

**Agricultural Land Use and  
Impact Study  
Vivacity Property– Farley  
Property Development  
Project**

**14 August 2023**

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# 1 Introduction

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This Agricultural Land Use and Impact Study (“Study”) has been prepared to be included in the development approval being sought by Vivacity Property from Maitland City Council for a manufactured home estate.

The proposed estate is to be located at 283 and 303 Wollombi Road, Farley, NSW. A total of 254 manufactured homes are planned to be sited amongst a blend of retained vegetation, greenspace, and a nature reserve.

The property currently has two dwellings and associated structures used as housing for two families, with most of the property being cleared land and managed treed land used for grazing cattle.

The purpose of this Study is to assess the following:

- Current land-use and its agricultural output and economic value.
- Considerations for future land-use based on the development of the proposed manufactured home estate.
- The agricultural output and economic value of any retained undeveloped land.

As part of the approval process, the applicant has requested an agricultural land-use and impact assessment report completed for RU2 land proposed for development.

The report will address the following Maitland Council guidelines for RU2 Rural Landscape zoned land including:

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

In this report, we will consider the following key points of assessment and how they comply with the council guidelines:

- Current land use and agricultural output
- Vegetation management
- Land use guidelines and restrictions
- Agricultural land use after development
- Agricultural output economic analysis

## 2 Details of the Property and Proposed Development

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The proposed location of the property development extends across two Lots as follows:

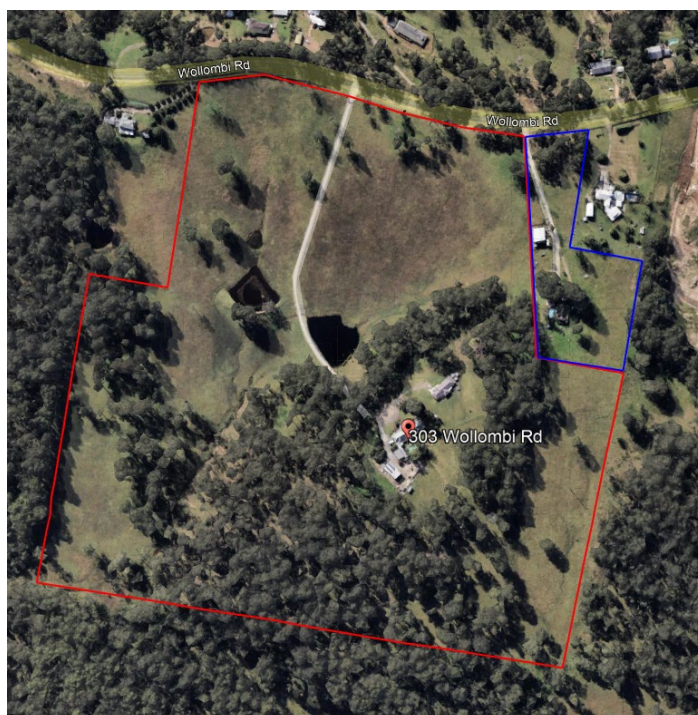
- Road address: 283 and 303 Wollombi Road, Farley, NSW, 2320
- Parcel Number: 29774
- Description: Lot 2 DP810984
- Description: Lot 4 DP810894

Lot 2 is majority zoned R1 with a small area zoned RU2, while Lot 4 has a small area zoned R1 with the majority zoned RU2.

The development proposes that both Lots will be incorporated into a single parcel of land that will incorporate both retained remnant vegetation and the manufactured home estate.

**Image 2.1** shows a Google Earth view of the land proposed for development, with the property boundary for Lot 2 outlined in blue and Lot 4 outlined in red.

**Image 2.1: Location of Lots for proposed development**

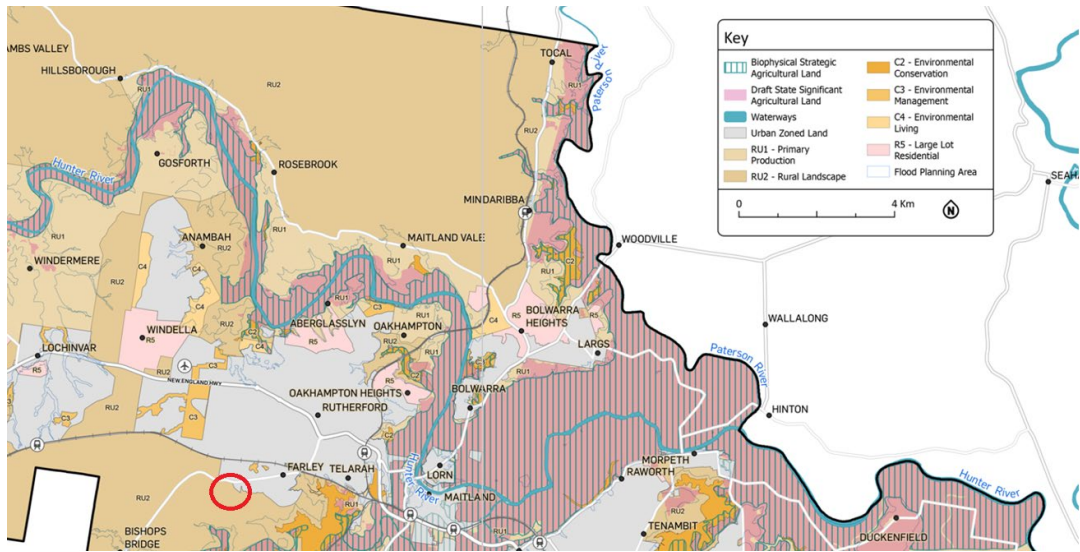


The area of land in each Lot is as follows:

- Lot 2: 2.116ha
- Lot 4: 30.68ha
- Combined parcel of land: 32.796ha

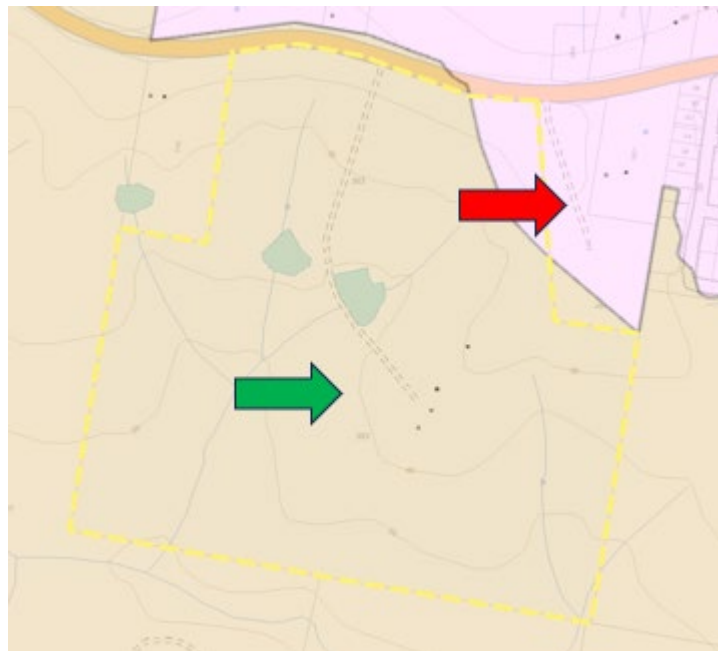
**Image 2.2** is a map from the Maitland City Council Lands Strategy showing the land zoning of the region, with the proposed development site circled in red.

