

On-Site Sewage Management

Policy | Planning and Development

The purpose of this policy is to provide a framework for effective on-site sewage management that is consistent with the relevant legislation and guidelines and that minimises the risks that may affect the environment and public health.

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Responsible Director:	Director Planning and Infrastructure		
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1 Background

1.1 Title of the Policy and Commencement Date

The On-Site Sewage Management Policy takes effect upon adoption by Council.

1.2 Purpose of the Policy

The purpose of this policy is to outline the framework:

- To manage and regulate on-site sewage management systems in the Singleton LGA and to ensure community accountability.
- To assist Council in the prioritising of resources for efficient regulation and monitoring of on-site sewage management, taking into account the risk rating associated with systems.
- To co-ordinate data collection, system approval, monitoring and environmental assessment.

2 Objective

2.1 Objectives and Coverage of the Policy

The Singleton On-site Sewage Management Policy provides a framework to allow Council to regulate and manage the installation, operation and maintenance of all on-site sewage management systems with the objectives of:

- Protection of Groundwater: On-site sewage management systems should be selected, sited, signed, constructed, operated and maintained to ensure that ground water will not be contaminated by any flow from either the treatment systems or land application areas.
- Protection of Surface Water: On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that surface waters are not contaminated by any flow from either the treatment systems or land application areas (including effluent, rainfall run-off and contaminated groundwater flow).
- Protection of Land and Vegetation: On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that land is not contaminated by any flow from treated systems, effluent, rainfall run-off or contaminated groundwater flow. Therefore, the systems should not cause deterioration of land and vegetation quality through soil structure degradation, salinisation, waterlogging, chemical contamination or soil erosion.
- Prevention of Public Health Risk: Sewage contains bacteria, viruses, parasites and other disease-causing organisms. Contact with effluent should be minimised or eliminated, particularly for children. Insects and vermin can also act as vectors for disease where they have access to effluent. Residuals, such as composted material, should be handled carefully. Treated sewage should not be used on edible crops that are consumed raw.
- Maintaining and Improving Community Amenity: On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that they do not unreasonably interfere with quality of life. Where possible,



such systems should enhance the local amenity – special consideration should be given to aesthetics, odour, dust, vectors and excessive noise.

- Ensuring maximum re-use of resources consistent with other objectives: The resources in domestic wastewater (including nutrients, organic matter and water) should be identified and utilised as much as possible within the bounds posed by the other performance objectives; water conservation should be practised and wastewater production should be minimised.
- Ecologically Sustainable Development: On-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that the principles of Ecological Sustainable Development, impacts directly on any consideration of on-site sewage management. When considering using any on-site sewage management system, particular attention should be paid to the cumulative effects of multiple systems operating within a catchment, and within the wider environment.

3 Application

3.1 Application of this Policy

This policy applies to all owners and operators of on-site sewage management systems within the Singleton Local Government Area.

4 Definitions

For the purposes of this policy:

Term	Meaning
Aerated Wastewater Treatment System (AWTS)	An oxygenated sewage treatment process typically involving: settling of solids and flotation of scum; oxidation and consumption of organic matter through aeration; clarification - secondary settling of solids, and disinfection of wastewater before irrigation
Approval to Install	An approval granted by the Council to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility in accordance with Section 68 of the <i>Local Government Act, 1993</i> .
Approval to Operate	An approval granted by the Council that requires owners/occupiers to manage their on-site sewage management system in accordance with the conditions of approval issued under section 68 of the <i>Local Government Act, 1993</i> .
Disposal Field	In relation to an on-site sewage management facility, means the area of land (if any) (a) where it is intended to dispose of the effluent and any by-products of sewage from the facility, or (b) to which the effluent and by-products are intended to be applied



