



Local Approvals Policy

Policy 28

DATE

- Ordinary Meeting of Council 25.02.14, 23.08.16 and 28.08.18

POLICY NO:	28
LEGISLATIVE REQUIREMENTS	
RESPONSIBILITY:	ENVIRONMENT & PLANNING
OBJECTIVE:	<p>The purpose of this Policy is to supplement provisions of the Act and the Local Government (General) Regulation 2005 (the Regulations) by:</p> <p>Part 1: Specifying the circumstances in which a person would be exempt from the requirement to obtain a particular approval of Council;</p> <p>Part 2: Specifying the criteria which Council must take into consideration in determining whether to give or refuse an approval; and</p> <p>Part 3: Specifying other matters relating to approvals</p> <p>The Policy seeks to:</p> <ul style="list-style-type: none"> a) provide guidance to applicants requiring an approval for an activity under section 68 of the Act within The Hills Local Government Area; b) specify the criteria that Council staff will take into consideration in determining applications for approval under the Act; and c) specify any other matters relating to the approvals process under the Act.

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1 – Adoption and amendments

The Local Approvals Policy was adopted on 25 February 2014.

Date	Amendment
15 March 2016	Changes to format of document Inclusion of: <ul style="list-style-type: none"> • Place a waste storage container in a public place (such as a skip bin); • Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility; • Use a standing vehicle or any article for the purpose of selling any article in a public place; ad Inclusion of consideration being given to the height of the flue for solid fuel heaters and requirement to comply with AS 4013:2014 relating to emissions.

2 – Overview

The prior approval of Council is required for the carrying out of a number of activities under section 68 of the Local Government Act 1993 (the Act) including:

- Place a waste storage container in a public place (such as a skip bin);
- Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility;
- Install a domestic oil or solid fuel heating appliance, other than a portable appliance; and
- Use a standing vehicle or any article for the purpose of selling any article in a public place.

Other activities require approval, but are not covered by this Policy.

3 – Introduction

This Policy is called The Hills Shire Council Local Approvals Policy (the Policy) and is made under section 158 of the Act.

The purpose of this Policy is to supplement provisions of the Act and the Local Government (General) Regulation 2005 (the Regulations) by:

Part 1: Specifying the circumstances in which a person would be exempt from the requirement to obtain a particular approval of Council;

Part 2: Specifying the criteria which Council must take into consideration in determining whether to give or refuse an approval; and

Part 3: Specifying other matters relating to approvals

The Policy seeks to:

- a) provide guidance to applicants requiring an approval for an activity under section 68 of the Act within The Hills Local Government Area;
- b) specify the criteria that Council staff will take into consideration in determining applications for approval under the Act; and
- c) specify any other matters relating to the approvals process under the Act.

This Policy commenced on 25 February 2014 by adoption of a resolution of Council, after having been exhibited for public comment for public comment for 28 days from 17 September 2013.

In the event of an inconsistency between this Policy and the Act or associated regulations, the Act or regulations shall prevail to the extent of the inconsistency.

This Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election of Council, unless revoked sooner.

The Policy applies to all land within The Hills Local Government Area.

3.1 Exemptions

The following exemptions apply:

Activity	Exemptions
Place a waste storage container in a public place	Exemptions as listed in Appendix 1 – Skip Bins
Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility	Exemptions as listed in Appendix 2 – Installation of a sewage management facility
Install a domestic oil or solid fuel heating appliance, other than a portable appliance	Exemptions as listed in Appendix 3 – Installation of wood fire heaters
Use a standing vehicle or any article for the purpose of selling any article in a public place	Exemptions as listed in Appendix 4 – Mobile & Temporary Food

3.2 Criteria that must be taken into consideration in determining an approval

The following criteria will be taken into consideration in determining an application:

Activity	Criteria
Place a waste storage container in a public place	Criteria as listed in Appendix 1 – Skip Bins
Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility	Criteria as listed in Appendix 2 – Installation of a sewage management facility
Install a domestic oil or solid fuel heating appliance, other than a portable appliance	Criteria as listed in Appendix 3 – Installation of wood fire heaters
Use a standing vehicle or any article for the purpose of selling any article in a public place	Criteria as listed in Appendix 4 – Mobile & Temporary Food

3.3 Other matters relating to approvals

3.3.1 Application for other activities

Applications for all other activities (as described in the Table of Section 68 of the Act) not listed in this Policy are to be on the approved form available on Council’s website and will be assessed in accordance with Section 89 of the Act.

3.3.2 Lodgement of an application

Applications must be made on the approved form and accompanied by the information required on the form. Any application which is unclear or illegible may be returned.

The relevant fees, charges and security deposits listed in Council’s Schedule of Fees and Charges must be paid at the time of lodgement.

3.3.3 Refund of fees

The fee associated with any application which is withdrawn in writing or returned due to being unclear or illegible shall be refunded. If the application is withdrawn prior to assessment commencing, 80% of the fee shall be returned. If assessment of the application has commenced, 50% of the fee shall be returned. There shall be no refund once the application has been determined.

3.3.4 Variation to criteria

In determining an application, Council staff may choose to vary any of the criteria referred to in this Policy on a case by case basis whilst having regard to the merit of the individual circumstances and the purpose of the Policy and legislation.

3.3.5 Determination

Once determined, a notice will be issued advising whether the application has been refused, approved or approved with conditions.

The period of approval will vary depending on the type of activity or work undertaken. If works have not commenced or the activity has not occurred during the nominated time, then the approval may lapse.

In such cases, and depending on the circumstances, an applicant can seek to lodge a new application or alternatively request to modify/extend an existing application.

3.3.6 Review of determination

A determination can be reviewed under section 100 of the Act. A request to review must justify the reasons for review and be made in writing within 28 days of Council's determination. Fees as listed within Council's Schedule of Fees and Charges apply. The determination of a review is final.

3.3.7 Record of approvals

A record of approvals is required to be kept under section 113 of the Act. The record of approvals may be viewed at Council's offices.

3.3.8 Modification or revoking of approval

An approval may be revoked or modified in any of the following circumstances:

- a) If the approval was obtained by fraud, misrepresentation or concealment of facts;
- b) For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused Council not to have granted the approval (or not to have granted it in the same terms);
- c) For any failure to comply with a requirement made by or under the Act relating to the subject of the approval;
- d) For any failure to comply with a condition of the approval.

4 – Appendix 1 Skip bins

4.1 Purpose

To regulate the placement of waste storage containers on public land within The Hills Shire Local Government area in order to:

- Assist with the management of waste generated by residents and contractors undertaking work on private property;
- Ensure that containers do not create a nuisance or danger to the public;
- Ensure that the placement of containers on public land does not cause damage to Council's assets.

4.2 Exempt Criteria

An exemption from seeking an approval to place a waste storage container in a public place applies under this Policy when:

- a) the size of the container is 8m³ or less; and
- b) the container is to be placed on public land in residential zoned (R1, R2, R3, R4, R5) areas only, as defined by The Hills LEP 2012; and
- c) the container is well maintained and clearly marked with the name of the supplier including a 24 hour contact telephone number; and
- d) the container is not in place for a period exceeding seven (7) consecutive calendar days; and
- e) the container is not placed on a road carriageway or public reserve; and
- f) the container is not placed in such a way that it:
 - i. prevents access along a grassed nature strip or verge;
 - ii. is located along a formed footpath or cycleway;
 - iii. prevents or restricts access to public utility infrastructure such as water hydrants, stop valves or service pits;
 - iv. unreasonably restricts sight distance for vehicles at an intersection or for vehicles leaving a driveway; and
- g) the container is not placed immediately adjacent to a travelling lane on a Roads & Maritime Service (RMS) controlled State Arterial Road or a Council controlled Sub-arterial Road (see Attachment 1); and
- h) the container is not used for putrescible or hazardous waste; and
- i) the container supplier has as a minimum, Public Liability Insurance of \$10,000,000 with respect to any one claim.

The following conditions apply if the above criteria are met:

- The container hirer is responsible for keeping the area around the container clean and tidy at all times.

- The container hirer is responsible for the cost of repairs to Council assets that may be damaged during the placement and removal of the container.

Council may order the removal of the waste storage container at any time if such a container, or the activity associated with it, is considered to cause a nuisance or danger to the public.

If the exemption criteria provided by this Policy cannot be met, consent is required from Council.

