

Chapter 3 – General Development Controls

DRAFT (Changes highlighted in yellow)

3.18: Urban Servicing (Water and Sewer)

Objectives

- *To promote the orderly and economic use and development of land in urban areas where water and sewer reticulation services exist.*
- *To ensure the maximisation and optimal use of public water and sewer infrastructure.*
- *To improve amenity outcomes in relation to odour and run off from on-site effluent disposal systems by connection to reticulated town sewer services.*
- *To ensure consistent water supply.*
- *To protect water quality within the Sydney drinking water catchment.*
- *To ensure better public health outcomes in areas with a higher density of population.*

Controls

- (i) Minimum lot sizes quoted by the LEP for zones R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential (equal to or less than 2,000m²) are for serviced land where each lot created will be connected to reticulated water and sewerage services.
- (ii) The minimum lot size quoted for zones R5 Large Lot Residential (with lot areas greater than 2,000m²) and RU5 Village are for unserviced land.

Note. Clause 7.3 Of Goulburn Mulwaree Local Environmental Plan 2009 also includes considerations for residential development servicing in the R5 Large Lot Residential and RU5 Village zones.

The 2000m² lot size is expressed as a minimum and is subject to the site conditions or the type of on-site effluent management system proposed in relation to onsite waste water management.

- (iii) Land zoned, E1 Local Centre, E2 Commercial Core, E3 Productivity Support, E4 General Industrial, is intended to be serviced land where each lot created will be connected to Council reticulated water and sewerage services.
- (iv) The following provisions apply to unserviced urban land for new development in Marulan (Zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, E1 Local Centre, E3 Productivity Support, and E4 General Industrial):
 - a) Council is currently undertaking an expansion and upgrade of the existing Marulan Waste Water Treatment Plant, and due to current capacity issues further sewer connections are limited. Generally, further sewer connections will not be permitted until the new treatment plant has been commissioned. Therefore, further subdivision or development beyond 1 equivalent tenement (ET) per existing lot cannot be supported until such time that capacity becomes available.

In some circumstances (in relation to development applications) Council may issue a 'deferred commencement' condition to the effect that the applicant is required to satisfy the Council that the site will be able to be connected to Council's reticulated sewerage system by way of an approval under s68 of the *Local Government Act 1993*.

However, this would still be pending the commissioning (commencement of operation) of the upgraded Waste Water Treatment Plant.

- b) Alternatively, should any onsite sewerage/waste water treatment system be proposed in a development application and installed prior to the commissioning of the upgraded Marulan WWTP it shall only be temporary. Connection is required to Council's system once the system is commissioned (refer Section 124, Order 24, NSW Local Government Act 1993),
- c) Private recycled water schemes (private package sewer treatment plants servicing more than 1 lot) may be considered as a temporary solution in Marulan where reticulated sewer capacity is not available and land is zoned for urban purposes (Zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, E1 Local Centre, E3 Productivity Support, and E4 General Industrial).

The following matters must be considered as a part of any proposed private scheme:

1. Private recycled water schemes or package sewer plants (serving more than 1 lot) are treated as a "water utility" under the Water Industry Competition Act 2006 (WIC Act). The following link to the IPART Fact Sheet clarifies how this development sits with the NSW Environmental Planning and Assessment Act development approval process (whether assessed under Part 4 or 5 of the Act): [Private Water Utilities \(WIC Act\) | IPART](#)

Note: A licence under the POEO Act may be required for systems over 2500 persons capacity (or 750 kilolitres per day) and involve the discharge or likely discharge of wastes or by-products to land or waters,

2. Developments proposing these schemes will require the concurrence of Water NSW.
3. Compliance with relevant guidelines and Australian Standards such as:
 - Australian Guidelines for Water Recycling
 - Interim NSW Guidelines for Management of Private Recycled Water Schemes, NSW Department of Water and Energy, 2008.
4. Private recycled water schemes are at the full cost of the developer and are considered to be temporary. Full connection to the Council WWTP once commissioned will be required including associated fees and charges.

- d) Pump out services may be considered as a temporary solution in Marulan where reticulated sewer capacity is not available and land is zoned for urban purposes (Zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, E1 Local Centre, E3 Productivity Support, and E4 General Industrial). Pump out services are not cost effective or efficient compared to on-site sewage management or reticulated sewerage. Additionally, transportation of effluent by truck (tanker) creates traffic and pollution issues.

The following is required to ensure that the installation of pump out systems is environmentally and economically efficient:

1. Where approved the applicant is to meet any costs including all associated costs in relation to provision of the service including the design, construction of the reticulation services within and outside the land (to properly serve the land) and payment of the full calculated developer charge for any newly created dwelling and/or lots.
2. Further to the above, regarding the provision of new pump out services, if Council permits a new effluent pump out service, any cost of providing the pump out service will not be borne by Council but will be the responsibility of the applicant/landowner and this will be noted in the Section 10.7 Certificate and the Title Deeds under Section 88 of the Conveyancing Act.

3. Pump out systems will not be considered in relation to any land proposed to be rezoned as identified in Council's *Urban and Fringe Housing Strategy* or the subject of any planning proposal.
4. Council will undertake routine inspections of onsite sewage management systems (except aerated waste water treatment systems) as part of the process of obtaining approval to operate a system of sewage management. Council will notify the owner, or the occupier of the property where the system is operated, of the result of an inspection. Furthermore, any restriction under Section 88 of the Conveyancing Act will benefit Council in relation to providing the ability to ensure maintenance and to have Council undertake maintenance where this has not occurred at the cost of the landowner.
5. **Any pump out system will be temporary. Connection to Council's reticulated system will be required once the Waste Water Treatment Plant and associated system is commissioned.**

Note: Council does not provide pump out services. Any pump out service will be privately arranged between the landowner and a licensed contractor with appropriate approvals.

- (v) For unserviced land the lot size quoted depends on the concurrence of Water NSW and a satisfactory detailed investigation of:
 - a) Accumulative water quality issues associated with waste water management of effluent disposal and stormwater disposal for the proposal must be considered and assessed against *State Environmental Planning Policy Biodiversity and Conservation 2021*, Chapter 6 – Sydney Drinking Water Catchment). A Water Cycle Management Study must be submitted with any development application demonstrating that on site systems can achieve a neutral or beneficial effect on water quality.
 - b) The provision of an adequate water supply to each lot for drinking (potable supply), ablutions and firefighting purposes. (Chapter 5.3 discusses development standards for individual rural dwellings and should be noted for the purpose of these investigations).