Term	Meaning
Environmentally Sensitive Area	<p>1. As defined within the Environmental Planning and Assessment Regulation, 2000:</p> <p>(a) Land identified in an environmental planning instrument as an environment protection zone such as for the protection or preservation of habitat, plant communities, escarpments, wetlands or foreshore or land protected or preserved under <i>State Environmental Planning Policy No 14 – Coastal Wetlands</i>, or <i>State Environmental Planning Policy No 26 – Littoral Rainforests</i>, or</p> <p>(b) Land reserved as national parks or historic sites or dedicated as nature reserves or declared as wilderness under the <i>National Parks and Wildlife Act 1974</i>, or</p> <p>(c) An area declared to be an aquatic reserve under Division 2 of Part 7 of the <i>Fisheries Management Act 1994</i>, or</p> <p>(d) Land reserved or dedicated within the meaning of the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or</p> <p>(e) Land declared as wilderness under the <i>Wilderness Act 1987</i></p> <p>OR</p> <p>2. Any land and area:</p> <p>a) within 100m of a natural waterbody, wetland or coastal dune field, or</p> <p>b) with a high watertable, or</p> <p>c) with highly permeable soils, acid sulphate, sodic or saline soils, or</p> <p>d) within a drinking water catchment, or</p> <p>e) within the water catchment area of an estuary where the entrance to the sea is intermittently open</p>
Effluent	Liquid which has passed through a treatment system
Human Waste Storage Facility	Means a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet
LGA	Local Government Area
On-site Sewage Management System	Includes all types of human waste storage and treatment facilities, e.g. septic tanks, cesspits, compost toilets, urinals. Also includes the wastewater application (dispersal) area, e.g. absorption trenches, irrigation fields.
Operate a System of Sewage Management	Means hold or process, or re-use or otherwise dispose of, sewage or by-product of sewage (whether or not the



Term	Meaning
	sewage is generated on the premises on which the system of sewage management is operated). This includes: (a) use artificial wetlands, transpiration mounds, trenches, vegetation and the like in related effluent application areas; (b) hold or process sewage that is to be subsequently discharged to a public sewer
Sewage	Includes effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap
Sewage Management Facility	Means: (a) a human waste storage facility, or (b) a waste treatment device intended to process sewage, and includes a drain connected to such a facility or device
The Act	Means the <i>Local Government Act, 1993</i>
The Regulation	Means the <i>Local Government (General) Regulation 2005</i>

5 Approval to Operate

5.1 Registered Systems

Registered systems will be monitored in accordance with Council's routine inspection program. The program has been developed around system categorisation on a low to high risk basis. Complaints received by Council or non-compliance with conditions of an approval to operate may prompt Council to undertake inspections ahead of the next scheduled inspection.

Any owner not satisfied with their assigned risk rating may request a review in writing prior to renewal of their approval. This may result in a change to the frequency of routine Council inspections. Current approvals to operate will be automatically renewed at the beginning of each financial year, unless otherwise indicated by Council.

5.2 Unregistered Systems

It is a requirement under Section 68 of the *Local Government Act, 1993* for all pre-existing system owners to have a current approval to operate for their system. Owners without a current approval must apply for an approval to operate with Singleton Council.

To implement this approval process:

- Once Council receives an application with sufficient information, applicants are entitled to continue to operate the system until the application is finally determined.
- An approval to operate an on-site sewage management system will be issued with conditions attached. These conditions outline standard operating requirements and procedures for the style of system in use on individual properties and the owners'



responsibilities with the operation of that system. Approvals issued prior to an inspection of the system would be known as an interim approval.

- An inspection will be carried out to assign a risk rating to the pre-existing system. Works to a pre-existing system or the upgrade/replacement of a failing system may be required in certain instances where the system does not meet the performance objectives.
- Council may modify the conditions and risk category of the sewage management approval following a site inspection where site and system conditions demonstrate compliance or non-compliance with the performance objectives of this policy. These conditions may be modified pursuant to Section 109 of the *Local Government Act, 1993*.

5.3 New Systems

Construction or alteration of a waste treatment device or human waste storage facility requires approval to install in accordance with the *Local Government Act, 1993*. To operate the system is an activity prescribed by the regulations thus also requiring approval under the Act.

The matters to accompany an application for approval to install, alter or construct an on-site sewage management system are prescribed under the Local Government (General) Regulation 2005; these matters can be viewed in **Appendix A**.

Each application will be assessed by Council in accordance with AS/NZS 1547-2012. Council must also consider the Environment and Health Protection Guidelines and performance objectives contained in these Guidelines. Council must also consider any matter specified in guidelines or directions issued by the Director-General. Pressure Sewer Systems attached to Council's sewer network will still be approved in this manner until Council's Draft Local Approvals Policy is adopted at which time they will become exempt development.

