a register will include details of, the applicant, the property concerned, the type of installation, the date of application, the determination of the application, the date of issue of any approval or refusal, any site inspections and any other relevant details. This register will be kept in electronic format and applications, audit sheets, special conditions attached to approvals and correspondence will be saved electronically in TRIM.

All service documentation related to AWTS quarterly maintenance that are forwarded to Council will be recorded within the Authority wastewater register (AWTS servicing data base).

Council will also maintain a record of effluent pumpout figures to allow periodic desktop analysis of volumes from individual properties. These figures are currently provided by Council approved transport contractors and maintained within the Authority wastewater register.

B. NOTIFICATION THROUGH THE 149 CERTIFICATE

In the case of land subject to a Development Control Plan for on-site sewage management, intending purchasers would be notified of that DCP (under Section 149 clause 2 of the EP&A Act (1979)).

C. ENVIRONMENTAL AUDIT

The operation of large numbers of on-site sewage systems in a catchment area have the potential, in the long term, to detrimentally impact on the environment especially water quality. To monitor these impacts regular testing of ground and surface waters for faecal, nutrient and other relevant contaminants should be routinely performed through a targeted water quality program. The monitoring program should involve a review of existing water quality data collected by other authorities in the Port Stephens Area where that data was relevant and available. These authorities may include the Hunter Water Corporation, NSW Fisheries and Port Stephens Shellfish Association.

The program will assist in assessing the effectiveness of Port Stephens management practices for on-site sewerage systems and also as an indicator of problem areas and management priorities.

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****D. ANNUAL REPORTING**

Council's Annual State of the Environment Report will include details of:

- The results of the on-site sewage management inspection program;
- Details regarding particular patterns of system failure related to either location criteria or system type;
- An assessment of the ongoing integration of this strategy with the other strategic planning processes of Council;
- The effectiveness of this strategy and its implementation measured against the objectives and goals set out in this strategy;
- A review of water quality data from the environmental auditing process if available.

E. REVIEW & EVALUATION OF THIS STRATEGY

This strategy will be the subject of ongoing review. Reviews will occur every four years in the twelve-month period after each general Council election.

F. EDUCATION & PROVISION OF INFORMATION

An important part of this strategy is to ensure that all parties involved in the installation operation and maintenance of on-site sewage management systems are aware of their responsibilities and have enough information to carry them out. The level of knowledge required will depend on the type of sewage management system and what the stakeholder needs to do.

The operation of a centralised sewage system requires limited input from the individual householder, but householders need to take an active role in the operation of on-site sewage management systems. They should have a broad knowledge of on-site sewage management principles and be able to apply that knowledge responsibly.

Householders need to have a full knowledge of:

- System operation and maintenance requirements;
- Responsibilities under the new regulations;
- System selection and design of effluent application areas;
- Health risks of effluent and chemicals;
- Emergency contact numbers;
- Waste and water minimisation principles and techniques;
- Environmental impacts of wastewater.

Council will take an active role in the provision of this information to the householder and help in the development of individual management plans through this information and the approvals and inspection process. Information will be made readily available from Councils website, emailed or posted if requested or included with an inspection report.

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****5. FEES AND RESOURCING****A. FEES**

The fee schedule has been designed to provide Council and users of on-site sewage systems with a cost-effective, user pays monitoring program that provides an efficient mechanism to ensure the long term environmental and public health objectives of this strategy.

The fees are levied under s608 of the Local Government Act, 1993. These are debts on the owner / occupier rather than on the land.

Fees are revised annually.

Table 10: OSMS Fees

Fee Name	Details
Application to install, alter or construct a waste treatment device or human waste storage facility	<ul style="list-style-type: none"> The installation of an OSMS incurs an application fee in accordance with s80 of the Local Government Act. Amendments to issued consents also incur an amendment fee, usually 50% of the application fee. Fees are set in accordance with the schedule of fees and charges.
Approval to Operate	<ul style="list-style-type: none"> An application for an initial approval to operate is subject to an application fee in accordance with the schedule of fees and charges.
Approval to Operate Renewal	<ul style="list-style-type: none"> The annual approval fee is levied on all owners of on-site systems in the Port Stephens LGA to cover costs of the On-site Sewage Management Program. These costs include work by clerical staff, monitoring of service documentation and pumpout figures, inspections, environmental auditing, complaint investigations and the provision of educational and system management advice. The fee is levied on an annual basis and is included as a separate item on the land rates notice.
Routine/Programmed Inspections	<ul style="list-style-type: none"> Routine inspections do not incur a fee.
Re-inspections	<ul style="list-style-type: none"> Situations involving more than one re-inspection may incur a charge in accordance with the schedule of fees and charges. This is at the discretion of the Council officer in consultation with management.
Extraordinary Costs	<ul style="list-style-type: none"> May include testing of water and soil samples. Charged on a cost recovery basis.

