

MEMO TO: All Councillors
COPY TO: General Manager
MEMO FROM: Director - Planning, Development & Environmental Services
SUBJECT: Sewage Management System for the Woolworths Development, Mullumbimby (Section 68 Application - 70.2009.10.1)
DATE: 20 April 2009
FILE NO(s): Parcel No 238390x203560 #846356

Councillors have enquired regarding the Section 68 application for the Sewage Management System for the proposed Woolworths Development, Mullumbimby

The assessment of the S68 application is a technical one and will be carried out by an independent consultant, however the approval granted by the Department of Planning and the Section 68 submission to Council includes an emergency pump out procedure for effluent removal during wet weather. This is inconsistent with Council Policy 5.59 "On-site sewage management systems in urban areas" which specifies:

Clause 2.4 (ii) Council does not allow the use of holding tanks or pump-out tanks as a sewage management system within the sewered urban areas of the Shire except for temporary events (e.g. Festivals) and dwelling houses in New Brighton pending provision of a reticulated sewerage system.

An on-site sewage management system must deal with all its liquid within the allotment or development. No liquid will be allowed to be either pumped out and removed from the site or to be discharged to the Council sewer.

The periodical removal of treated sludge will be allowed as part of this policy.

A copy of the complete policy is also attached for your perusal.

As the determination of the Section 68 involves a variation to Council Policy, a report will be prepared to Council with respect to the possible variation to that policy or otherwise. However, Councillors should also note that the Water Industry Competition Act 2006 (WICA) may allow for such private sewerage management facility, and if so, this could override a Council Policy. Copy of Water Industry Competition Act, information has previously been provided to Councillor's at the meeting of the 9th April 2009 or can be viewed at http://www.austlii.edu.au/au/legis/nsw/consol_act/wica2006333/

All emails that are coming into council on the matter will be advised as above. I will also do a press release on the matter to clarify situation for the community. Should you have any further enquiries on this matter please contact me on 6626 7161.

Yours Sincerely



Ray Darney
Director - Planning, Development & Environmental Services



BYRON SHIRE COUNCIL

POLICY NO. 5.59

ON-SITE SEWAGE MANAGEMENT SYSTEMS IN URBAN AREAS

Byron Shire Council - Memorandum

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SECTION	ENVIRONMENT & DEVELOPMENT SERVICES
POLICY TITLE	ON-SITE SEWAGE MANAGEMENT SYSTEMS IN URBAN AREAS
FILE REFERENCE	COR050504
Date Adopted	22 May 2003
Date of Review	

1. OBJECTIVES

- 1.1 TO ENCOURAGE THE PRINCIPLES OF DEMAND MANAGEMENT AND THE REUSE OF WATER BY THE ADOPTION OF ON-SITE SEWAGE MANAGEMENT SYSTEMS (OSMS) GUIDELINES.***
- 1.2 TO DEFINE THE PARAMETERS FOR THE DESIGN AND INSTALLATION OF ON-SITE SEWAGE MANAGEMENT SYSTEMS WITHIN SEWERED URBAN AREAS.***
- 1.3 To maintain public health.
- 1.4 To protect the environment through ESD principles.

2. POLICY STATEMENT

- 2.1 APPLICATIONS PROPOSING AN ON-SITE SEWAGE MANAGEMENT SYSTEM, EITHER AS A STAND ALONE SYSTEM OR AS A COMBINATION SYSTEM, WILL BE ASSESSED IN ETS.***
- 2.2 ETs will be determined in accordance with Council's policy for calculating equivalent tenements for water and sewerage contributions. In the absence of a policy ETs will be determined in accordance with Appendix B of "Manual of Practice, Sewer Design, Public Works, January 1984" as adjusted in the Developer Contributions Plan for Sewers.
- 2.3 For design purposes, on-site sewage management systems will meet the requirements of Council's 'Byron Shire Council Design Guidelines for On-Site Sewage Management Systems' and of Sections 1 to 11 of Chapter 8.1 in the Byron Rural Settlement Strategy. In addition, buffers referred to in Section 5(e) of Chapter 8.1 of the Byron Rural Settlement Strategy apply from any fixture such as a shed or a fence. A buffer of 15m shall apply from any buried service conduit, sewer or stormwater that is owned or operated by Council or a service utility.
- 2.4 On any allotment or development Council will accept a combination of an on-site system and a connection to the Council sewer, only on the grounds that the system is in accordance with the requirements of this policy, and the following requirements:-
- i) Within an allotment or a development, sewage that passes through the OSMS must be separately plumbed and absolutely isolated from that passing to the sewer. The two systems are to be completely independent.
 - (ii) Council does not allow the use of holding tanks or pump-out tanks as a sewage management system within the sewered urban areas of the Shire except for temporary

events (eg Festivals) and dwelling houses in New Brighton pending provision of a reticulated sewerage system.

An on-site sewage management system must deal with all its liquid within the allotment or development. No liquid will be allowed to be either pumped out and removed from the site or to be discharged to the Council sewer.

The periodical removal of treated sludge will be allowed as part of this policy.

- 2.5 The assessment of the proportion of sewage load to the on-site system and to the sewer will be calculated, using fixture units as defined in the plumbing standards AS3600. The proportions as determined in this manner will be applied to the total ET value determined for the development.
- 2.6 An individual, or corporate body must guarantee management of the OSMS in accordance with Byron Shire Council Design Guidelines, for On-Site Sewage Management Systems and take liability for any pollution failure of the OSMS.
- 2.7 Incorporation of the s88E positive covenant to be placed on that title for maintenance of any On-Site Sewage Management System to ensure any incoming purchaser is aware of their environmental responsibilities regarding the on-site system.

Note: The use of waterless composting toilets and the reuse of grey water in urban areas are encouraged by Council. Details are included in Council's policy for calculating equivalent tenements (ETs) for water and sewerage contributions.