The fee schedule for installation approval and inspections is additional to the fee for the Application for Approval to Operate and the issuing of the Approval to Operate at the final inspection. The Approval to Operate shall only be issued after the final inspection on the provision that the specifications and any installation conditions are complied with. Any new system shall not be used until council has issued an Approval to Operate in writing. New systems will be registered and inspected at a frequency according to the assigned risk classification.

5.4 Renewal of Approval to Operate

Approvals to operate will be renewed automatically at the beginning of each financial year under the same conditions as the original approval, unless otherwise indicated by Council. Owners will be forwarded a notice of the annual renewal at the commencement of each financial year.

An approval to operate an on-site sewage management system is personal (ie: it does not apply to the land, it is issued to the owner) and responsibility for performance rests with the owner not the Council. Council is currently notified of transfer of ownership by The Land Titles Office and the rate notices are updated monthly. Property File numbers will be matched with the existing database and new owners will be forwarded an Approval to Operate an On-site Sewage Management System accordingly.

Under the Regulation, Reg. 47, provides that a person who purchases land on which any sewage management facilities are installed may continue to operate such a system without the approval so required (whether or not an approval is in force) for a



period of three months from the date on which the property is transferred. Further, if the person duly applies, within the period of 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 sewage management without approval until the application is finally determined.

New owners will be required to hold a current approval and pay the required fees attached to this renewal each period, as is the case with all holders of ongoing approvals.

Approval to Operate for owners of pressure sewer systems connected to Council's sewer network will be given upon final inspection of the installation of the system until Council's Draft Local Approvals Policy is adopted which will exempt these systems from obtaining an Approval to Operate.

5.5 Monitoring Program

Council has developed a monitoring program for all registered systems to ensure these systems meet the environmental and health performance objectives set out in this policy and in the Environmental and Health Protection Guidelines over the long term. This program will involve the monitoring of existing service documentation and on-site inspections.

At present there are approximately 4000 on-site sewage management systems in the Singleton LGA. To carry out effective and ongoing inspections of this number of systems Council will classify all systems into risk categories. Inspections will then be carried out at an interval appropriate to the individual systems risk rating.

Owners and Operators Responsibility

It is the responsibility of the owner or occupier of the premises to ensure that on-site sewage management systems are designed, installed and managed, so that environmental nuisance/damage does not occur and there is no increased risk to public health from the operation of the system.

Owners should also ensure that other occupiers of the premises are also aware of the systems operation and maintenance. If a system fails for any reason householders should report this to Council so that Council is aware of action taken to address the problem and can provide input if necessary.

Expectations

Inspections will be undertaken to ensure that on-site sewage management systems are operated in accordance with:

- Conditions specified in any Council approval.
- The performance standards set out in the Regulations.
- The objectives of this policy.

Process

The following processes will be implemented to ensure that both existing and proposed systems are adequately supervised:

- Inspections to be carried out on newly installed/altered systems as part of the s68 approvals process and risk rating assigned.
- Inspections to be carried out for pre-existing unregistered systems and risk rating assigned.



- Routine inspections of registered systems to be carried out in accordance with the inspection program.
- The database of all on-site sewage management systems will be maintained.
- Reclassification of the risk rating of systems operated in such a way that they continually achieve the performance standards set out in the Regulations. In the event that an installation does not achieve those performance standards it will be reclassified to a higher risk category.

Where necessary, Council will:

- Require the upgrading of on-site sewage management systems only where it is seen that those systems are incapable of meeting the performance standards set out in the Regulation.
- Levy fees in respect of applications for approvals to install, alter and operate and the inspections of systems conducted by Council. Such fees will be set annually in conjunction with Council's annual budget and would be advertised as required prior to formal adoption.
- Provide limited advice to the owner or operator on options for maintenance or repair of a faulty system. Generally, owners and operators should seek the services of waste water professionals. Council will allow a reasonable time to undertake works on system improvement based on consideration of the immediate public health and environment risks.
- Require connection to the sewer where available. Pressure sewer systems attached to Council's sewer network are to be approved and installed and attached to Council's sewer as they currently are, but upon adoption of Council's Draft Local Approvals Policy they will be exempt development and will not form part of this On-Site Sewage Management Policy.