**Image 2.2: Maitland City Council Lands Strategy Mapping**



**Image 2.3** is a zoomed in version showing Lot 2 as mostly pink R1 zone (Urban Land) and Lot 4 as mostly brown RU2 zone (Rural Landscape).

**Image 2.3: Maitland City Council Lands Strategy Mapping – Zoomed in version.**



The red arrow points to Lot 2 and the green arrow points to Lot 4.

These map overlays show that the urban use, R1 zoned land extends across most of Lot 2 and into Lot 4, with the remainder of Lot 2 and Lot 4 zoned RU2.

### 3 Current Land Use and Agricultural Output

Lot 2 is currently fully fenced, with road front access onto Wollombi Road. The property has constructed dwellings and sheds and is currently being used solely for domestic housing purposes only.

Lot 4 has a combination of dwellings, sheds, cleared land, uncleared land and dams, as per the following details.

- Two houses and associated sheds, gardens, driveways, hardstand areas etc: approximately 1.2ha
- Cleared land: approximately 15.5ha
- Treed land: approximately 14ha
- Dam 1: 0.2ha (approximately 4ML of storage)
- Dam 2: 0.15ha (approximately 2ML of storage)

The dams are both filled from overland flow of water (rainfall) and as such are not considered reliable sources of water due to their size, depth, and lack of water security.

The current landholder uses the cleared and treed areas of the land for grazing cattle.

**Image 3.1** shows the current cleared land area on Lot 4.

**Image 3.1: Cleared land area.**



**Image 3.2** shows the current treed area on Lot 4.

**Image 3.2: Treed land area**



The treed land area has been maintained by hand and utilizing grazing cattle to achieve the following:

- Manage pasture growth.
- Manage fuel loads for bushfire management.
- Remove woody weeds.
- Remove regrowth of unwanted trees.
- Maintain the stand of hardwood trees.

This effort has resulted in the opportunity for native pasture grasses to grow under the trees that can be used for grazing cattle.

### **Pasture and dam water**

The pasture across the Lot 4 property is naturally occurring grasses that are grown only with rainfall and grazed by cattle.

The dam water is predominately used for stock water, with a limited amount being used for lawns and gardens for the two permanent dwellings located centrally on the property.

There is no infrastructure to irrigate the pasture from the two small dams. It would be uneconomical to invest in the necessary equipment to irrigate the pasture, as the dams are not large enough and would not hold water long enough during dry periods to warrant the investment.

The property does not have any alternative water allocations or other sources of water that could be used for either stock water or irrigation.

Based on an assessment of the soil and the topography of the cleared area, if the land was cultivated, intensively grazed, or farmed in another manner, there is a high risk of soil erosion and degradation of the land.

The current management of the land has maintained the treed area and minimised the risk of soil erosion across the cleared areas.

### **Stocking rates**

The landowner currently grazes cattle with an average number of 8 head across the Lot 4 property. This number of cattle equates to a stocking rate of one head for every 3.7ha (total cleared and treed area of 29.5ha) or 0.27 head per hectare.

The number of head can vary from 4 – 15 depending on rainfall and subsequent grass growth.

### **Agricultural output economic analysis**

To conduct an economic analysis of the land use in terms of agricultural output, we will use a gross margin per hectare approach.

For cattle grazing, the NSW Department of Primary Industries (NSW DPI) has produced gross margin budgets, with the latest version published in April 2023. A copy of the NSW DPI gross margin budget for cattle is attached as:

#### ***Appendix A: NSW DPI - Beef cattle gross margin budget 2023.***

The NSW DPI has calculated the gross margin for feeder steers using the following key parameters:

- Stocking rate of 0.25 head per hectare
- Open pasture

These key parameters fit with the landholders current farming approach, where a similar stocking rate and pasture grazing strategy of 0.27 head per hectare is used.

For these reasons, it is considered reasonable to use the NSW DPI gross margin figures when assessing agricultural economic output in terms of grazing cattle.

The current land-use by the landholder is to graze cattle to a weight desirable for sale or for slaughter.

**Table 3.1** summarises the calculated gross margin for the property based on the current land use and the NSW DPI figures.

**Table 3.1: Summary of gross margin for current land use**

Operation Type	Grazing Land (ha)	Gross Margin (\$/ha)	Total Gross Margin (\$)
Grazing Cattle	29.50	\$207.53	\$6,122.14

The NSW DPI gross margin budget includes a range of cattle stock types (steers, heifers, cows, and bulls) as income in the budget, whereas the current landholder buys in weaners or yearlings to fatten up to a size suitable for sale or slaughter. The NSW DPI budget also includes some costs that the landholder is not likely to incur, such as replacement bulls.

For the purposes of the economic analysis for this property, it is assumed the particulars of the cattle grazing operation matches the NSW DPI gross margin budget.

### **Summary**

The Maitland City Council Lands Strategy Map shows most of the land to be zoned RU2 (Rural Landscape), which is one level down from land zoned for agricultural use.

There is not sufficient dam water or access to any reliable water allocation to allow for irrigated pasture or a more intensive agricultural enterprise.



The condition of the soil and the topography makes it susceptible to erosion following rainfall if ground cover is not maintained.

The topography of the cleared land area does not easily lend itself to any mechanised farming enterprise.

The treed area has been managed by the current landholders in a manner that allows pasture grass to grow under the trees, with the area made suitable for grazing animals.

The combined parcel of land is not considered high value agricultural land and is only suitable for grazing animals, due to a reliance on rainfall to grow the native pasture grasses. This results in the land not having a high agricultural output economic value.

Based on the property assessment, the current land use of grazing a small number of cattle is the most appropriate agricultural enterprise that the land can be sustainably used for.

The calculated gross margin based on the current agricultural output is \$6,122.14.

## 4 Review of Land Use Classification and Vegetation Management Regulations

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Vivacity Property has provided a document titled, Maitland City Council - Section 10.7 Planning Certificate ("the Certificate") for Lot 4.

This Certificate sets out the various environmental planning instruments, development and control plans that apply to the land.

A copy of the Certificate is attached as:

### ***Appendix B: Maitland City Council Planning Certificate***

In this section, the applicable planning instruments and development control plans have been summarised. For this section of the report, in relation to the lands agricultural use and management, we will refer to this certificate.

### **Environmental Regulations**

There are no environmental regulations that apply to the land as it relates to the following protocols:

- Local environmental plans
- Draft development control plans
- Draft state environmental planning policies

Based on this review, there are no environmental regulations that need to be considered in relation to agricultural land use.