4.3 Criteria to be considered in determining an application

Applications

Applications to place a waste storage container in a public place shall:

- Be made on the application form available on Council's website www.thehills.nsw.gov.au;
- Be accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges;
- Be accompanied by a site plan, drawn to scale, showing the proposed location of the waste storage container;
- Be accompanied by details of the waste storage container, including dimensions, volume, name of the supplier and 24 hour contact telephone number;
- Be accompanied by plans and specifications showing the design, type and location of any structure/s to be used to prevent public access to the waste storage container and the type, design and location of any proposed signs, warning lights or other safety equipment;
- Be accompanied by a statement providing details of:
 - The days on which it is proposed to have the waste storage container in the public place;
 - The type of waste to be placed in the waste storage container; and
 - Any public risk insurance policy available to indemnify Council and the applicant against claims; and
- Be accompanied by any other information deemed necessary by Council in the particular case.

Matters Council will take into consideration

Council shall take the following criteria into consideration:

- any requirements or guidelines issued by the RMS relating to location, size and visibility of the container;
- the length of time that the container is proposed to be in a public place;
- the location of the container is not proposed on a road carriageway or public reserve;
- the location of the container is not proposed in such a way that it:
 - prevents access along a grassed nature strip or verge;

- is located on a formed footpath or cycleway;
- prevents or restricts access to public utility infrastructure such as water hydrants, stop valves or service pits;
- restricts sight distance for vehicles at an intersection or for vehicles leaving a driveway;
- the container is not proposed immediately adjacent to a travelling lane on an RMS controlled State Arterial Road or a Council controlled Sub-arterial Road (see Attachment 1);
- the container is not proposed to be used for putrescible or hazardous waste; and
- the container supplier shall have as a minimum, Public Liability Insurance of \$10,000,000 with respect to any one claim.

4.4 Other matters relating to approvals

The following conditions may be imposed on any approval to place a waste storage container in a public place:

- i. The container shall be well maintained and clearly marked with the name of the supplier including a 24 hour contact telephone number.
- ii. The container shall not remain in the public place for more than seven (7) consecutive days.
- iii. The container shall not be used for putrescible or hazardous waste.
- iv. The applicant is responsible for the cost of repairs to Council assets that may be damaged during the placement and removal of the container.
- v. The area around the container must be kept clean and tidy at all times.
- vi. Council reserves the right to order the removal of the waste storage container at any time if such a container, or the activity associated with it, is considered to cause a nuisance or danger to the public.

Other conditions may be imposed as deemed appropriate.

For further information:

Website: www.thehills.nsw.gov.au
Telephone: 02 9843 0555
Email: council@thehills.nsw.gov.au

Attachment 1 – RMS State Arterial Roads and Council Sub-Arterial Roads

RMS Arterial Roads

- Pennant Hills Road
- Windsor Road
- Castle Hill Road
- Old Windsor Road
- Old Northern Road
- Showground Road

- Memorial Avenue
- Western Ring Road (Pennant Street/McMullen Avenue)
- Eastern Ring Road (Terminus Street and Cecil Avenue)
- Norwest Boulevard

Sub Arterial Roads

- Seven Hills Road (between Windsor Road and Old Windsor Road)
- Gilbert Road (between Showground Road and Old Northern Road)
- Oakes Road/Aiken Road/Highs Road (between M2 Overpass and Castle Hill Road)
- Samantha Riley Drive/Glenhaven Road (between Old Windsor Road and Old Northern Road)
- Barclay Road/Renown Road/Park Road/Cook Street (between M2 Overpass and Windsor Road)
- Annangrove Road/Kenthurst Road (between Windsor Road and Old Northern Road)
- Victoria Avenue/Green Road (between Windsor Road and Samantha Riley Drive)
- Carrington Road (between Victoria Avenue and Showground Road)
- Hezlett Road/Withers Road (between Annangrove Road and Samantha Riley Drive)
- Merindah Road (between Windsor Road and Seven Hills Road)
- Commercial Road (between Windsor Road and Withers Road)
- Mile End Road (between Windsor Road and Withers Road)

5 – Appendix 2 Installation of a sewage management facility

5.1 Purpose

To regulate the installation, construction or alteration of an on-site sewage management system in order to:

- Ensure that on-site sewage management systems meet the performance standards required by the Local Government (General) Regulation 2005;
- Ensure that all new installations are appropriate for the situation and site;
- Provide guidance on the minimum treatment capacity and land size required for effluent disposal from common facilities;
- Ensure the long term viability and safe operation of on-site sewage management systems;
- Provide a tool so applicants can effectively design an on-site sewage management system.

Definitions

Aerated wastewater treatment system (AWTS)	A tank system which uses aerobic bacteria to treat wastewater to reduce nitrogen and phosphorus levels in effluent and disinfects by chlorination or ultraviolet light. The system produces secondary treated wastewater that can be disposed of by spray irrigation or subsurface irrigation.
Bedroom	A bedroom includes any room that could reasonably be used as a bedroom. It includes a room with a closable door, at least one window and a minimum of 8m ² (for example, but not limited to a study, sewing room, gym, games and craft rooms). A room in a separate building such as a studio is a potential bedroom if it has a toilet and washing facilities or has close access to those facilities. Note: If you are unsure of whether to include the above rooms in your calculations, please contact Council for further advice.
Effluent	Treated liquid from a sewage management facility.
Effluent disposal area (EDA)	A dedicated area for the disposal of effluent, including reserve areas. It may consist of trenches, beds, mounds, subsurface irrigation and/or surface irrigation.
Greywater treatment device	A system that treats only wastewater from sources other than toilets and kitchen wastes, such as washing machines, laundry tubs, showers, hand basins and baths. For the purposes of this Policy, a greywater treatment device shall be treated the same as an AWTS.
Human waste storage facility	A device for holding or disposing of human waste, including cesspit, septic tank, septic closet, water closet, chemical closet and combustion closet.
On-site sewage management system	The entire system comprising of the sewage management facility and the effluent disposal area.

Septic tank	A primary treatment tank that provides for the settling of suspended matter and decomposition through anaerobic bacteria. Effluent is not disinfected and may only be disposed of through subsurface disposal methods.
Sewage management facility	<p>Includes:</p> <ul style="list-style-type: none"> • A wet composting closet; • Waterless composting closets; • Septic closets; • Septic tanks; • Holding tanks and collection wells; • Waste treatment devices designed to comminute or macerate and discharge sewage to a sewerage system; • Waste treatment devices that receive and treat sewage before discharging effluent to a common effluent drainage scheme; • Waste treatment devices that treat sewage using a specific process to produce bio solids and disinfected effluent to a standard suitable, either separately or in combination, for recycling by surface or sub-surface irrigation or by internal or external household use. • a drain connected to a facility or device mentioned above.
Pump-out system	A system which collects effluent for pump out by a licenced commercial contractor and includes a septic tank and a collection well, from which effluent is drawn out.
AS/NZS 1547:2012	Australian/New Zealand Standard 1547:2012 – On-site domestic wastewater management

5.2 Exempt Criteria

An application under section 68 of the Act is not required for an installation or alteration when done:

- Under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or
- In a vessel used for navigation, or
- In a motor vehicle that is registered within the meaning of the Road Transport Act 2013 and is used primarily for road transport.

Under section 68 of the Act, approval is required to install a domestic greywater diversion device under item 10 of Part F (an activity prescribed by the regulations).

An application under section 68 of the Act is not required for installation of a domestic greywater diversion device if:

- It is installed in accordance with the Plumbing Code of Australia; and
- A pump-out system is not installed on the premises concerned; and
- The buffer distances in Table 3 are complied with; and
- No wastewater is to be discharged beyond the property boundaries; and
- The following performance standards are achieved:
 - The prevention of the spread of disease by micro-organisms,
 - The prevention of the spread of foul odours,
 - The prevention of contamination of water,
 - The prevention of degradation of soil and vegetation,
 - The discouragement of insects and vermin,
 - Ensuring that persons do not come into contact with wastewater in their ordinary activities on the premises concerned,
 - The minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.

No additional exemptions are provided under this Policy.

5.3 Criteria to be considered in determining an application

Applications

Applications to install or construct a sewage management facility shall be:

- Made on the application form available on Council's website www.thehills.nsw.gov.au;
- Accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges;
- Accompanied by a plan, to scale, showing the location of:

- The sewage management facility proposed to be installed or constructed on the premises;
- Any related effluent application areas;
- Any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or related effluent application areas;
- Any related drainage lines or pipework (whether natural or constructed).
- Accompanied by full specifications of the sewage management facility proposed to be installed or constructed on the premises concerned;
- Accompanied by details of the climate, geology, hydrogeology, topography, soil composition and vegetation of any related effluent application areas together with an assessment of the site in the light of those details;
- Accompanied by a statement of:
 - The number of potential bedrooms at the dwelling, and
 - Such other factors as are relevant to the capacity of the proposed sewage management facility;
- Accompanied by details of:
 - The operation and maintenance requirements for the proposed sewage management facility;
 - The proposed operation, maintenance and servicing arrangements intended to meet those requirements; and
 - The action to be taken in the event of a breakdown in, or other interference with, its operation.