Risk Categorisation

This On-Site Sewage Management Policy introduces a program of risk assessment. All on-site sewage management systems within the Singleton LGA are categorised according to the degree of risk of each installation. In this regard it is intended to provide for three categories of risk with those categories being high, medium, and low. This system ranks the installations in terms of their likely impact on the particular issues set out in the objectives of this policy. The allocation of premises or installations to risk categories will depend upon an assessment, by Council, of the combined effects of all relevant issues related to an installation.

In order to encourage appropriate management and maintenance of on-site sewage management systems, Council intends to provide for the re-categorisation of systems from the high to medium risk categories. This may involve re-categorisation of on-site sewage management system from high risk to medium risk, where the continuing operation of a particular system has been shown, to Council's satisfaction, to be in accordance with the performance objectives set out in this policy. Similarly medium risk systems whose continuing operation has been shown, to Council's satisfaction, to be in accordance with the performance standards set out in policy may be re-categorised to low risk. Council may increase the risk rating of any on-site sewage management system after inspection if that inspection reveals that more frequent monitoring of that system is required.

When an on-site sewage management system has been assessed and allocated to a category of risk by Council, any owner who believes that such allocation is not appropriate may apply to Council to have the risk assessment reviewed. Such a review



may or may not involve the carrying out of a site inspection of the system and will involve the payment of an inspection fee to Council. The level of a fee for a risk assessment review will be determined annually by Council in conjunction with the fixing of its annual fees and charges.

In the normal course of events Council will carry out re-categorisation automatically and will advise the owners concerned in writing. The ranges of indicative criteria, which are used by Council Staff when undertaking risk assessments, can be found in **Appendix B**.

Inspection Program

Council has developed a routine inspection program to ensure that the objectives of this policy are achieved. The level of risk that is allocated to a system will determine the frequency of inspections. The higher the risk rating assigned to a system the more frequently it will be subject to routine Council inspections. Council will inspect each individual system a maximum of once per year unless reinspections are required.

Systems brought to Councils attention as operating without an Approval to Operate (unregistered), or operating outside of the conditions of an Approval to Operate or systems that are the subject of a complaint may be reprioritised within the inspection schedule.

Unsatisfactory Inspections

During the course of the inspection program or as a result of complaint investigations, an on-site sewage management system may be deemed unsatisfactory in one or more areas of its operation. Council will request works to be completed by a specified date in order to ensure the correct operation of the system. A re-inspection will occur on the specified date in respect of these works. An inspection fee will be charged for the initial re-inspection. Should one or more of the works not have been completed during the re-inspection, a fee will be charged for each subsequent inspection until the works have been completed. Council may also elect to undertake enforcement actions. The powers available to Council in ensuring compliance with this policy can be viewed in **Appendix C**.

Where necessary, Council will:

- Use the register to ensure that service providers have inspected aerated waste treatment systems as required and that a copy of the report from those inspections has been submitted to Council.
- Where Council or a nominated agent determines that the owner or occupier of a system deliberately or wilfully has altered any part of the system to cause pollution of the environment, Council will consider issuing a Clean-Up Notice under the *Protection of the Environment Operations Act, 1997* and the pursuit of other appropriate legal action if necessary.
- Where Council considers that there is an immediate threat to public health or the environment, a Clean Up or Prevention Notice may be issued.
- Where inspection requirements and maintenance certificates have not occurred by the due date, send reminders to owners / occupiers.
- Where inspection requirements or maintenance certificates continue to be outstanding Council will visit the site and conduct an inspection, and/or serve a notice/order under the *Local Government Act, 1993*.



- Where a notice or order has been issued, and is not complied with by the due date, Council will consider issuing a Penalty Infringement Notice or taking other appropriate legal action.

Responding to Complaints

A member of the community who believes the operation of an on-site sewage management system is not meeting the objectives set out in this policy may lodge a customer service request with Council for investigation. Council has the responsibility to regulate the operation of on-site sewage management systems to minimise risks to public health and the environment.

Council will investigate complaints relating to system failures irrespective of the priority area. The investigation may replace the next scheduled inspection for a system subject to a complaint and where as a result of that investigation Council requires the owner/operator to take action. Changes may also be made to the risk categorisation of any system as a result of any complaint investigation.