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

B. RESOURCING

The OSMS program is performed by the Environmental Health and Regulation team.

Core functions include:

- Complete programmed inspections
- Initiate action for upgrading and maintaining systems
- Ensure all owners/operators of systems obtain and renew an approval to operate
- Provide education and guidance to the community, staff and Council
- Assess applications for new installation
- Monitor and assess data and reports for systems
- Undertake continuous improvement of the program

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.****6. GLOSSARY OF TERMS**

Aerated Wastewater Treatment System (AWTS) – Aerated wastewater treatment systems treat all household wastewater and have several treatment compartments. The first is like a septic tank, but in the second compartment air is mixed with wastewater to assist bacteria to break down solids. A third compartment allows settling of more solids and a final chlorination contact chamber allows disinfection.

Blackwater – human excreta and water grossly contaminated with human excreta.

Catchment – A catchment is an area of land with natural features such as hills or mountains, from which all run-off water flows into a creek, river, lake or ocean.

Composting Toilets – Composting toilets collect and treat toilet waste only. Water from the shower, sink and washing machine needs to be treated separately. The compost produced by a composting toilet has special requirements but is usually buried on site.

Completion certificate – formal notification from council indicating that a sewage management facility has been installed substantially in accordance with a relevant development approval, and is able to be commissioned.

Council – for the purposes of this strategy refers to the Port Stephens Council.

DCP – Development Control Plan within the meaning of the Environmental Planning and Assessment Act.

Desludging – Withdrawing of sludge, biosolids, scum and liquid from a septic tank.

Ecological Sustainable Development – Development that improves the quality of life, both now and for the future, in a way that maintains the ecological processes on which life depends.

Effluent – wastewater discharging from a sewage management facility.

Effluent application area – an area of land specifically designated for the application of effluent either by subsurface absorption or by surface irrigation.

Evapotranspiration – process by which soil moisture is subject to processes of evaporation from the sun and wind and is transpired to the atmosphere via trees and plants.

Greywater (or sullage) – domestic effluent, excluding toilet waste.

Ground Water – All naturally occurring underground waters.

Guidelines – Environment and Health Protection Guidelines – *On-site Sewage Management for Single Households*.

LGA – Local Government Area.

On-site Sewage Management System – Any facility that stores, treats and/or disposes of sewage and wastewater on-site.

Operational Constraints – Those site or systems characteristics which place limits on the quality and quantity of wastewater that can be effectively treated by a sewage management facility within a given period of time.

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

Pump-out System – A septic system where all accumulated wastewater is removed from site by a purpose built road tanker.

Reticulated Sewer – Centralised sewerage system, consisting of a wastewater transport network, pumping stations, and treatment facilities designed to services multiple users concurrently. Hunter Water Corporation is the local authority for all reticulated sewer and Sewage Treatment Plants in the Port Stephens LGA

Regulation – Local Government (Approvals) Amendment (Sewage Management) Regulation 1998.

Run-off – The part of precipitation of irrigated effluent that becomes surface flow because it is not immediately absorbed into or detained by the soil.

Septic tank – conventional septic tank systems treat both greywater and blackwater, but they provide only limited treatment through the settling of solids and the flotation of fats and greases. Bacteria in the tank break down the solids over a period of time. Wastewater that has been treated in a septic tank can only be applied to land through a covered soil absorption system as the effluent is still too contaminated for above ground irrigation.

Sewage – human wastewater and matter which usually passes through the reticulated sewer or an on-site sewage management system.

Sewage Management – Any activity carried out for the purpose of holding, processing, reusing, or otherwise disposing of sewage or by-products of sewage.

Total Catchment Management – Total Catchment Management is the co-ordinated and sustainable use and management of land, water, vegetation and other natural resources on a catchment basis so as to balance resource utilisation and conservation.

Useable land - total allotment area excluding dams, intermittent and permanent watercourses and open stormwater drains and pits in addition to the relevant buffer distances prescribed in the Port Stephens Council Development Assessment Framework for those objects.

Wastewater – Blackwater and/or Greywater.

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

APPENDIX 1

DEFINITION OF "MAJOR AND MINOR" BREACHES

Treatment System "Major" Breach – the failure, malfunction, collapse, omission, deterioration or breakdown of any treatment system component, tank, internal vessel or chamber, segregating baffle, control panel, power supply, chemical, aerating device or mechanical pumping device that is:

- Not currently under repair, or
- Has not been reported to an appropriate service provider in a timely manner,

And that:

- **Has** the potential to prevent the normal operation of the system;
- **Has** the potential to significantly reduce the quality of effluent from expected levels;
- **Has** the potential to impact on the natural environment, human health or public amenity;
- **Has** the potential to cause a significant public safety risk.