## **Land Use Classification**

The Planning Certificate outlines the purpose and objectives of the planning strategy with regards to agricultural land use, which are outlined below.

### *Purpose/objective*

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.

### *Lot 4 - RU2 zoned land area*

As stated in the Planning Certificate, Lot 4 is predominately classified as RU2, Rural Landscape, with the following zoning, land use regulations and permitted activities.

### *Permitted with consent.*

The following list of permitted land uses with consent are only those related to either agriculture or the proposed development. See Appendix B for the full list of permitted land uses with consent.

- Agriculture
- Animal boarding or training
- Caravan parks
- Dwelling houses
- Farm buildings
- Recreation areas
- Recreation facilities
- Rural industries
- Rural supplies
- Turf farming
- Veterinary hospitals

### *Permitted without consent.*

The following list of permitted land uses permitted without consent are only those related to either agriculture or the proposed development. See appendix A for the full list of permitted land uses without consent.

- Extensive agriculture
- Intensive plant agriculture

### *Prohibited land use.*

The following is a list of prohibited land uses. See appendix A for the full list of prohibited land uses.

- Intensive livestock agriculture
- Livestock processing industries

### Lot 4 – R1 zoned land area

The remainder of Lot 4 is zoned R1 (Urban Land), which is zoned for the purpose of the creation of housing for the community.

### **Vegetation Management Regulations**

The following details of the vegetation management regulations held over the land have been sourced from Appendix B.

#### *Bushfire prone land*

The land proposed for development is mapped as bushfire prone land.

#### *Property vegetation plans*

The Council has not received any notification from Hunter Local Land Services that this land is affected by a property vegetation plan under Part 4 of the Native Vegetation Act 2003 (and that continues in force).

#### *Biodiversity stewardship sites*

The Council is not aware if the land is a biodiversity stewardship site under a biodiversity stewardship agreement under part 5 of the *Biodiversity Conservation Act 2016*.

#### *Biodiversity certified land*

The land is not biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

#### *Orders under trees*

Council has NOT received notification from the Land and Environment Court of NSW that the land is affected by an Order under Trees – (Disputes Between Neighbours) Act 2006.

### **Summary**

The proposed property development being considered by Vivacity Property involves the creation of a manufactured home estate and is permitted land-use within the RU2 zone with consent.

The land proposed for development is majority zoned RU2 and has allowed land uses that relate to a range of agriculture industry uses, except for some intensive animal industries. The property can be used for recreational purposes as well as for caravan parks.

The property is mapped as bushfire prone land which highlights the requirement for an ongoing vegetation management strategy.

The property does not have any vegetation, biodiversity, or order under trees regulations to adhere to for either its current land use or the future proposed mixed land use, which includes the manufactured home estate.

## 5 Manufacture Home Estate Project – Considerations and Options for Vegetation Management, Land Use and Agricultural Output

The proposed development would result in a combination of retained treed areas, a dam, some cleared area, and the construction of a manufactured home estate.

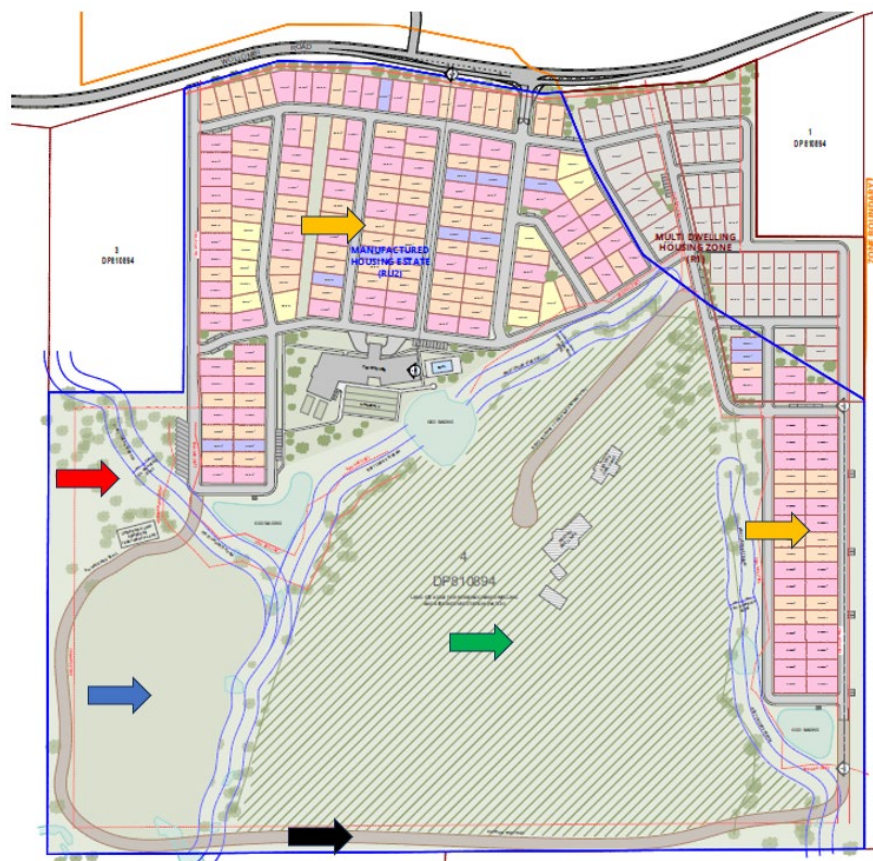
This section will review the proposed development and the considerations that allow for its ongoing use as agricultural land.

### Project design considerations for agricultural land use

The proposed development will have a combination of land uses across the combined parcel of land (Lot 2 and Lot 4 combined).

**Image 5.1** shows the proposed development masterplan layout on the combined parcel of land.

**Image 5.1: Masterplan layout of the proposed development**



The orange arrows point toward the manufactured home estate area.

The blue arrow points toward the green space assigned to the sewerage treatment and water release area. The sewerage treatment plant will be underground, and the water release area will comprise of filtration mounds which will form part of the landscape.

The green arrow points toward the retained treed area that will be fully fenced and retained in its current form.

The red arrow points toward a retained treed area set aside as a nature reserve.

The black arrow points toward a fire trail created around and through the retained treed area and open green space.

The retained treed area, which includes the existing two dwellings, will be approximately 13 hectares. By removing the 1.2ha for the area around the two dwellings, the total remaining area for animal grazing will be approximately 11.8 hectares.

The green space and nature reserve area is approximately 5 hectares which could also be used for grazing animals with some restrictions.

### **Options for vegetation management, land use and agricultural output**

In relation to the potential ongoing use of the fully fenced treed area, the following points were considered:

- Retained agricultural land use.
- Retained rural landscape look and feel of the property.
- Proximity to urban development zoned areas.
- Vegetation management.
- Fuel load and bushfire risk management.
- Surface water management and soil erosion control.