Decommissioning of Existing On-site Sewage Management Systems

As reticulated sewage is made available in some areas and premises connect to the sewer, existing septic tanks, collection wells and AWTS become redundant. These on-site sewage management systems may be demolished or reused as on-site storm water storage vessels. There is also potential for these systems to be sold second hand or reinstalled. However, under no circumstances, are septic tanks, collection wells, AWTS or other sewage management facilities to be re-used as vessels for holding water for internal household domestic purposes where people may come in contact with it.

Where it is feasible to reuse a septic tank, collection well, or AWTS there are several precautions that need to be observed to ensure there is minimal danger to public health. The reuse and/or removal of a septic tank, collection well or AWTS shall only be carried out after the premises are connected to sewer or an approved alternate sewage management facility.

To ensure that the redundant on-site sewage management systems are decommissioned in a way that does not cause any future public health, safety or environmental problems, the existing on-site sewage management system is to be decommissioned by a licenced service provider in accordance with the requirements of NSW Health Advisory Note 3 (Revised January 2017) - Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF). Council should be notified of decommissioned systems and may request evidence demonstrating compliance with NSW Health Advisory Note 3 and/or schedule an inspection to ensure the system has been appropriately decommissioned.

5.6 Fees and Charges

Council's on-site sewage management functions usually relate to specific premises which are charged a fee for approvals, renewal of approvals and inspections conducted by Council. These regulatory fees, which are levied under section 608 of the *Local Government Act 1993*, aim to recover the costs associated with ensuring the long term environmental and public health objectives of this document. An overview of fees and charges are outlined in **Table 1**.



Application Fees

The initial application fees for new or altered systems should be forwarded with the section 68 application form.

Inspection Fees

Service fees allow Council to take account of the varying costs of supervision and service support for different types of premises and different operating circumstances.

The inspection fees provide for:

- Consideration of all relevant issues when approving the installation or operation of on-site sewage management systems, particularly environment and health issues, both within the site and on a catchment wide basis.
- Determination of site and system specific conditions for an approval to operate an on-site sewage management system.
- Ensuring that approval conditions are complied with by appropriate monitoring or auditing.
- Ongoing education on issues including:
 - The statutory responsibilities of owners or operators
 - The health and environmental risks associated with system use
 - Specific issues related to the system installed.
- Implementation and regular review of an on-site sewage management policy.

This policy proposes that routine inspection fees will be charged according to the level of risk involved with each system. Fees associated with the on-going routine inspections of medium and low risk rated systems will not incur an inspection fee unless the system is deemed unsatisfactory. In such instances a fee will be charged for each follow-up inspection until the system is deemed satisfactory. This ensures minimal subsidisation of inspection work by complying premises. All inspections of high risk rated systems will incur an inspection fee.

The site inspection fee will be invoiced to all properties after inspection. These fees are outlined in Councils 'Fees and Charges Schedule' which is reviewed and updated annually.

Inspection by Request Fee

This fee has been introduced to cover Council's costs in conducting inspections of properties upon request and for the issue of a report at the time the property is for sale.

Risk Assessment Review Fee

This fee applies to owners or operators who have requested a review of their systems assigned risk rating. The review will take into account system type, performance history, site constraints and an inspection of the system. If the system type, performance history and/or site constraints prevent the reassignment of the risk rating an inspection may not need to take place. In this instance the fee will be reimbursed partially or in full depending on the circumstances.

Extraordinary Costs

This may include the cost of a water sample, if required, at the time of inspection. Water sampling at individual properties will not be a usual part of the inspection, however, if such sampling is required the fee will be invoiced on a cost recovery basis.



Approval to Operate Renewal Fee

The annual approval renewal application fee is included on the annual rates notice. The fee applies to ratepayers for premises with on-site sewage management systems for ongoing service support such as work undertaken by clerical staff, monitoring of service documentation and pump-out figures, environmental auditing, complaint investigations and the provision of educational and system management advice.

An annual renewal fee applies to each separate system located on an individual property. Properties with more than one system will result in a proportionally larger fee on the rates notice.