Matters Council will take into consideration

Council will consider the following:

The Regulations contain several clauses (clauses 29, 36 and 41) that require Council to take various matters into consideration when determining an application for approval to install, construct or alter a sewage management facility.

i. Environment and health protection matters

Whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:

- a) preventing the spread of disease by micro-organisms,
- b) preventing the spread of foul odours,
- c) preventing contamination of water,
- d) preventing degradation of soil and vegetation,
- e) discouraging insects and vermin,
- f) 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,

- g) the re-use of resources (including nutrients, organic matter and water),
- h) 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.

ii. Guidelines and directions

Any matter specified in guidelines or directions issued by the Director-General/Chief Executive of the Office of Local Government.

Local Government Circular 98-28 proclaimed that the Environment and health protection guidelines: on-site sewage management for single households (Department of Local Government, 1998) are guidelines issued by the Director-General.

The Interim NSW Guidelines for Management of Private Recycled Water Schemes (Department of Water and Energy, May 2008) are guidelines under this section that apply to private recycled water schemes where recycled water is taken from greywater and blackwater sources but not stormwater or industrial sources. The guideline does not apply to single dwelling domestic wastewater recycling where the wastewater generated on the premises is used within the boundaries of the same property.

iii. Sewage management facilities generally

Single domestic facilities (designed to treat effluent from 10 or fewer people or an average daily flow of less than 2,000 litres) must be accredited by NSW Health, unless exempted by the Regulations.

A list of NSW Health accredited facilities is available on the NSW Health website (search for 'domestic wastewater').

Larger domestic and commercial sewage management facility must comply with (as relevant):

- a) Australian/New Zealand Standard AS1546.1:2008 – On-site domestic wastewater treatment units – Septic tanks;
- b) Australian/New Zealand Standard AS1546.2:2008 – On-site domestic wastewater treatment units – Waterless composting toilets;
- c) Australian/New Zealand Standard AS1546.3:2008 – On-site domestic wastewater treatment units – Aerated wastewater treatment systems.

In addition, Council shall take the following matters into consideration under this Policy:

For residential and non-residential facilities, if the design wastewater flow allowance is greater than 2,200 litres per day, the application to install the facility is to be supported by a wastewater report for consideration. The design is to conform to this Policy.

5.3.1 Design wastewater flow allowances

- a) Residential

Design daily flow calculations are based on the maximum potential occupancy of a dwelling, being 300 litres per bedroom for bore or reticulated water supply or 240 litres per bedroom for on-site water tank supply.

b) Non-residential

The design wastewater flow allowances will need to be calculated based on Attachment 1: Design Wastewater Flow Allowances – Non-residential.

c) Subdivision design

Council's Development Control Plan requires 1000m² of soil with a minimum of 300mm depth (as well as other requirements) for subdivision applications. Where the DCP controls cannot be achieved, wastewater feasibility studies are to be designed based upon a minimum of 5 bedrooms.

5.3.2 Selection of treatment facilities

The most common treatment facilities within The Hills Local Government Area are Aerated Wastewater Treatment Systems and Septic Tanks.

a) Aerated wastewater treatment system (AWTS)

Single domestic facilities (designed to treat effluent from 10 or fewer people or an average daily flow of less than 2,000 litres) must be accredited by NSW Health, unless exempted by the Regulations.

A list of NSW Health accredited facilities is available on the NSW Health website (search for 'domestic wastewater').

For facilities specifically designed uniquely for the particular premises or is for more than 10 people, the design is to satisfy the performance criteria and design requirements in the NSW Ministry of Health document *Secondary Treatment System Accreditation Guideline 2018* as applicable and adjusted to account for the volume of the system. Applications are to demonstrate compliance with this requirement.

In addition, facilities that do not require or hold an accreditation from NSW Health (ie treating wastewater for more than 5 bedrooms or unique design), shall have sufficient capacities to provide:

- 24 hours detention within the primary chamber;
- 40 hours of detention within the aeration chamber; and
- 15 hours of detention within the secondary/settling chamber.

Alternatively, the facility may be designed to satisfy the Interim NSW Guidelines for Management of Private Recycled Water Schemes or have previously been validated under the guidelines.

For facilities that are not accredited, surface irrigation shall only occur with effluent disinfected to a thermotolerant coliform count not exceeding a median value of 10 organisms per 100mL with 80% of sample containing less than 20 organisms per 100mL and no sample exceeding 100 organisms per 100mL.

b) Septic tank

Septic tanks require disposal through absorption trenches, evapotranspiration beds, conventional beds or mounds.

Septic tanks shall be sized to accommodate not less than 24 hours of the design flow plus 3 years sludge accumulation. Sludge volumes shall be calculated based upon 160 litres per bedroom per annum for domestic facilities and 80 litres per year/equivalent persons for non-domestic use.

Septic Tank Capacity

Domestic example:

5 Bedroom dwelling	=	300 litres per day x 5
	=	1,500 litres per day
Sludge	=	160 litres per annum x 5
	=	800 litres per annum
	=	2,400 litres per 3 years
Total	=	1,500 litres + 2,400 litres of sludge
Minimum tank capacity	=	3,900 litres

Non-domestic example:

Restaurant (4 staff, 50 seats)	=	28 litres per day x 54 + 1,550 litres
	=	3,062 litres per day
Sludge	=	3,062/150 x 80 litres
	≈	1,633 litres per year
Total	≈	3,062 litres + 1,633 litres of sludge
Minimum tank capacity	≈	4,695 litres

c) Pump-out systems/collection wells

Pump-out systems are not permitted for residential premises except as a replacement for a failing system where no other design is practicable. Commercial, industrial and other non-residential uses may apply for a pump-out system. Applications must demonstrate that a reliable pump-out service is available and that no alternate onsite disposal method is practical.

Should a pump out system be approved, the collection well shall be designed to retain eight (8) days of the daily flow rate.

Pump-Out System Capacity

Domestic example:

5 Bedroom dwelling	=	300 litres per day x 5
	=	1,500 litres per day
	=	1,500 litres x 8 days
Minimum collection tank capacity	=	12,000 litres

Non-domestic example

Restaurant (4 staff, 50 seats)	=	28 litres per day x 54 + 1,550 litres
	=	3,062 litres per day
	=	3,062 litres x 8 days
Minimum collection tank capacity	=	24,496 litres

d) Sewer injection pump station

Approval is required for the installation of a sewer injection pump station (pump-to-sewer system). The design and construction must be in accordance with any requirements issued by the sewer operator (eg Sydney Water).

e) Other treatment facilities

Consideration will be given to alternative sewage treatment facilities (such as biological filter systems and composting toilets) provided they are accredited by NSW Health or meet the performance standards and/or accreditation guidelines.

5.3.3 Effluent disposal area

The effluent disposal area (EDA) is an important factor in determining what type of facility can be installed at a premises.

- Key factors for consideration are:
- Soil texture
- Soil depth/Rocky outcrops
- Slope
- Vegetation
- Buffer distances
- Depth to groundwater

A guide to assist in carrying out a soil assessment is provided in Attachment 2.

a) Soil texture

Soil texture may be classified into one of six categories, which is indicative of the permeability of the soil. The ability for the wastewater to infiltrate the soil determines the size of the disposal area. The least permeable soil layer is the limiting factor and is used in the design of the disposal area.

b) Soil depth/Rocky outcrops

The depth of soil available for effluent differs depending upon the effluent disposal method. The minimum soil depth is summarised in Table 2. Areas with rocky outcrops are not suitable for effluent disposal.

Soil depth and texture are to be determined from a minimum of two bore holes located within the proposed disposal area and should be representative of the effluent disposal area. The location of bore holes are to be marked on site by way of peg or other marker.

c) Fill

The use of fill in effluent disposal areas to obtain adequate soil depth is to be limited to 300mm.

d) Slope

The slope of an effluent disposal area will affect the rate of infiltration of a soil as well as impact upon the amount of run-on and run-off from the area. Restrictions regarding the maximum slope vary for disposal methods and are summarised in Table 2.