Table 1: Examples of Treatment System Major Breaches

Treatment System Type	Major Breach Description (To be considered in conjunction with definition)
Aerated Wastewater Treatment System	Inoperable aeration blower causing significant effluent quality problems
	Inoperable irrigation pump with effluent overflowing
	Fused/damaged control panel
	Internal baffle that has separated from the side wall allowing mixing of treated and untreated water
	System not being serviced and effluent quality significantly deteriorated
	No disinfection system (ie. Chlorine, ultra-violet, etc) in operation
	Tank lid that is significantly damaged. Potential safety risk, odour problem
Septic Tank	Excessive sludge levels (<200mm below outlet invert)
	Excessive water levels (above top of inlet/outlet junctions) or overflowing
	Structurally unsound tank - damaged below water level and is leaking effluent to ground surface/groundwater
	Tank lid that is significantly damaged. Potential safety risk, odour problem
Septic Pumpwell	Inoperable irrigation pump with effluent overflowing
	Tank lid that is significantly damaged. Potential safety risk, odour problem
Effluent Pump-out Tank	Effluent levels excessive with overflows visibly occurring
	Tank lid that is significantly damaged. Potential safety risk, odour problem
Wet Composting System	Structurally unsound tank - damaged below water level and is leaking effluent to ground surface/groundwater
	Tank lid that is significantly damaged. Potential safety risk, odour problem

ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT POLICY - 28/2/2012 MIN. NO. 010.

Treatment System "Minor" Breach – all other areas, components or adjustments of the treatment system not captured under major breach definition and that:

- **Does not** have the potential to prevent the normal operation of the system;
- **Does not** have the potential to impact on the natural environment, human health or public amenity;
- **Does not** have the potential to significantly reduce the quality of effluent from expected levels.
- **Does not** have the potential to cause a significant safety risk.

Table 2: Examples of Treatment System Minor Breaches

Treatment System Type	Minor Breach Description (To be considered in conjunction with definition)
Aerated Wastewater Treatment System	Skimmer not operable
	Irrigation filter not in place
	Missing primary chamber inspection cap
	Minor odour
	Floating media blocks
Septic Tank	Floating scum in clarification chamber
	Moderate sludge levels (>200mm below outlet invert)
	Minor elevated water levels (above invert of outlet pipe but not above top of junctions)
	Tank that is cracked above water level and cracks are hairline only
	Tank lid that has minor cracking (hairline cracks)
	Missing inlet/outlet junctions
	Tank lid at ground level
Septic Pumpwell	Missing inspection caps
	Missing inspection caps
Effluent Pump-out Tank	Tank lid at ground level
	Missing inspection caps
	Missing standpipe cap

Land Application (Disposal) Area "Major" Breach – the observed failure of the land application area to adequately dispose of or contain effluent during normal annual climatic conditions that potentially may result in risk to the environment, public health or public safety. The failure of the land application area to operate within expected design limits. Land application area includes but is not limited to absorption trenches, evapo-transpiration beds, Wisconsin mounds, surface irrigation areas and sub-surface irrigation areas.

Table 3: Examples of Disposal Area Major Breaches

Land Application Area Type	Major Breach Description (To be considered in conjunction with definition)
Surface/subsurface Irrigation	Inadequate maintenance of irrigation hardware that results in the surface ponding of effluent
	End-of-pipe disposal
	Inadequate size of disposal area that results in significant saturation of soils
	Location of disposal area within prescribed buffer zones and environmentally sensitive areas
	Location of disposal area within observed recreational areas
Absorption/Evapo-transpiration	Observed ponding of effluent on the disposal area surface. Effluent must be confirmed via colour, clarity or odour.
	End-of-pipe disposal

**ITEM 3 - ATTACHMENT 2 CURRENT ON-SITE SEWAGE MANAGEMENT
POLICY - 28/2/2012 MIN. NO. 010.**

Land Application (Disposal) Area "Minor" Breach – all other areas not captured under major breach definition and that are unlikely to result in environmental harm, risk to public health or risk to public safety.

Table 4: Examples of Disposal Area Minor Breaches

Land Application Area Type	Minor Breach Description (To be considered in conjunction with definition)
Surface/subsurface Irrigation	Missing warning signs
	Some spray heads inoperable
	Irrigation line not buried
Absorption/Evapo-transpiration	Overgrown vegetation
	Infrequent livestock access
	Damp/soft underfoot but no visible signs of effluent