Pensioner Rebates

The payment of fees for routine inspections of on-site sewage management systems is an additional cost to ratepayers. To reduce the impact of this system on ratepayers who receive a pension, it is proposed that routine inspection fees not be charged to owner-occupiers receiving a pensioner rebate on the Council land rates system. However, the exemption would not apply to re-inspections of unsatisfactory systems.

Exemptions to Charitable & Public Organisations

Council resolved to exempt Charitable Organisations and Public Community Halls from the need to pay on-site sewage management fees for applications for approvals to operate and for routine Council inspections.

Table 1: Fees and Charges

	Installation & Approval to Operate	Approval to Operate Annual Renewal	Routine Inspection	Reinspection for Non-compliant System
New/Altered Installation	✓	N/A	N/A	✓
High Risk Rated System	N/A	✓	✓	✓
Medium Risk Rated System	N/A	✓	No Fee	✓
Low Risk Rated System	N/A	✓	No Fee	✓

6 Relevant Legislation

- *Local Government Act, 1993*
- *Protection of the Environment Operations Act, 1997*
- *Environmental Planning and Assessment Act, 1979*
- *Public Health Act, 2010*

Including the various Regulations made under the above Acts.



7 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

7.1 Related Documents

Related documents, listed in **Table 7-1** below, are internal documents directly related to or referenced from this document.

Number	Title
ANZECC	Australian and New Zealand Guidelines for Fresh and Marine Water Quality
AS1319-1994	Safety signs for the occupational environment
AS/NZS1546.1:2008	On-site domestic wastewater treatment units Septic tanks
AS/NZS1547(2012)	On-site domestic wastewater management
AS2698	Plastic Pipes and Fittings for Rural Applications Part I Polyethylene, micro irrigation pipes Part II Polyethylene, rural pipes Part III Mechanical joint fittings for use with polyethylene micro irrigation pipes
NSW	Plumbing and Drainage Code
AS3500	Plumbing and Drainage Code as amended
AS/NZS3000:2007	Electrical installations (known as the Australian/New Zealand Wiring Rules)
AS4419-2003	Soils for landscaping and garden use
The Silver Bullet	Environment & Health Protection Guidelines: On-site Wastewater Management for Single Households (1998)
NSW Health	Advisory Note 3 (Revised January 2017) - Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)
LAP	Local Approvals Policy
LOP	Local Orders Policy
LEP	Singleton Council Local Environmental Plan
DCP	Singleton Council Development Control Plans
POL/40007	Complaint Handling Policy
POL/10065	Enforcement and Compliance Policy

Table 7-1 – Related documents



8 Responsible Officer / Policy Owner

Ownership of this policy rests with the Manager Development and Environmental Services.

9 Responsibilities

Parties or Persons	Responsibilities
Manager Development and Environmental Services	<ul style="list-style-type: none"> Ensuring the document is maintained and reviewed according to the documents requirements. Ensuring resources are allocated to effectively undertake all aspects of this document.
Health & Building Surveyors	<ul style="list-style-type: none"> Section 68 approvals process.
Environmental Compliance Officer	<ul style="list-style-type: none"> Conduct compliance activities and enforcement actions in accordance with the requirements of this document.

10 Approval

As per cover sheet.

11 Monitoring

This policy will be monitored by the Manager Development and Environmental Services to ensure compliance.

12 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

13 Last Review Date

This policy was last reviewed on 31 October 2017.

14 Record Keeping, Confidentiality and Privacy

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

15 Breaches and Sanctions

Any breaches of this Policy will be referred to the General Manager for appropriate action.



Appendix A - Matters to Accompany an Application for Approval to Install, Alter or Construct an On-site Sewage Management System

- 1) A plan, to scale, showing the location of:
 - a) the sewage management facility proposed to be installed or constructed on the premises,
 - b) any related effluent application areas,
 - c) 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,
 - d) any related drainage lines or pipework (whether natural or constructed).
- 2) Full specifications of the sewage management facility proposed to be installed or constructed on the premises concerned.
- 3) Site assessment including 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.
- 4) Statement of:
 - a) the number of persons residing, or probable number of persons to reside, on the premises;
 - b) any other relevant factors to the capacity of the proposed sewage management facility.
- 5) Operation and maintenance details of:
 - a) the operation and maintenance requirements for the proposed sewage management facility,
 - b) the proposed operation, maintenance and servicing arrangements intended to meet those requirements, and
 - c) the action to be taken in the event of a breakdown in, or other interference with, its operation.