Slope shall be measured over a 20 metre length.

e) Vegetation

Areas that consist of native vegetation are to be avoided. The effluent disposal area is to be situated in an existing cleared area or an Asset Protection Zone (APZ) to the extent possible, whilst observing the appropriate buffer distances. Where this is not possible the impact on native vegetation is required to be considered.

f) Buffer distances

The effluent disposal area is required to be situated outside of the buffer distances shown in Table 3.

g) Depth to Groundwater

The effluent disposal area shall be located so that groundwater is not contaminated. A minimum depth of 600mm to groundwater is required.

h) Area required

The following formulas are to be used for calculating the size of an effluent disposal area:

Table 1: Effluent disposal area formulas

Disposal method	Formula
Absorption trenches & conventional bed	$\text{Length of trench/bed} = \frac{Q}{\text{DLR} \times W}$
Evapotranspiration bed/trenches	
Low Pressure Effluent Distribution (LPED) irrigation	$\text{Irrigation area} = \frac{Q}{\text{DIR}}$
Spray Irrigation	
Subsurface/Drip Irrigation	
Mounds	As per Appendix N – Land Application Methods – Mounds in AS/NZS 1547:2012. Report required.
Amended soil mounds	Proprietary design, requiring secondary disposal method. Report required.

Where:

- Q = Daily wastewater flow
- W = width (in metres)
- DLR = Design Loading Rate (see Table 4)
- DIR = Design Irrigation Rate (see Table 4)

To assist residents, the area required per bedroom for various disposal methods, soil types and water sources is provided in Table 5.

i) Reserve area

To allow for possible future expansion or replacement of the effluent disposal area, a reserve area capable of disposing 100% of the wastewater from the facility is required.

Table 2: Accepted effluent disposal methods

Disposal method	Minimum soil depth	Maximum slope	Comment
Absorption trenches & conventional bed ¹	1000 mm	15%	Suitable for primary and secondary treated effluent. Not suitable for light or heavy clays (Soil Categories 5 & 6) Category 1 soils require specific design
Evapotranspiration bed/trenches	1050 mm	10%	Suitable for primary and secondary treated effluent. Not suitable for gravels and sands, sandy loams and loams (Soil Categories 1 – 3) Only suitable for secondary treated effluent in heavy clay (Soil Category 6)
Low Pressure Effluent Distribution (LPED) irrigation	850 mm	27%	Suitable for primary treated effluent with outlet filter to retain all solid particles of 3 mm or greater for sandy loams, loams, clay loams and light clays (Soil Categories 2 – 5) Suitable for secondary treated effluent for all soil types.
Mounds ²	300 mm	15%	Suitable for primary and secondary treated effluent. Suitable for sites with limited or restrictive soils.
Amended soil mounds ²	300 mm	15%	Suitable for primary and secondary treated effluent. The perimeter of the amended soil mound must have a trench or bed around the perimeter. The design of the trench/bed is to use the Design Loading Rate for secondary treated effluent.
Spray Irrigation	600 mm	10%	Suitable for secondary treated effluent only. Suitable for all soil types.
Subsurface/Drip Irrigation	600 mm	30%	Suitable for secondary treated effluent only. Suitable for all soil types. Larger slopes are permissible with a reduction in the Design Irrigation Rate
Pump out	-	-	Not permitted for residential development except to replace a failing system and no other design is possible. Permissible for commercial use where reliable pump out service can be demonstrated.

NOTES:

1. AS1547:2012 allows for trenches and beds of 400mm depth. Trenches and beds of 600mm depth are more commonly used. Where a trench/bed of 600mm is designed, the minimum soil depth is 1200mm.
2. Should a mound or amended soil mound be the chosen/required method of effluent disposal, a suitably qualified consultant is to be appointed and a report prepared and submitted to The Hills Shire Council for assessment..

Table 3: Required buffer distances

Effluent Disposal System	Required buffer distances
All tanks	All tanks are to be located a minimum of 1.5 metres from boundaries and any structure.
All land application systems	100 metres to permanent surface waters (eg river, streams, lakes etc) 250 metres to domestic groundwater well 40 metres to other waters (eg farm dams, intermittent waterways and drainage channels, etc)
Surface spray irrigation	6 metres if area up-gradient and 3 metres if area down-gradient of ancillary structures, driveways and property boundaries 15 metres to dwellings 3 metres to paths and walkways 6 metres to swimming pools
Surface drip and trickle irrigation	6 metres if area up-gradient and 3 metres if area down-gradient of swimming pools, property boundaries, driveways and buildings
Subsurface irrigation	6 metres if area up-gradient and 3 metres if area down-gradient of swimming pools, property boundaries, driveways and buildings. A 50% reduction is permissible for Greywater Diversion Devices connected to a reticulated sewer.
Absorption system	12 metres if area up-gradient and 6 metres if area down-gradient of property boundary 6 metres if area up-gradient and 3 metres if area down-gradient of swimming pools, driveways and buildings
Child Care Centres	To assure adequate protection of children at childcare facilities, special requirements are imposed for on-site sewage management at childcare centres. Effluent is to be treated to secondary treatment level or better; Effluent is to be disposed of via subsurface means. Effluent disposal areas are to be separated from children's play areas via a buffer distance of six metres if the area is uphill and three metres if the area is downhill of the children's play area. Where possible the effluent disposal area is to be placed downhill of the children's play area.

Table 4: soil categories and Design Irrigation/Loading Rates (DIR/DLR) for effluent disposal areas

Soil Category	Soil texture	Structure	DESIGN IRRIGATION/LOADING RATE (DIR/DLR) mm/ day					
			Absorption trenches & beds		ETA beds & trenches	Secondary treated effluent mounds	Drip and spray irrigation	LPED irrigation
			Primary treated effluent	Secondary treated effluent				
1	Gravels & sands	Structureless	Governed by clogging layer. Specialist design required.		Not suitable.	Specialist design required	5	Not suitable.
2	Sandy loams	Weakly structured massive	15	50		50		
3	Loams	High/moderate structured	15	50		30	4	3.5
		Weakly structured or massive	10	30				
4	Clay loams	High/moderate structured	10	30	12	30	3.5	3
		Weakly structured	6	20	8	20		
		Massive	4	10	5	10		
5	Light clays	Strongly structured	5	12	5	12	3	2.5
		Moderately structured		10		10		
		Weakly structured or massive		8		8		
6	Medium to heavy clays	Strongly structured	Soil permeability testing required.		5 Secondary treated effluent only.	Soil permeability testing required.	2	Not suitable.

Table 5: Effluent disposal area sizing based on 1 bedroom, soil type, water supply and method of disposal.
(Multiply as necessary depending on number of bedrooms in dwelling)

	Town water						Tank/bore					
	Gravels & sands	Sandy loam	Loam	Clay loam	Light clays	Med to heavy clay	Gravels & sands	Sandy loam	Loam	Clay loam	Light clays	Med to heavy clay
	Area (m ²)						Area(m ²)					
Surface irrigation	60	60	75	86	100	150	48	48	60	69	80	120
Subsurface irrigation (Slope 0 – 10%)	60	60	75	86	100	150	48	48	60	69	80	120
Subsurface irrigation (Slope 10 – 20%)	75	75	94	107	125	188	60	60	75	86	100	150
Subsurface irrigation (Slope 20 – 30%)	120	120	150	171	200	300	96	96	120	137	160	240
LPED	NS	75	86	100	120	NS	NS	60	69	80	96	NS
	Length of trench (based on max width of 600mm wide)						Length of trench (based on max width 600mm wide)					
Absorption trench PRIMARY	SD	34	34	50	100	FT	SD	20	27	40	80	FT
Absorption trench SECONDARY	SD	10	10	17	42	FT	SD	8	8	14	34	FT
	Length of conventional trench/bed (Based on a max width of 4000mm)						Length of conventional trench/bed (Based on a max width of 4000mm)					
Conventional bed PRIMARY	SD	5	5	7.5	15	FT	SD	3	4	6	12	FT
Conventional bed SECONDARY	SD	1.5	1.5	2.5	6.25	FT	SD	1.2	1.2	2	5	FT
	Length of ETA bed (Based on a max width of 4000mm)						Length of ETA bed (Based on a max width of 4000mm)					
ETA Bed PRIMARY	NS			6.25	9.5	SD	NS			5	7.5	SD

NS = Not suitable SD = Specialist design required (qualified consultant report required) FT = Further Testing required (qualified consultant report required)

5.3.4 Additional design considerations

a) Trenches/Beds

Table 6: Dimensions of Trenches and beds

	Maximum (mm)	Minimum (mm)
Trench dimension		
Width	600	200
Depth of aggregate	400	200
Depth of topsoil	150	100
Spacing between individual trenches	N/A	1000
Length of trenches	20000	N/A
Bed dimensions		
Width	4000	1000
Depth of aggregate	400	200
Depth of topsoil	600	300
Spacing between individual beds	N/A	1000
Length of trenches	20000	N/A

Note: Trenches constructed in highly permeable Category 1 soils are to be designed and constructed in accordance with section L6.2 of AS/NZS 1547:2012.

b) Amended Soil Mounds

Amended soil mounds use an amended or specially blended media to treat wastewater. They are proprietary designed effluent treatment areas.