The restrictions on the combined parcel of land that limit the forms of agricultural use are a combination of Council regulations and physical attributes of the land. The restrictions include the following:

- Lack of permanent and reliable water source.
- Soil with a risk of erosion without maintained ground cover.
- Topography that would result in soil erosion if cultivated.
- Intensive livestock enterprises are prohibited.
- Grazing relies on rainfall to grow native pasture.

There may also be restrictions on land use based on retaining biodiversity on the property which will be covered in the ecologist's report.

Some considerations that are desirable for maintaining a level of agricultural use of the retained treed area include:

- Retain the rural landscape look and feel of the property.
- Maintain pasture growth to reduce fuel load and assist with bushfire risk management.
- Mental health benefit for estate residents by interacting with and caring for animals.

*Note: see bushfire expert report for full details on bushfire risk management.*

There are two options that can be considered for future use for grazing animals as follows:

- Treed area
- Greenspace and nature reserve

### Grazing in the treed area

There are three considered agricultural use options for the retained treed area that include:

- Cattle grazing.
- Agisted horses for the estate residents.
- Grazing of goats, sheep, alpacas etc.

If cattle grazing were retained on the remaining 11.8ha, the total head of cattle grazed on average would be three, with a range of two to six head, depending on rainfall. This land use does have an agricultural output value that can be calculated.

If the area was used for agisted horses, it is likely that more horses could be run on the area as supplementary feeding is common, resulting in less reliance on open grazed pasture. This land use option does have an agricultural output value as there are agistment fees that would be paid by the owners of the horses.

If other animals are grazed, such as goats, sheep, or alpacas, these are more likely to be chosen for pasture management and community mental health reasons than for their specific agricultural output value.

### Grazing in the greenspace and nature reserve area

As a result of the greenspace area being used for water runoff from the sewerage treatment works, grazing beef cattle in this area is not feasible.

There are two considered agricultural use options for the retained treed area that include:

- Agisted horses for the estate residents.
- Grazing of goats, sheep, alpacas etc.

If the area was used for agisted horses, it is likely that more horses could be run on the area as supplementary feeding is common, resulting in less reliance on open grazed pasture. This land use option does have an agricultural economic value as there are agistment fees that would be paid by the owners of the horses.

If other animals are grazed, such as goats, sheep, or alpacas, these are more likely to be chosen for pasture management and community mental health reasons than for their specific agricultural economic value.

### **Agricultural economic output analysis**

The opportunity for ongoing agricultural land use providing an economic benefit can be derived from either grazing cattle or agisting horses. The option to use the retained undeveloped areas for grazing goats, sheep or alpacas is considered to not have an agricultural economic benefit.

The economic analysis for grazing cattle has assumed the following points:

- Average head of cattle for grazing: 0.25/ha
- Gross margin: \$207.53/ha

The economic analysis for agisting horses has assumed the following points:

- Average stocking rate: 0.5/ha horses (50% of the maximum stocking rate)
- Weekly agisting fee: \$25/horse (\$661/ha/yr)
- Pasture management: \$27/ha/yr (\$27/ha/yr)
- The costs of caring for the animals would be passed onto the owners (feed, vet, etc).

**Table 5.1** summarises the economic benefit of ongoing agricultural economic output on the undeveloped area following the development of the manufactured home estate.

**Table 5.1: Summary of agricultural economic benefit**

Grazing Area	Operation Type	Grazing Land (ha)	Gross Margin (\$/ha)	Total Gross Margin (\$)
Treed Area	Grazing Cattle	11.80	\$207.53	\$2,448.85
Treed, Greenspace & Nature Reserve Area	Agisting Horses	16.80	\$634.00	\$10,651.20
Greenspace & Nature Reserve Area	Agisting Horses	5.00	\$634.00	\$3,170.00

If goats, sheep, or alpacas are grazed on the land, it would be assumed that there would be minimal agricultural output. Any products sold, such as hair, fleece etc would not likely recover the costs of the initial purchasing of the animals and maintaining them each year.

The value of having these types of animals grazing on the property would be derived from other non-income opportunities, such as:

- Maintain the rural landscape look and feel of the property.
- Maintain pasture grass growth and reduce the buildup of fuel, increasing the risks associated with bushfires.
- Enable animals to be easily accessed by estate residents and assisting with maintaining their mental health.

## **Summary**

The proposed development of the land will have a combination of a manufactured home estate, a greenspace and nature reserve area and a fully fenced treed area.

The combined parcel of land is 32.796ha in size, with 29.5ha currently available for grazing cattle.

After the completion of the development, the available land that is fully treed and available for grazing animals will be 11.8ha and the greenspace and nature reserve area, which is 5ha in size, with a total combined area of 16.8ha.

The combined parcel of land is not considered high value agricultural land and is only suitable for grazing animals, due to a reliance on rainfall to grow the native pasture grasses. This results in the land not having a high agricultural output economic value.

Retaining these areas on the property will retain the rural landscape look and feel of the property and allow for the grazing of animals.

Grazing animals will assist with pasture management, fuel load and bushfire risk management and support the mental wellbeing of the estate residents and the wider community.

The highest agricultural return for the retained area is for paid horse agistment, where a gross margin of up to \$10,651.20/year can be earned. This figure is \$4,529.07 higher than the calculated current agricultural economic output being earned by the landholder.

If the treed area is not able to be grazed for biodiversity and ecological reasons, a total gross margin of \$3,170.00/year can be earned by agisting horses only on the greenspace and nature reserve area.

The proposed development will result in the best part of the land being retained in its current condition. These retained areas are 51 percent of the total land area of the combined parcel of land.

On this basis, it is considered that the proposal will meet the objectives of the RU2 zone.

### **PeritusAg**



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Director

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## Appendix A

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**BEEF CATTLE GROSS MARGIN BUDGET**

**April 2023**

Enterprise: **Feeder steers**  
  
Enterprise Unit: **100 cows**  
Pasture: **Semi improved pasture**

INCOME:			Standard Budget	Your Budget
38 steers 20 months @		\$1,856 /hd	\$70,538	
4 steers 20 months @		\$1,815 /hd	\$7,260	
22 heifers 9 months @		\$784 /hd	\$17,248	
1 CFA Bull @		\$1,935 /hd	\$1,935	
7 CFA cows @		\$1,344 /hd	\$9,406	
11 Other culls @		\$1,344 /hd	\$14,781	
<b>A. Total Income:</b>			<b>\$121,168</b>	
<b>VARIABLE COSTS:</b>				
Replacements	1 Bull @	\$11,000 /hd	\$11,000	
Livestock and vet costs: see section titled beef health costs for details.			\$2,089	
Ear tags @			\$0	
Fodder crops / hay / grain / silage			\$0	
Drought feeding costs.			\$0	
Pasture maintenance 424 Ha native pasture			\$11,483	
Livestock selling cost (see assumptions on next page)			\$8,602	
<b>B. Total Variable Costs:</b>			<b>\$33,175</b>	
<b>GROSS MARGIN (A-B)</b>			<b>\$87,993</b>	
<b>GROSS MARGIN/COW</b>			<b>\$879.93</b>	
<b>GROSS MARGIN/DSE*</b>			<b>\$51.94</b>	
<b>GROSS MARGIN/HA</b>			<b>\$207.53</b>	

**Change in gross margin (\$/cow) for change in price &/or the weight of sale stock**

(Note: Table assumes that the price and weight of other stock changes in the same proportion as steers. As an example if steer sale price falls to 403c/kg and steer weight to 430 kg, gross margin would fall to \$801 per cow. This assumes that price and weight of all other sale stock falls by the same percentage.

