



13 May 2016

Natasha Harras
Team Leader, Modification Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Contact: Ms Janine McCarthy
Our Ref: 25170 - AD2016/024673
Your Ref: MP 09_0090 MOD 1

Dear Ms Harras

Proposed Section Modification to Ammonium Nitrate Emulsion Production, Orica Australia Pty Ltd, Project 09_0090 MOD 1, 1151 George Booth Drive Lot 2 DP 809377, Richmond Vale

I refer to your letter dated 2 May 2016 notifying Cessnock City Council of a request to modify the project approval for the Ammonium Nitrate Emulsion production facility as stated above.

Council has reviewed the information associated with the proposed modification and is satisfied that the project is one of low impact that is capable of being suitably controlled by conditions of consent. On the basis of the exhibited material, Council has no objection to the proposal.

Whilst Council does not recommend specific conditions of consent, the proponent should note that the cooling tower will need to be registered with Council under the *Public Health Act 2010* (Division 2 – Legionella Control) and that, under this act, the tower will need to be chemically dosed and regularly serviced. Attached is an information sheet for Legionella control, for reference, if further information is required, please refer to NSW Health website via the following link: <http://www.health.nsw.gov.au/environment/legionellacontrol/Pages/default.aspx>.

If you require any further information, please do not hesitate to contact Council's Development Services Manager, Ms Janine McCarthy on telephone 02 4993 4254 or via e-mail janine.mccarthy@cessnock.nsw.gov.au.

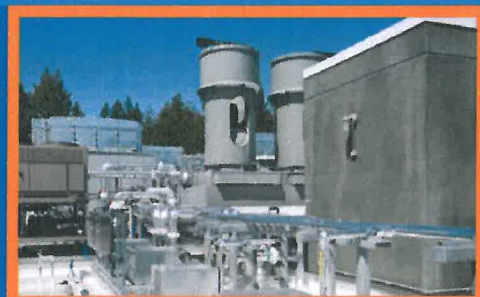
Yours faithfully

Gareth Curtis
Director Planning and Environment

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Legionella control

The *Public Health Act 2010* and the *Public Health Regulation 2012* commence on **1 September 2012**. To support implementation of the *Act* and *Regulation*, a series of Information Sheets has been developed to outline the key requirements in relation to particular areas. Visit the NSW Ministry of Health webpage at www.health.nsw.gov.au/phact for more information on the *Act* and *Regulation*.



What is the definition of a 'regulated system' for Legionella control purposes?

Under the *Public Health Act 2010* and *Public Health Regulation 2012*, a regulated system is defined as any of the following:

- an air-handling system, a system designed to direct air in a positive and controlled manner to and from specific enclosures by various means,
- a hot water system, which heats and delivers water at a temperature of at least 60°C to each outlet point,
- a humidifying system, for adding moisture to air in order to raise its humidity,
- a warm-water system which heats and delivers water at a temperature of less than 60°C at each outlet point, or
- a water-cooling system, which is a device for lowering the temperature of water or other liquid by evaporative cooling such as a cooling tower.

However, the *Act* and *Regulation* do not apply to:

- a regulated system (other than a water-cooling system) installed in a private dwelling,
- a warm-water system that is installed in any premises other than a hospital (which is defined to include a nursing home), or
- a water-cooling system installed in any premises and used solely for making snow.

Who do the requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012* apply to, in relation to regulated systems?

The requirements of the *Act* and *Regulation* in relation to regulated systems apply to the occupier of premises where the regulated system is installed.

The requirements also apply to a contractor, known as a duly qualified person, who is engaged to install, operate or maintain the regulated system. This includes cooling tower operators and service personnel.

Why has the legislation related to regulated systems been revised?

The revised *Regulation* is designed to better protect public health and has been updated to reflect contemporary references and practices.

The *Regulation* will also allow more streamlined and flexible enforcement practices and the penalties for breaches have been significantly increased.

The new *Regulation* replaces the *Public Health (Microbial Control) Regulation 2000*.

Legionella control

What are the key requirements under the new legislation for the occupier of premises where a regulated system is installed, and/or for the duly qualified person engaged to operate and maintain the regulated system?

An occupier of premises at which a regulated system is installed, and/or the duly qualified person engaged to operate and maintain the system, will be required to comply with the Act and Regulation. These requirements include:

- Notifying the local council of the existence of water-cooling systems and warm-water systems. Councils may charge a notification fee
- Ensuring that all regulated systems are installed, commissioned, operated and maintained in accordance with requirements prescribed in the Regulation
- Following the provisions of Australian / New Zealand Standard AS/NZS 3666:2011 *Air handling and water systems of buildings* which are adopted for some of the prescribed requirements of the Regulation
- Ensuring all water-cooling systems are equipped with a disinfection procedure designed to control microbial growth that is certified annually by a competent person and that is in operation at all times.

Which parts of the Act and the Regulation relate to an occupier of premises at which a regulated system is installed?

Public Health Act 2010 Division 2, Sections 26 to 33

Public Health Regulation Part 2, Clauses 4 to 13

You can view the Act and the Regulation online at:
www.legislation.nsw.gov.au

Where to go for further information

If you will be affected by the commencement of the *Public Health Act 2010* and the *Public Health Regulation 2012*, and you want further information, you can:

- Contact your industry association
- Contact your Council
- Contact your local Public Health Unit
- Visit the NSW Ministry of Health webpage for Environmental Health

<http://www.health.nsw.gov.au/publichealth/environment/index.asp>

- Visit the NSW Ministry of Health webpage for the *Public Health Act* and *Public Health Regulation*

www.health.nsw.gov.au/phact