Amended soil mounds require a recognised effluent disposal method be incorporated as part of the design. In recognition that the mound provides a level of treatment to the wastewater, secondary treated effluent levels may be used for the design loading rate of the disposal area.

c) Sand mounds with secondary treated effluent

Sand mounds may be installed using secondary treated effluent (sometimes called raised pressure dosed absorption beds). The design of the mound is to conform with AS1547:2012, with the design loading rate of secondary treated effluent for absorption beds/conventional beds.

d) Childcare Facilities

To assure adequate protection of children at childcare facilities, special requirements are imposed for on-site sewage management at childcare centres.

- Effluent is to be treated to secondary treatment level or better; and
- Effluent is to be disposed of via subsurface means.

Effluent disposal areas are to be separated from children's play areas via a buffer distance of 6 metres if the area is uphill and 3 metres if the area is downhill of the children's play area.

The effluent disposal area is to be placed downhill of the children's play area where possible.

e) Effluent Disposal on a Flood Plain

All on-site sewage management systems shall be located above the 100 year Average Return Interval (ARI), including any electrical components, vents and inspections openings. All effluent disposal areas must be located above the 100 year ARI, except for secondary treated effluent with a Total Nitrogen concentration of less than or equal to 20 mg/L and Total Phosphorus concentration of less than or equal to 10 mg/L in all samples, which may be disposed by spray or subsurface irrigation down to the 20 year ARI.

Subsurface effluent disposal methods are not permitted where the depth to high episodic/seasonal water table is less than 1 metre.

f) Caravan Park & Camping Grounds (equivalent Persons)

For caravan sites, design daily flow calculations are based on occupancy of four persons per caravan or camping site. Flow rates to be applied for different water supply conditions as shown in Attachment 1: Design Wastewater Flow Allowances – Non-residential.

Movable dwellings – for movable dwellings, design daily flow calculations are based on a maximum occupancy, being 2 persons per bedroom. Flow rates are to be applied for different water supply conditions as shown in Attachment 1: Design Wastewater Flow Allowances – Non-residential.

g) Effluent on other allotments

To assure adequate control over the condition, maintenance and access to the on-site sewage management system including the treatment plant and/or the land application area, all effluent must be disposed of within the allotment from which it is generated.

h) Dual and multi-occupancy dwellings

Where a dual or multi-occupancy dwelling is proposed, a single on-site sewage management system may be installed provided the facility has the capacity to treat the design wastewater flow allowance.

Notwithstanding, where a system is proposed to treat a multi-occupancy dwelling with a total of more than eight (8) bedrooms, the application shall comply with the Interim NSW Guidelines for Management of Private Recycled Water Schemes.

i) Designs for subdivision applications

Any design for subdivision must demonstrate multiple potential designs for effluent disposal to enable any future owner of the property to have a range of options available.

j) Greywater Treatment Systems in sewered areas

Greywater treatment systems installed in a reticulated sewered premises shall discharge to the sewer when site conditions are unfavourable for land disposal.

5.4 Other matters relating to approvals

The following conditions may be imposed on any approval to install, construct or alter a human waste storage facility:

- a) All works are to be carried out by an appropriate licenced tradesperson. All works are to comply with the relevant Australian Standards and the Plumbing Code of Australia.

- b) The on-site sewage management facility and associated effluent disposal area shall be prepared and installed in accordance with any relevant Certificate of Accreditation issued by NSW Health and the manufacturer's instructions.
- c) The facility shall be installed so that there is provision for access to and removal of the contents in a safe and sanitary manner.
- d) The tanks must be anchored to prevent movement.
- e) An occupier of premises on which waste is deposited must comply with any directions given by the council from time to time as to the use of the device.
- f) The facility and any part of the premises on which it is situated that is used in connection with the device must be maintained in a sanitary condition.
- g) The facility and effluent disposal area shall be protected from damage, including possible vehicle damage.
- h) Effluent shall be evenly distributed within the approved effluent disposal area.

Other conditions may be imposed as deemed appropriate.

For further information:

Website: www.thehills.nsw.gov.au
Telephone: 02 9843 0555
Email: council@thehills.nsw.gov.au

5.4.1 Attachment 1 – Design wastewater flow allowances – non residential

Source	Wastes	Daily flow (litres/person/day)	Calculation
Residential	On-site roof water tank supply	120	Persons = number of bedrooms x 2 Bedrooms = bedrooms + rooms that may be easily used as a bedroom (ie study)
	Reticulated water supply	150	
	Greywater - reticulated water supply	90	
Aged Care Facilities	WC, urinal, basin	55	Persons = No. of patient beds + resident staff Staff = non resident or casual staff Plus 10L/10 persons/day dishwashing allowance.
	WC, urinal, basin, 1 waste	82	
	WC, urinal, basin, & 2 wastes	109	
	WC, urinal, basin, & 3 wastes	136	
	Non resident staff	55	
Baby Health Centres	WC, basin, kitchen	23	Staff x 23 + Visitors x 14
	WC (visitors)	14	
Camping ground and/or caravan parks	WC, urinal, basin	27	12 people per site as per Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 12 x number of sites x daily flow
	WC, urinal, basin, kitchen	32	
	WC, urinal, basin, kitchen, & showers	59	
	WC, urinal, basin, kitchen, showers, & laundry	86	
Childcare	WC, urinal, basin	18	Persons = staff + number of permitted children Plus 10L/10 persons/day dishwashing allowance.
	WC, urinal, basin, kitchen	25	
Clubs (unlicensed)	WC, urinal, basin	9	Persons = total club membership Plus 10L/10 members dishwasher allowance
	WC, urinal, basin, shower	23	
	WC, urinal, basin, shower & kitchen	25	
Club (licensed)	WC, urinal, basin	2	Persons = total club membership + staff + estimated bar patrons
	WC, urinal, basin, shower	16	
	WC, urinal, basin, Shower, kitchen	18	
	bar patrons	14	

Source	Wastes	Daily flow (litres/person/day)	Calculation
Commercial premises/Shopping Centres	WC, urinal, basin	18	Persons = staff + number of estimated customers
Emergency Services (eg RFS station)	WC, urinal, basin	12	Persons = staff + capacity of crew. Plus 1000 litres for use in emergency.
	WC, urinal, basin, kitchen	25	
	For shower add	23	
Factories and Offices	WC, urinal, basin	27	Persons = total staff/day
	WC, urinal, basin, shower	41	
	WC, urinal, basin, shower, kitchen	43	
Hairdressers & Skin Penetration Premises	WC, urinal, basin	12	Persons = staff + number of estimated customers + additional services
	WC, urinal, basin, kitchen	28	
	For Hairwashing add per customer	30	
	For facials add per customer	10	
	For pedicures add per customer	15	
	For colonic lavage add per customer	150	
Hotels and Motels	WC, urinal, basin	55	Persons = guests + resident staff + staff Staff = non resident or casual staff Bar Patrons - estimate patrons/day Plus 10L/10 persons/day dishwashing allowance.
	WC, urinal, basin, 1 waste	82	
	WC, urinal, basin, & 2 wastes	109	
	WC, urinal, basin, & 3 wastes	136	
	Non-resident staff	36	
	bar patrons	14	
Hospitals	WC, urinal, basin	55	Persons = No. of patient beds + resident staff + staff Staff = non resident or casual staff
	WC, urinal, basin, 1 waste	82	
	WC, urinal, basin, & 2 wastes	109	
	WC, urinal, basin, & 3 wastes	136	
	Non resident staff	55	

Source	Wastes	Daily flow (litres/person/day)	Calculation
Mines & Extractive industries	WC	23	Persons = total staff/day
	WC, urinal, basin	27	
	WC, urinal, basin, Shower	45	
Places of worship	WC, urinal, basin, kitchen	12	Persons = capacity
Railway stations	WC, urinal, basin	27	Persons = staff/day + 20% of travellers/day.
Recreation Grounds	WC, urinal, basin	3	Persons = estimated daily attendance. Shower usage = estimated No. Persons using showers.
	For shower add	23	
Restaurant & Cafe	WC, urinal, basin, kitchen	28	Persons = staff + seating capacity. Plus 10L/10 persons/day dishwashing allowance.
Service station	WC, urinal, basin	27	Persons = staff + customers
	Service station customers	14	
School	WC, urinal, basin	18	Persons = staff + total enrolment Domestic science = total enrolment in class/day Gym/shower = total enrolment in class/day
	WC, urinal, basin, domestic science	23	
	WC, urinal, basin, shower (Gym)	36	
Swimming Pools	WC, urinal, basin	2	Persons = staff + estimated maximum daily attendance
	WC, urinal, basin, shower	20	
Theatres and Public Halls	WC, urinal, basin	2	Persons = staff + seating capacity.
	WC, urinal, basin, kitchen	3	
Tourist Facility	WC, urinal, basin	12	Persons = staff + permitted number of patrons. Plus 10L/10 persons/day dishwashing allowance.
	WC, urinal, basin, kitchen	28	
	WC, urinal, basin, Shower	45	

5.4.2 Attachment 1 – Determining Soil Texture

Soil texture is the "feel" of the soil when a moist quantity is manipulated. Some soils are sticky, others will not stick together at all, and others feel "doughy" or "spongy". Some soils can be played with like plasticine. These differences in properties gave rise, in agriculture, to soils being called clays, loams or sands. Clays stick to your boots, loams are easily moulded but non-sticky, sands are not cohesive at all and cannot be moulded when moist.