Liveweight (kg's) of Stock sold	Steer wt.	Steer sale price cents/kg live				
		393	403	413	423	433
-40 kgs	410	725	751	777	803	828
-20 kgs	430	775	801	828	855	882
0	450	824	852	<b>880</b>	908	936
+20 kgs	470	873	902	931	961	990
+40 kgs	490	922	953	983	1014	1044

GM \$ per Cow

An increase of 5% in weaning percentage increases gross margin per cow by \$86.85

**Assumptions                      Young cattle (0-2 teeth)**

Enterprise unit is 100 cows weighing on average 490 kg  
 Weaning rate: 86%, conception rate 92%.

**Sales**

90% steers sold at 18 months	450 kg	@413c/kg	live weight
10% steers sold at 20 months	440 kg	@413c/kg	live weight
sale heifers sold at 9 months	210 kg	@373c/kg	live weight
20 heifers retained for replacement.			
Cull cows cast for age at 10 years	250 kg	@538c/kg	dressed weight
100% of preg tested empty cows culled	"	"	"
4% cows culled for other reasons	"	"	"
Bulls run at 3% & sold after 4 years use	450 kg	@430c/kg	"

Selling costs include:      Commission 4%, yard dues \$3.00/hd, MLA levy \$5/hd, average freight cost to saleyards \$25.00/hd; NLIS tags @ \$3.60 for all sale cattle

Cows: age at first calf : 24 months

Mortality rate of adult stock: 2%

The average feed requirement of a cow + followers is rated at 2.49 LSU or 17.16 dse's\*. This is an average figure and will vary during the year.

**Age structure**



**Marketing Information:**

Steers suit export feedlots , 150-200 days on grain at 400kg-480kg entry weight

Traditionally British breed types eg Angus sourced for this market.

Cull heifer portion turned off as weaners into saleyards

Production Information: Relevant to more inland areas with some pastureimprovement and fertiliser use. Note that herd structure table assumes a high culling rate in early years due to the culling of cows that are tested as empty (100% culling assumed on pregnancy test results), poor performers and off types.



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## Appendix B

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**Certificate No.:** PC/2022/3753

**Certificate Date:** 02/12/2022

**Fee Paid:** \$62.00

**Receipt No.:**

**Your Reference:** 2600: Joint Venture | Vivacity

**SECTION 10.7 PLANNING CERTIFICATE**

**Environmental Planning and Assessment Act, 1979 as amended**

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<b>APPLICANT:</b>	Infotrack Pty Ltd  ecertificates@infotrack.com.au
<b>PROPERTY DESCRIPTION:</b>	303 Wollombi Road FARLEY NSW 2320
<b>PARCEL NUMBER:</b>	29774
<b>LEGAL DESCRIPTION:</b>	Lot 4 DP 810894

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**IMPORTANT: Please read this Certificate carefully.**

The information provided in this Certificate relates only to the land described above. If you need information about an adjoining property or nearby land, a separate certificate will be required.

All information provided is correct as at the date of issue of this Certificate. However, it is possible for changes to occur at any time after the issue of this Certificate.

For more information on the Planning Certificate please contact our Customer Experience team on 4934 9700.

## **SECTION 10.7(2)**

The following matters relate to the land, as required by section 10.7(2) of the *Environmental Planning and Assessment Act (1979)* ("the Act") and clause 284 and Schedule 2 of the *Environment Planning and Assessment Regulation 2021*.

### **ITEM 1 - Names of relevant planning instruments and development control plans**

The following environmental planning instruments and development control plans apply to the carrying out of development on the land:

#### **State Environmental Planning Policies**

The Minister for Planning has notified that the following State Environmental Planning Policies (SEPPs) shall be specified on Certificates under Section 10.7 of the *Environmental Planning and Assessment Act, 1979*.

The land is affected by the following State Environmental Planning Policies:

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Primary Production) 2021
- SEPP (Planning Systems) 2021
- SEPP (Housing) 2021
- SEPP Building Sustainability Index: BASIX 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Resources and Energy) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021

#### **Local Environmental Plan (LEP)**

Maitland LEP 2011, published 16 December 2011, applies to the land.

#### **Development Control Plan prepared by Council**

Maitland Development Control Plan 2011 applies to the land.

The following proposed environmental planning instruments and draft development control plans are or have been the subject of community consultation or on public exhibition under the *Environmental Planning and Assessment Act 1979*, apply to the carrying out of development on the land and:

#### **Planning Proposal for a Local Environmental Plan**

No draft local Environmental Plans that have been on public exhibition under the Act are applicable to the land.

Detailed information on draft environmental planning instruments is available at the NSW Department of Planning and Environment Current LEP Proposals website;

or Maitland City Council's website.

### **Draft Development Control Plans**

No draft Development Control Plan(s) that have been on public exhibition under the Act are applicable to the land.

### **Draft State Environmental Planning Policies**

No draft State Environmental Planning Policy(s) applying to the land is, or has been publicised the subject of community consultation or on public exhibition under the Act.

## **ITEM 2 – Zoning and land use under relevant planning instruments**

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a State Environmental Planning Policy or proposed State Environmental Planning Policies)

### ***Zone and Land Use Table from Local Environmental Plan*** **RU2 Rural Landscape**

#### **a) Purpose/Objective**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- To maintain the rural landscape character of the land
- To provide for a range of compatible land uses, including extensive agriculture
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised

#### **b) Permitted with Consent**

Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Veterinary hospitals; Water supply systems

#### **c) Permitted without Consent**

Extensive agriculture; Home occupations; Intensive plant agriculture

#### **d) Prohibited**

Intensive livestock agriculture; Livestock processing industries; Any other development not specified in item 2 or 3.

Detailed information on the land zone mapping is available at the NSW Department of Planning and Environment ePlanning Spatial Viewer website; or Maitland City Council's website.

**Note:** On 1 December 2022, Business and Industrial zones will be replaced by the new Employment zones under the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning and Environment is currently exhibiting details of how each Local Environmental Plan that includes a current Business or Industrial zone will be amended to use the new Employment zones. The Explanation of Intended Effect (EIE) and a searchable web tool that displays the current and proposed zone for land covered in this public exhibition is available on the Planning Portal.