When moist soil is manipulated in the hand, sands, loams and clays feel very different. You can use one of the two methods outlined below to match up how the soil feels in your hand with the texture of the soil.

You will need:

- Soil (with any coarse organic matter and stony material removed); and
- Rain water or distilled water.

Preparing the soil:

- Take a sample of soil sufficient to fit comfortably into the palm of the hand.
- Moisten the soil with water, a little at a time, and work the water into the soil. Water is added until the soil reaches a consistency where further water added would cause the soil to stick to the hands.
- Knead and moisten the soil until there is no further change in the soil ball - very dry clayey samples may need considerable working to break down fine aggregates. A working time of one to ten minutes may be needed depending on the material. Usually 1 - 2 minutes is sufficient.
- The behaviour of the ball during manipulation indicates soil texture; you can either use the ribboning method (particularly useful for assessing clay samples/soils) or the flowchart over the page.

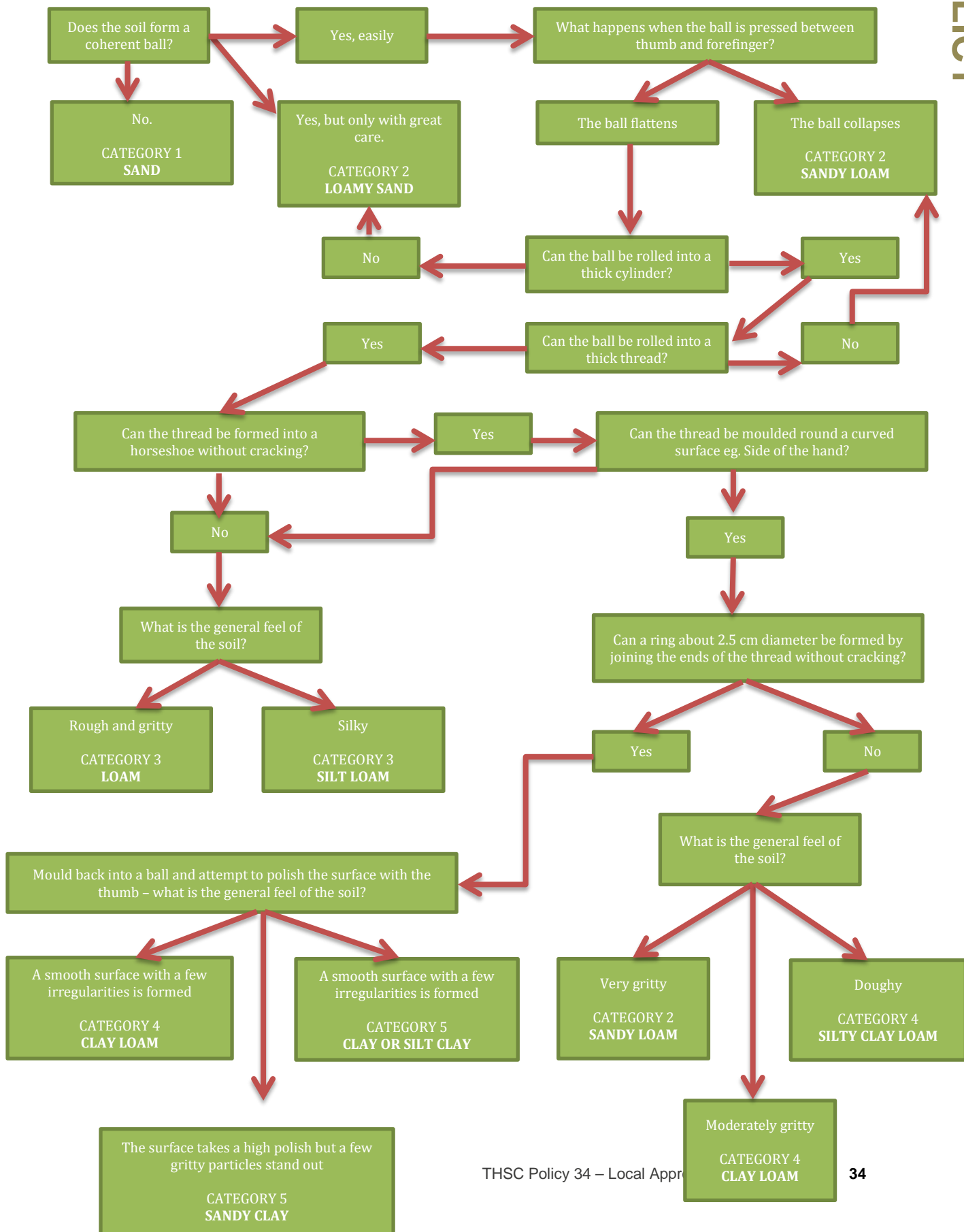
Ribboning Method:

Attempt to make a ribbon by using your thumb to squeeze the ball of soil over the side of your first finger - this is best learnt by demonstration. The tendency of a soil to form a thin, strong ribbon is what is known as "resistance to shearing". Using Table 1, identify which field texture best suits the behaviour of the moist bolus of soil you are manipulating. This technique can take some practice.



Soil Classification Flow Chart

Follow the flowchart by manipulating the soil and answering each question 'yes' or 'no'.



5.5 Domestic on-site sewage management installation application checklist

Property address:			
Number of potential bedrooms: <i>A potential bedroom is a room that could reasonably be used as a bedroom. A potential bedroom is a room with a closable door, at least one window and a minimum of 8m² (such as, but not limited to a study, sewing room, gym, games and craft rooms)</i>			
Water source:	<input type="radio"/> Rainwater tanks (240 litres per Bedroom)	<input type="radio"/> Reticulated supply (300 litres per bedroom)	
Total daily design volume:	litres per day		
Soil depth and category:	Depth	Category	Limiting Layer
A Horizon			<input type="radio"/>
B Horizon			<input type="radio"/>
C Horizon			<input type="radio"/>
Slope:	%		
Effluent treatment method:	Primary Treatment		Secondary Treatment
	<input type="radio"/> Septic tank	<input type="radio"/> AWTS	
	<input type="radio"/> Waterless Composting Toilet	<input type="radio"/> Constructed wetland	
	<input type="radio"/> Wet Composting Closet	<input type="radio"/> Sand filtration	
Facility accreditation number/s: <i>Available from NSW Health website</i>			
Effluent disposal method:	Primary Treatment		Secondary Treatment
	<input checked="" type="checkbox"/> Spray Irrigation	<input type="radio"/> Spray Irrigation	
	<input checked="" type="checkbox"/> Subsurface/Drip Irrigation	<input type="radio"/> Subsurface/Drip Irrigation	
	<input type="radio"/> Absorption Trench/Bed		
	<input type="radio"/> Evapotranspiration Trench/Bed		
	<input type="radio"/> LPED		
	<input type="radio"/> Mound		
	<input type="radio"/> Pump Out (Specific circumstances required)		
	<input type="radio"/> Amended Soil Mound (Wastewater report required)		

Disposal area required: (see Table 5)	
Climate:	<input type="radio"/> Temperate
Vegetation in disposal area: (tick all that apply)	<input type="radio"/> Grass
	<input type="radio"/> Non-native shrubs
	<input type="radio"/> Native shrubs
	<input type="radio"/> Non-native trees
	<input type="radio"/> Native trees
	<input type="radio"/> Endangered Ecological Community (information available on Council's website)
Geology:	<input type="radio"/> Hawkesbury Sandstone
	<input type="radio"/> Wianamatta Group
Hydrogeology:	Depth to groundwater: metres
	<input type="radio"/> Groundwater not observed in bore holes
Water courses:	<input type="radio"/> Permanent waters (rivers, streams, lakes) within 100 metres
	<input type="radio"/> Other waters (farm dams, intermitted waterways, drainage channels) within 40 metres
Service arrangements:	<input type="radio"/> Installer
	<input type="radio"/> Manufacturer
	<input type="radio"/> Plumber

6 – Appendix 3 Installation of wood fire heaters

6.1 Purpose

To regulate the installation of solid fuel or oil fuelled domestic heaters other than a portable appliance to:

- Protect residents from the detrimental health effects that smoke from solid or oil fuelled heaters can cause;
- Protect residents from the odour caused from the use of solid or oil fuelled heaters;
- Develop a high standard for the installation of solid or oil fuelled heaters and ensure compliance with the standards of the Building Code of Australia for the protection of homes from the risks associated with the use of the heaters;
- Improve the air quality in the Hills Shire Council Local Government Area and the Sydney Region; and
- Adopt a criteria concerning notice given to neighbours regarding applications for the installation of solid fuel or oil fuelled heaters.

6.2 Exempt Criteria

Approval under section 68 of the Act is not required if the appliance is approved as part of a Development Application under the Environmental Planning and Assessment Act 1979.

An exemption from seeking an approval to install a domestic oil or solid fuel heating appliance applies under this Policy when:

- a) The appliance is installed in premises located on land zoned for rural purposes (RU1, RU2, RU3, RU6) and with a minimum allotment area of 4,000m² and a minimum distance of 30m to a dwelling on another lot; and
- b) The appliance is marked in accordance with AS 4013:2014 – Domestic solid fuel burning appliances – Methods for determination of flue gas emission and has a certificate of compliance; and
- c) Installation is in accordance with:
 - i. The Building Code of Australia (BCA);
 - ii. AS 2918:2001 Domestic Solid Fuel Burning Appliances Installation; and
 - iii. NSW Office of Environment and Heritage's publication Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters.

If the exemption criteria provided by this Policy cannot be met, consent is required from Council. The matters which are to be taken into consideration are listed in below.

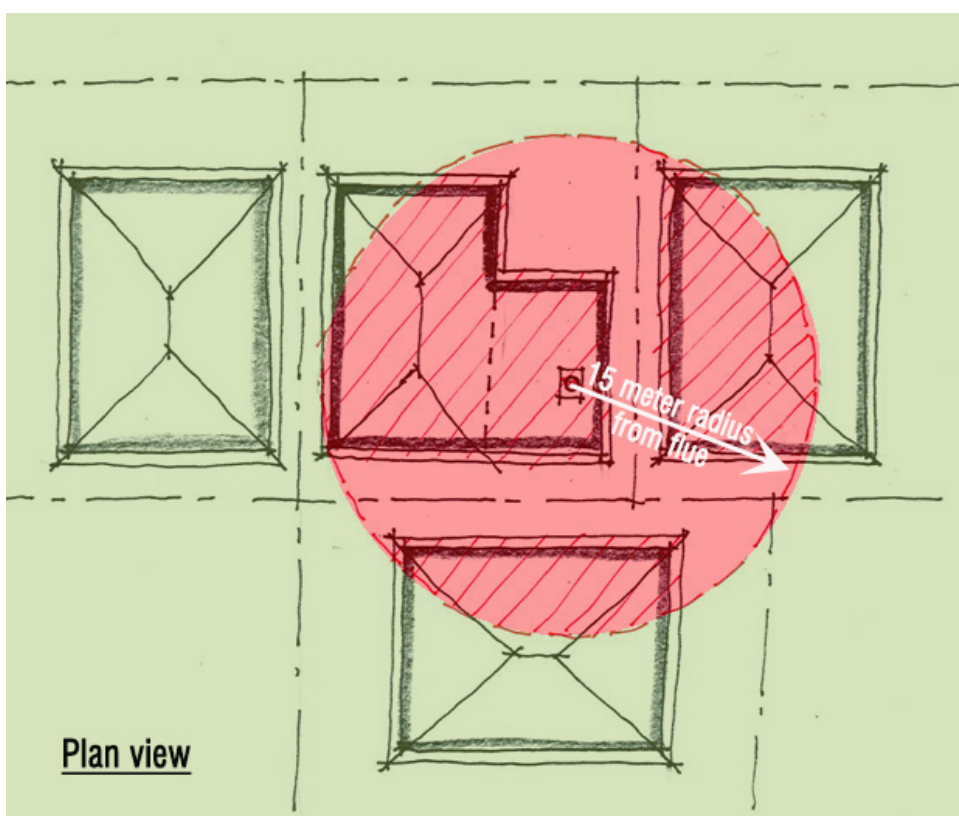
6.3 Criteria to be considered in determining an application

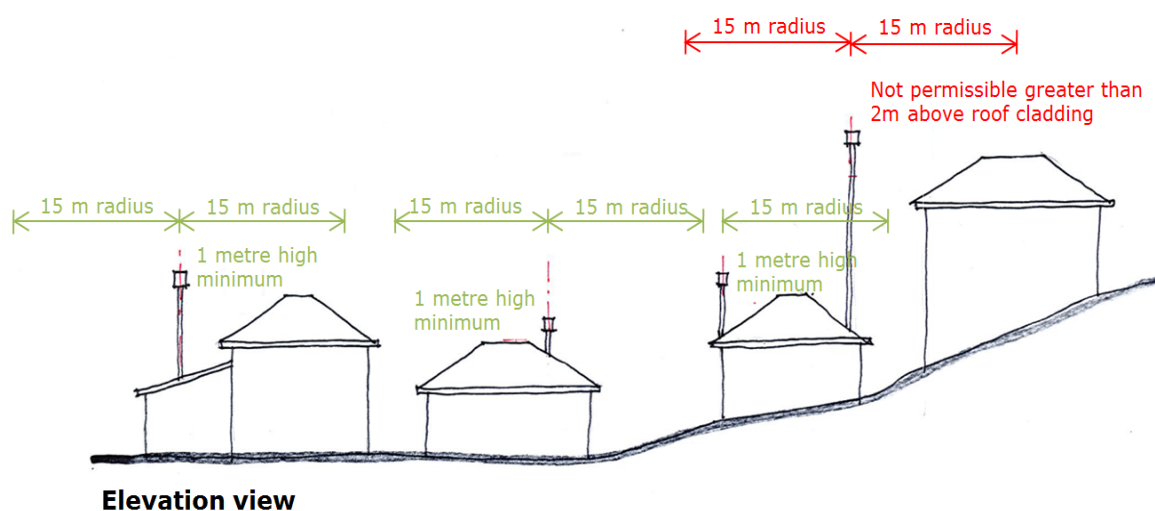
Applications

Applications to install a domestic oil or solid fuel heating appliance shall:

- Be made on the application form available on Council's website www.thehills.nsw.gov.au;
- Be accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges;
- Be accompanied by a site plan, drawn to scale, showing the proposed location of the proposed appliance and an elevation plan showing the height of the proposed flue in relation to the roof line of the dwelling and the closest neighbouring property. The plans will be used for notification to neighbouring premises and therefore should not include the internal layout of the dwelling;
- Include a statement from the applicant that other alternatives for heating and maintaining warmth, such as insulation, natural gas heaters, reverse cycle air conditioning or similar, have been considered.

Examples of plan and elevation





Matters Council will take into consideration

Council shall take the following criteria into consideration:

- a) The installation of the appliance will be carried out with the relevant provisions of the Building Code of Australia (Part 3.7.3 Heating Appliances).
- b) The proposed solid or oil fuelled heater must comply with AS/NZS 2918:2001 Domestic solid fuel burning appliances – Installation and the heater must be marked in accordance with AS/NZS 4013:2014 Domestic Solid Fuel Burning Appliances – Method for determination of flue gas emission and have a certificate of compliance for that model of heater.

- c) The assessment of application will include consideration of the location of the chimney (flue) in relation to the surrounding structures, topography and trees.

On land zoned residential the height of the flue or chimney is to comply with the Environmental Protection Authority document 'Selecting, installing and operating domestic solid fuel heaters'. This document recommends:

The minimum discharge height of the chimney (flue) is to be 1-metre above any structure within a 15-metre horizontal radius (including your own dwelling/roof).

The flue height shall not exceed 2 metres above the roof cladding.

- d) The owners of neighbouring properties will be notified of the application to install a wood heater unless it is obvious that there is little likelihood of smoke nuisance.

The notification may include a plan which clearly shows the location of the chimney (flue). A notification period of 10 working days will be provided.

Submissions will be considered as part of the assessment.