## **R1 General Residential**

### **a) Purpose/Objective**

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

### **b) Permitted with Consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

### **c) Permitted without Consent**

Home occupations

### **d) Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body



repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies.

### ***Additional permitted uses***

No environmental planning instrument applies additional permitted use provisions to this land.

**Note:** Detailed information on the local environmental plan is available at NSW Legislation – In force legislation.

### ***Whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions.***

For the land zoned RU2 Rural Landscape Clause 4.2A in the Maitland Local Environmental Plan 2011 applies to the land. This clause fixes a minimum lot size for the erection of a dwelling-house that is identified on the Maitland Local Environmental Plan 2011 Lot Size Map as 40 hectares. For the land zoned R1 General Residential the Maitland LEP 2011 does not contain a development standard specifying the land dimensions required to permit the erection of a dwelling house on the land.

### ***Is the land in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016?***

The land IS NOT identified in an area of outstanding biodiversity value under the Biodiversity Conservation Act.

### ***Is the land within a conservation area, however described?***

The land IS NOT in a Heritage Conservation Area.

### ***Is there an item of environmental heritage in a local environmental plan?***

The land does NOT contain an item of Environmental Heritage.

**Note:** An item of environmental heritage, namely Aboriginal heritage, listed on the Aboriginal Heritage Information Management System (AHIMS), may be situated on the land. The Department of Planning and Environment, Biodiversity and Conservation Division.

## **ITEM 3 – Contribution plans**

### ***The name of each contributions plan under the Act, Division 7.1 applying to the land, including draft contributions plans.***

- Maitland S94A Levy Contributions Plan 2006
- Farley S94 Contribution Plan 2015
- Maitland City Wide Section 94 Contributions Plan 2016

- Maitland S94 Contributions Plan (City Wide) 2006

***If the land is in a special contributions area under the Act, Division 7.1, the name of the area.***

The land IS NOT in a special contributions area.

**Note:** In addition to the above developer contribution plans, Development Servicing Plans for water and sewer connection may be applicable, attracting additional contributions for the development, particularly where development will connect to water and/or sewer services.

#### **ITEM 4 – Complying Development**

***If the land is land on which complying development may be carried out under each of the complying development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19.***

Complying development under the **Housing Code** may be carried out on the land.

Complying development under the **Low Rise Medium Density Housing Code** may be carried out on the land. Complying development under the **Greenfield Housing Code** may be carried out on the land, but only if the land is identified on the *Greenfield Housing Code Area Map* issued by the NSW Department of Planning and Environment.

Complying development under the **Rural Housing Code** may be carried out on the land.

Complying development under the **Housing Alterations Code** may be carried out on the land.

Complying development under the **General Development Code** may be carried out on the land.

Complying development under the **Commercial and Industrial Alterations Code** may be carried out on the land.

Complying development under the **Commercial and Industrial (New Buildings and Additions) Code** may not be carried out on the land as it is not within an applicable zone.

Complying development under the **Subdivisions Code** may be carried out on the land.

Complying development under the **Demolition Code** may be carried out on the land.

Complying development under the **Fire Safety Code** may be carried out on the land.

Complying development under the **Container Recycling Facilities Code** may not be carried out on the land.

**Note:** Despite the above provisions, if only part of a lot is subject to an exclusion or exemption under Clause 1.17A or Clause 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013*, complying development may be carried out on that part of the lot that is not affected by the exclusion or exemption. *The complying development may not be carried out on the land because of the following provisions of Clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the Policy.*

The provisions of Clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 are not identified on the land. Complying development may be undertaken in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as amended.

**Note:** This information needs to be read in conjunction with the whole of the State Environment Planning Policy. If an identification, restriction or characteristic of land referred to above is not located on or does not comprise, the whole of the relevant land, complying development may be carried out on any part of the land not so identified, restricted or characterised.

**Note:** Information regarding whether the property is affected by flood related development controls or is bushfire prone land is identified in other sections of this certificate. If your property is identified as being impacted by bushfire or flooding, a specific technical assessment of these issues will be required as part of any Complying Development Certificate application under the State Environment Planning Policy, or a development application for any other type of development requiring consent from Council.

**Note:** Despite any references above advising that Complying Development may be undertaken on the land, certain Complying Development may be precluded from occurring on the land due to requirements contained in the remainder of State Environment Planning Policy (Exempt and Complying Development Codes) 2008. It is necessary to review the State Environment Planning Policy in detail to ensure that specific types of complying development may be undertaken on the land.

***If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that***

- (a) a restriction applies to the land, but it may not apply to all of the land,***
- (b) and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.***

***If the complying development codes are varied, under that Policy, clause 1.12, in relation to the land.***

There are no variations to the exempt development codes within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 that apply in the Maitland local government area.

For further information on complying development, please refer to the Department of Planning and Environment.

#### **ITEM 5 – Exempt Development**

***If the land is land on which exempt development may be carried out under each of the exempt development codes under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, because of that Policy, clause 1.16(1)(b1)–(d) or 1.16A.***

***If exempt development may not be carried out on the land because of 1 of those clauses, the reasons why it may not be carried out under the clause.***

***If the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land, a statement that***

- a) a restriction applies to the land, but it may not apply to all of the land, and***
- b) the council does not have sufficient information to ascertain the extent to which exempt development may or may not be carried out on the land.***

***If the exempt development codes are varied, under that Policy, clause 1.12, in relation to the land.***

#### **ITEM 6 – Affected building notices and building product rectification orders**

**Whether the council is aware that –**

The Council IS NOT aware of any affected building notice which is in force in respect of the land.

The Council is NOT aware of any building product rectification order which is in force in respect of the land and that has not been fully complied with.

The Council IS NOT aware of any notice of intention to make a building product rectification order being given in respect of the land and that is outstanding.

#### **ITEM 7 - Land Reserved for Acquisition**

**Whether an environmental planning instrument or proposed environmental planning instrument referred to in section 1 makes provision in relation to the acquisition of the land by an authority of the State, as referred to in the Act, section 3.15.**

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 3.15 of the Act.

#### **ITEM 8 – Road widening and road realignment**

Whether the land is affected by road widening or road realignment under –

- a) The land is NOT affected by road widening under Division 2 of Part 3 of the Roads Act 1993.
- b) The land is NOT affected by road widening under any environmental planning instrument
- c) The land is NOT affected by any road-widening or realignment under any resolution of the Council

Note: This item relates to Council's road proposals only. Other authorities, including the NSW Roads and Traffic Authority may have road widening proposals.

### **ITEM 9 – Flood related development controls**

The land or part of the land IS NOT within the flood planning area and subject to flood related development controls.

The land or part of the land IS NOT between the flood planning area and the probable maximum flood and subject to flood related development controls.

The Maitland LEP 2011 identifies the flood planning level (FPL) as the level of a 1:100 ARI flood event plus 0.5m freeboard. The probable maximum flood has the same meaning as the Floodplain Development Manual.

Note in this section – **flood planning area** has the same meaning as in the Floodplain Development Manual. **Floodplain Development Manual** means the Floodplain Development Manual (ISBN 0 7347 5476 00) published by the NSW Government in April 2005. **probable maximum flood** has the same meaning as in Floodplain Development Manual

Note: The information provided in item 9 is based on the data and information presently available to the Council and on development controls in force as at the date of this certificate. The identification of land as not being subject to flood related development controls does not mean that the land is not, or may not be, subject to flooding or that the land will not in the future be subject to flood related development controls, as additional data and information regarding the land become available.

### **ITEM 10 – Council and other public authority policies on hazard risk restrictions**

Whether any of the land is affected by an adopted policy that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

All land within the Maitland Local Government Area has the potential to contain acid sulfate soils. Clause 7.1 of the Maitland Local Environmental Plan 2011 generally applies. Development consent is required where works described in the Table to this clause are proposed on land shown on the Maitland LEP 2011 Acid Sulfate Soils Map as being of the class specified for those works.

The Council has adopted by resolution a policy on contaminated land which may restrict the development of the land to which this certificate relates. This policy is

implemented when zoning or land use changes are proposed on lands which:

- are considered to be contaminated; or
- which have previously been used for certain purposes; or
- which have previously been used for certain purposes but Council's records do not have sufficient information about previous use of the land to determine whether the land is contaminated; or
- have been remediated for a specific use.

Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.

Note in this section –

**adopted policy** means a policy adopted –

- a) by the council, or
- b) by another public authority, if the public authority has notified the council that the policy will be included in a planning certificate issued by council.

### **ITEM – 11 Bush fire prone land**

If any of the land is bush fire prone land, designated by the Commissioner of the NSW Rural Fire Service under the Act, section 10.3, a statement that all or some of the land is bush fire prone land.

The land is mapped as bushfire prone land and as such restrictions may apply to new development on this land.

**Note** – In accordance with the *Environmental Planning and Assessment Act 1979*, bush fire prone land, in relation to area, means land recorded for the time being as bush fire prone on a bush fire prone land map for the area. This mapping is subject to periodic review.

**Note** – The identification of land as not being bushfire prone does not mean that the land is not, or may not be affected by bushfire or that the land will not in the future be subject to bushfire related development controls, as additional data and information regarding the land become available.

### **ITEM – 12 Loose-fill asbestos insulation**

**If the land includes residential premises, within the meaning of the Home Building Act 1989, Part 8, Division 1A, that are listed on the Register kept under that Division, a statement to that effect.**

There are no premises on the subject land listed on the register.

### **ITEM – 13 Mine subsidence**

**Whether the land is declared to be a mine subsidence district, within the meaning of the Coal Mine Subsidence Compensation Act 2017.**

The land has NOT been proclaimed to be within a Mine Subsidence District under the meaning of section 20 of the Coal Mine Subsidence Compensation Act 2017.

### **ITEM – 14 Paper subdivision information**

There is no development plan that applies to the:

- 1) Land or that is proposed to be subject to a consent ballot
- 2) There is no subdivision order that applies to the land.

#### **ITEM – 15 Property vegetation plans**

**If the land in relation to which a property vegetation plan is approved and in force under the Native Vegetation Act 2003, Part 4, a statement to that effect, but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act.**

The Council has not received any notification from Hunter Local Land Services that this land is affected by a property vegetation plan under Part 4 of the Native Vegetation Act 2003 (and that continues in force).

#### **ITEM – 16 Biodiversity stewardship sites**

**If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under the Biodiversity Conservation Act 2016, Part 5, a statement to that effect, but only if the council has been notified of the existence of the agreement by the biodiversity Conservation Trust.**

The Council is not aware if the land is a biodiversity stewardship site under a biodiversity stewardship agreement under part 5 of the *Biodiversity Conservation Act 2016*.

**Note** – Biodiversity stewardship agreements include biobanking agreements under the *Threatened Species Conservation Act 1995*, Part 7A that are taken to be biodiversity stewardship agreements under the *Biodiversity Conservation Act 2016*, Part 5.

#### **ITEM 17 – Biodiversity certified land**

**If the land is biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8, a statement to that effect.**

The land is not biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

**Note** – Biodiversity certified land includes land certified under the *Threatened Species Conservation Act 1995*, Part 7AA that is taken to be certified under the *Biodiversity Conservation Act 2016*, Part 8.

#### **ITEM 18 – Orders under Trees (Disputes Between Neighbours) Act 2006**

**Whether an order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, but only if the council has been notified of the order.**

Council has NOT received notification from the Land and Environment Court of NSW that the land is affected by an Order under Trees – (Disputes Between Neighbours) Act 2006.

#### **ITEM 19 – Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works**

If the *Coastal Management Act 2016* applies to the council, whether the owner, or a previous owner, of the land has given written consent to the land being subject to annual charges under the *Local Government Act 1993*, section 496B, for coastal protection services that relate to existing coastal protection works.

The owner (or any previous owner) of the land has NOT consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

**Note** - In this section existing coastal protection works has the same meaning as in the *Local Government Act 1993*, section 553B.

**Note** – Existing coastal protection works are works to reduce the impact of coastal hazards on land, such as seawalls, revetments, groynes and beach nourishment, that existed before 1 January 2011

### **ITEM 20 – Western Sydney Aerotropolis**

The State Environmental Planning Policy (Precincts – Western Parkland City) 2021 does not apply to land within the Maitland City Council local government area.

### **ITEM 21 – Development consent conditions for seniors housing**

If State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies to the land, any conditions of a development consent granted after 11 October 2007 in relation to the land that are of the kind set out in that Policy, section 88(2).

Clause 88(2) of the *State Environmental Planning Policy (Housing) 2021* restricts occupation of development approved for seniors housing to:

- a) Seniors or people who have a disability
- b) People who live in the same household with seniors or people who have a disability,
- c) Staff employed to assist in the administration and provision of services to housing provided under this Part.

### **ITEM 22 – Site compatibility certificates and development consent conditions for affordable rental housing**

**Whether there is a current site compatibility certificate under State Environmental Planning Policy (Housing) 2021, or a former site compatibility certificate, of which the council is aware, in relation to proposed development on the land and, if there is a certificate –**

- a) the period for which the certificate is current, and
- b) that a copy may be obtained from the Department.

**If State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 5 applies to the land, any conditions of a development consent in relation to the land that are of a kind referred to in that Policy, section 21(1) or 40(1).**

Any conditions of a development consent in relation to land that are kind referred to in State Environmental Planning Policy (Affordable Rental Housing) 2009, clause 17(1) or 38(1).

**Note** - No Seniors Housing development consent conditions apply to this land.



**Note** - In this section – Former site compatibility certificate means a site compatibility certificate issued under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Council is unaware if a Site Compatibility Certificate (Affordable Rental Housing) has been issued in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009.