6.4 Other matters relating to approvals

The following conditions may be imposed on any approval to install a domestic oil or solid fuel heating appliance:

- a) The appliance shall be installed by an appropriately experienced and qualified person.
- b) Certification must be submitted to Council on completion of the installation, stating that the appliance was installed in accordance with the Building Code of Australia and in accordance with AS/NZS 2918:2001 Domestic solid fuel burning appliances – Installation.
- c) The appliance is not to be used until written confirmation has been received from Council that the conditions of the approval to install the appliance have been satisfactorily met.

Other conditions may be imposed as deemed appropriate.

For further information:

Website: www.thehills.nsw.gov.au
Telephone: 02 9843 0555
Email: council@thehills.gov.au

7 – Appendix 4 Mobile and temporary food

7.1 Purpose

To regulate the sale of food from a mobile food vehicle and temporary food stalls in a public place to:

- Ensure that food is safe for human consumption and that the construction, fit out and facilities are adequate;
- Ensure that when trading is undertaken on public or Council-owned land it does not place the public at risk;
- Ensure that mobile food vending vehicles operate in accordance with the rules and restrictions within lawful car parking spaces on Council-owned roads;
- Ensure that trading from mobile food vending vehicles or temporary food stalls complements and does not unreasonably disadvantage with approved commercial centres (shopping centres, standalone cafés, restaurants and the like);
- Provide criteria for persons wishing to make an application to Council for an approval to operate a mobile food vending vehicle or temporary food stall on public or Council-owned land.

This policy addresses only the use of a standing vehicle or any article for the purpose of selling food in a public place.

Definitions

Mobile food vending vehicle Any means of transport, whether self-propelled or not or otherwise designed to be movable from place to place, and which is used for selling food and/or drinks, whether on land, water or air.

It includes vehicles, trailers, caravans, shipping containers, karts, wagons or the like used for on-site food preparation (e.g. hamburgers, hot dogs and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food.

It does not include food vending machines or food transport vehicles.

Temporary food stalls A structure that may be designed, built and/or erected for a temporary event for the preparation and sale of food.

A temporary event may include any sporting event, fete, fair, festival, carnival, community markets or similar events.

- Public place
- public reserve, public bathing reserve, public baths or public swimming pool, or
 - a public road, public bridge, public wharf or public road-ferry, or
 - a Crown reserve comprising land reserved for future public requirements, or
 - public land or Crown land that is not:
 - a Crown reserve (other than a Crown reserve that is a public place described above, or
 - a common, or
 - land subject to the Trustees of Schools of Arts Enabling Act 1902, or
 - land that has been sold or leased or lawfully contracted to be sold or leased, or
 - land that is declared by the regulations to be a public place for the purposes of this definition.

7.2 Exempt criteria

There are no exemptions provided within the Act or associated regulations.

An exemption from seeking an approval to use a standing vehicle or any article for the purpose of selling food in a public place applies under this Policy where:

- a) The food business has notified the appropriate enforcement agency of the operation of the business, in accordance with section 100 of the Food Act 2003; and
- b) In the case of a mobile food vehicle, it complies with the NSW Food Authority's Guideline for Mobile Food Vending Vehicles (September 2015); and
- c) In the case of a temporary food stall, it complies with the NSW Food Authority's Guideline for food businesses at temporary events (August 2015); and
- d) The activity is in direct association with:
 - i. An event organised by The Hills Shire Council;
 - ii. The hirer of any park, sporting field or other public place;
 - iii. The Castle Hill Show; or
 - iv. The Hills Relay for Life

7.3 Criteria to be considered in determining an application

Applications

Applications to use a standing vehicle or any article for the purpose of selling any article in a public place shall:

- Be made on the application form available on Council's website www.thehills.nsw.gov.au;
- Be accompanied by the relevant fees, charges and security deposits listed in Council's Schedule of Fees and Charges;
- Provide details of:
 - The proposed location/s for the sale of food;
 - Proposed times of operation;
 - Description of the type of food to be sold; and
 - Description of the method of operation, including the vehicle or stall and method to minimise any impact to the immediate area in terms of pedestrian or vehicular traffic and parking.
- Include proof of Public Liability insurance of \$10,000,000 per occurrence or with respect to any one claim.

Applications will be notified to any business or organisation outside which the temporary food stall is proposed to be located and to of any hirer of a park, sporting field or other location at which the temporary food stall is proposed to be located.

A notification period of 10 working days will be provided and submissions will be considered as part of the assessment.

Matters Council will take into consideration

In determining an application to use a standing vehicle or any article for the purpose of selling any article in a public place, Council shall consider the following:

- a) Whether the mobile food vehicle complies with the NSW Food Authority's Guideline for Mobile Food Vending Vehicles (September 2015).
- b) Whether the temporary food stall complies the NSW Food Authority's Guideline for food businesses at temporary events (August 2015).
- c) Whether the proposed location/s is/are:
 - i) within 100 metres of an existing food or drink premises that serves the same or similar items;
 - ii) within 'School Zones' as defined by section 23 of the Road Rules 2014;
 - iii) limited to 50 km/hour (ie local roads);
 - iv) likely to affect vehicular movements and vehicular parking;
 - v) likely to restrict pedestrian movements;
 - vi) likely to obstruct the operation of, or access to, any utility service on adjacent land.
- d) Whether the vehicle can only sell items from the kerbside side of the vehicle (ie left hand side).
- e) The proposed trading hours.
- f) Whether the vehicle has any flashing or rotating lights, other than those required under the Road Transport (Vehicle Registration) Regulation 2007.

- g) Any potential amenity impacts (such as, but not limited to odour, noise, light emissions) that the proposed activity may cause.
- h) Submission of any business or organisation outside which the temporary food stall is to be located.
- i) Submission of any hirer of a park, sporting field or other location at which the temporary food stall is to be located.
- j) Arrangements for the prevention of pollution and provision of waste receptacles for customers and operators.
- k) Where the proposed vehicle is a vessel, location specific matters will be considered.

7.4 Other matters relating to approvals

The following conditions may be imposed on any approval for a mobile food vehicle or temporary food stall in a public place:

- a) Approval will be granted for trade at the time and in the location/s that will be specified in the approval. No approval is given for trade on private property.
- b) A mobile food vending vehicle must comply with the NSW Food Authority's Guideline for mobile food vending vehicles (September 2015).
- c) A temporary food stall must comply with the NSW Food Authority's Guideline for food businesses at temporary events (August 2015).
- d) The food business must notify the appropriate enforcement agency of the operation of the business, in accordance with section 100 of the Food Act 2003.
- e) Staff of The Hills Shire Council may inspect a mobile food vending vehicle/temporary food stall when operating within the local government area for compliance with this consent and the Food Act 2003. Fees for inspection shall be charged in accordance with Council's Schedule of Fees and Charges.
- f) A Certificate of Currency shall be held at all times, verifying that Public Liability insurance of \$10,000,000 per occurrence or with respect to any one claim is current.
- g) The sale of food and/or drink from roads or road verges is prohibited between sunset and sunrise.
- h) A mobile food vending vehicle/temporary food stall must not trade:
 - o within 100 metres of an existing food or drink premises that serves the same or similar food or drink items;
 - o within 'School Zones' as defined by section 23 of the Road Rules 2014;
 - o on roads with a speed limit in excess of 50 km/hour. This does not apply to designated parking areas on roads of greater speed limits;
 - o in any park, sporting field or other location that has been hired, without the prior consent of the hirer;
 - o in front of any business or organisation, without the business or organisation's prior consent;
 - o within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection; or

- o within 100 metres of any hospital, church in service or schools during school hours.
- i) A mobile food vending vehicle must comply with the Road Rules 2014, including provision relating to parking.
- j) A mobile food vending vehicle must not take deliveries in a public place.
- k) A mobile food vending vehicle must not serve customers from a window opening onto any part of a roadway.
- l) A mobile food vending vehicle/temporary food stall must not restrict access to any road, building, utility or service.
- m) A mobile food vending vehicle must not trade in front of a residential premises for more than 5 minutes before moving. A vehicle must move a minimum of 250 metres between each selling point.
- n) A mobile food vending vehicle/temporary food stall must not sell alcohol or tobacco products.
- o) Waste receptacles shall be provided for customers and the operators of the mobile food vending vehicle/temporary food stall.
- p) Amplified music, bells or a public address system are not to be used by mobile food vending vehicles whilst the vehicle is stationary.
- q) No sign or display may be erected which is not attached to the mobile food vending vehicle or temporary food stall. Flashing or rotating lights, other than those required under the Road Transport (Vehicle Registration) Regulation 2007 are not permitted.

Other conditions may be imposed as deemed appropriate.

For further information:

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Telephone: 02 9843 0555
Email: council@thehills.nsw.gov.au