**Note. The following matters are prescribed by section 59(2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate.**

#### **Contaminated Land**

- a) The land to which this certificate relates is NOT significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- b) The land to which this certificate relates is NOT subject to a management order within the meaning of the Contaminated Land Management Act 1997.
- c) The land to which this certificate relates is NOT the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997.
- d) The land to which this certificate relates is NOT the subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997.
- e) Council has NOT been provided with a site audit statement, within the meaning of the Contaminated Land Management Act 1997, for the land to which this Certificate relates.

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**David Evans**  
**General Manager**

Our Ref: (Lot 4 DP 810894/Do. 2606093)

Phone Enquiries: 4934 9700  
Rose Wright

14/11/2022

Corinne Rachelle Hunter  
303 Wollombi Road  
FARLEY NSW 2320

Dear Corinne

**NOTICE OF DETERMINATION – SECTION 99(1) OF LOCAL GOVERNMENT ACT 1993  
APPROVAL TO OPERATE ON-SITE SEWAGE MANAGEMENT FACILITY**

You are advised that your On-Site Sewage Management (OSSM) system located at 303 Wollombi Road FARLEY NSW 2320 has been approved in accordance with section 68 and 68A of the Local Government Act 1993.

Lot/DP	Lot 4 DP 810894
Council parcel number	PRC29774
Property Owner	Corinne Rachelle Hunter
Property Address	303 Wollombi Road FARLEY NSW 2320
Type of System	Septic tank system with absorption trench / transpiration area
Risk category	Medium
Date of issue	26 October 2022
Period of approval	4 years

*\*Risk category may be subject to review and or amendment at the discretion of Council. The risk category may be varied by Council at any time, e.g. where system failures are detected, or for unsatisfactory maintenance, the risk category may be increased. Where system failures are corrected the risk category may be decreased.*

The approval has been granted subject to conditions, which are attached in Schedule 1. Pursuant to section 99(4)(b) of the Act, you are notified that Schedule 2 outlines the provisions of Act conferring to our right of review of the determination and your right of appeal against the determination.

Yours sincerely,

Gemma McMahon  
Coordinator, Compliance

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All correspondence should be directed to: General Manager P.O. Box 220 Maitland NSW 2320

## Schedule 1: Conditions of approval

### Conditions of Approval to Operate an On-Site Sewage Management Facility

It is a requirement of the Local Government Act 1993 that an owner has both an approval to install, and a separate approval to operate, a system of sewage management.

#### *Reason for Conditions*

The objectives of the following are to ensure that a safe and healthy environment is maintained at all times for both occupants of the premises and the local environment.

#### *Operation of septic tank system and absorption trench / transpiration area*

1. Discharge of sewage management facility strictly limited to its related effluent application area:

*The septic tank and absorption trench / transpiration area must not discharge effluent into any watercourse or onto any land other than its approved effluent disposal area.*

2. Location of on-site waste management system not to be altered without approval:

*The septic tank and absorption trench, including any associated effluent disposal area shall be located in its approved position on the site and shall not be altered or relocated without the prior approval of Council.*

#### *Health and Environment*

3. System not to interfere with residential amenity:

*There is to be no interference with the residential amenity of the area by reason of the emission of any noise, smell, or discharge of effluent.*

4. Effluent run-off and disposal not to be to adjoining property, public places or reserves:

*There shall be no effluent water run-off from the allotment to adjoining properties, public places or reserves. Discharge or run-off into stormwater easements or other drainage channels is strictly prohibited. All effluent must be disposed of within the approved effluent disposal area.*

5. Maintenance of the effluent disposal area with vegetative cover:

*The owner shall maintain any effluent disposal area with adequate vegetative cover, eliminate weeds and maintain suitable plants and shrubs.*

6. System to be maintained to be free of nuisance:

*The wastewater treatment system is to be maintained at all times free of nuisance in accordance with conditions of approval.*

7. Low phosphorus/nitrogen detergents:

*Low phosphorus and low nitrogen detergents should be used to minimise nutrient loading on the effluent disposal area.*

#### *General Conditions of Approval to Operate*

8. Standards of operation:

*The system of sewage management must be operated in a manner that achieves the following performance standards:*

- a) *The prevention of the spread of disease by micro-organisms*
- b) *The prevention of the spread of foul odours*
- c) *The prevention of contamination of water*
- d) *The prevention of degradation of soil and vegetation*

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- e) *The discouragement of 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 minimisation of any adverse impacts on the amenity of the premises and surrounding lands*
- h) *If appropriate, provision for the re-use of resources (including nutrients, organic matter and water).*

9. Operate in accordance with relevant specifications:

*The wastewater treatment system must be operated in accordance with any relevant operating specifications and procedures, the Certificate of Accreditation issued by NSW Health and conditions of consent.*

10. Maintenance of sewage management facilities:

*The wastewater treatment system must be maintained in a sanitary condition and must be operated in accordance with the relevant provisions of the NSW Local Government (General) Regulation, 2005 (as amended).*

11. Operator of system to provide details of operation and evidence of compliance:

*The person operating the wastewater treatment system must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of the Local Government (General) Regulation, 2005 (as amended) and the conditions of approval, whenever the Council reasonably requires the person to do so.*

12. Repair and maintenance to be carried out by licenced person:

*The repair and maintenance of plumbing and drainage lines associated with the wastewater treatment system, shall be carried out by persons licenced by the NSW Fair Trading.*

13. System failures:

*Council shall be notified of any failure of on-site sewage management systems that may result in pollution, risk to public health or environmental contamination.*

14. Tank pump out:

*Effluent and septage (sludge) removal shall only be carried out by effluent removal companies holding a current discharge license issued by Hunter Water Corporation.*

15. Grey water:

*Grey water (including effluent from washing machines, hand-basins or showers) shall not be discharged to any other location other than the approved on-site sewage management facility unless otherwise approved by Council.*

16. Inspections:

*Council may carry out inspections of on-site sewage management systems, without prior notification, so as to determine compliance with the approval, or in response to complaint received by Council concerning the operation of the on-site sewage management system. Fees may be charged for these inspections in accordance with Council's applicable fees & charges. Where an inspection is conducted and there is no-one at home at the time, Council's officer will not attempt to enter the property beyond the provisions of the officer's delegation. A Council 'call-me' sticker with the officer's details will be left in a prominent position to which the owner of the property is required to respond. A suitable time to enable Council's officer to perform re-inspection will then be arranged.*

*It is the responsibility of the property owner to ensure the property is rendered safe from any obstructions or dangers which would hinder the inspection of the on-site sewage management system. This includes appropriate securement of dogs or any other animals. Photographic evidence may be taken if deemed necessary.*

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**ADVISORY NOTE**

A person who purchases (or otherwise acquires) land on which any sewage management facilities are installed may operate a system of sewage management without the approval required under the Local Government Act for the period of three (3) months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).  
Further, if the person duly applies, within the period of two (2) months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of management without approval until the application is finally determined.

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