NOTE: The owner shall provide a copy of a service contract with the manufacturer, distributor or their agents or any firm or contractor considered to be competent by the Council for servicing of AWTS units.

- 6) This clause does not apply to an application for approval to install or construct a sewage management facility on any premises if the applicant declares in the application that the system will remain on the premises less than 12 months.



Appendix B - Risk Criteria

High Risk Indicative Criteria

High-risk indicative criteria for an on-site sewage management system represent those in areas which are vulnerable and sensitive environments like villages, riverbanks, floodplains, high water table, water supply catchment area, wetlands and natural water bodies and include the following matters. That the installation is: -

- Not or in the last three (3) years has not operated in accordance with:
 - The performance objectives of this policy.
 - Any requirements of the manufacturer of any of the system's components.
 - Any conditions of accreditation imposed by the Director General of the Department of Health in respect of plans and designs for the sewage management facility.
 - Any conditions imposed by Council on any approval to install a system of on-site sewage management.

(In this respect it should be noted that Council is the authority for making the necessary determinations regarding the above issues).

- Located on a property with a total land area less than 2 hectares.
- Located on a property, which is located within a village zone or is located within 100m of dwellings or dwelling site located on adjoining land.
- Located so that any part of the system is less than 12 metres from any property boundary.
- Located so that any part of the system is located less than 100 metres from a domestic ground water well used for domestic water supply.
- Located so that any part of the system is less than 50 metres from any permanent surface waters.
- Located so that any part of the system is less than 40 metres from any other waters (eg farm dams, intermittent waterways and drainage channels).
- Connected to reticulated public water supply.
- Located in an area with a known high water table with the depth to the water table being less than 0.5 metres for surface and subsurface irrigation or less than 1.0 metres for absorption.
- Located within an area prone to flooding greater than 1 in 100-year flood.
- Located so that any part of the system is within a recommended buffer zone.
- A type of sewage management system which relies on mechanical or power driven parts to ensure its continued operation (eg AWTs, systems with collection wells whether with automatic pumps to on-site disposal areas, or pump out installations either by tanker or to a public reticulated sewer system.)
- A type of sewage management system which serves more than 20 people.



Medium Risk Indicative Criteria

Medium risk indicative criteria for an on-site sewage management system represent those in areas which are less sensitive to pollution than high risk areas and are in level areas in good soil and low housing density and include the following matters. That the installation is: -

- Operating in accordance with:
 - The performance objectives of this policy.
 - Any requirements of the manufacturer of any of the system's components.
 - Any conditions of accreditation imposed by the Director General of the Department of Health in respect of plans and designs for the on-site sewage management facility.
 - Any conditions imposed by Council on any approval to install a system of on-site sewage management.

(In this respect it should be noted that Council is the authority for making the necessary determinations regarding the above issues).

- Located on a property with a total land area between 2 and 10 hectares.
- Located so that any part of the system is between 12 and 100 metres from any property boundary.
- Located so that any part of the system is located between 100 and 250 metres from a domestic ground water well used for domestic water supply.
- Located so that any part of the system is between 50 to 100 metres from any permanent surface waters.
- Located so that any part of the system is 40 to 100 metres from any other waters (eg farm dams, intermittent waterways and drainage channels).
- Connected to a reticulated public water supply.
- Located in an area with a known high water table with the depth to the water table between 0.5 to 1 metre for surface and subsurface irrigation or between 1.0 to 1.5 metres for absorption.
- Located within an area prone to flooding in a 1 in 100-year flood.
- Located so that any part of the system complies with the recommended buffer distances.
- A type of sewage management system which relies on mechanical or power driven parts to ensure its continued operation (eg AWTs, systems with collection wells whether with automatic pumps to on-site disposal areas, or pump out installations either by tanker or to a public reticulated sewer system.)
- A type of sewage management system that serves from 11 to 20 people.

NOTE: *It should be noted that failure to comply with the performance criteria or any conditions of either the Department of Health or Council may result in the reclassification of a system to high risk.*



Low Risk Indicative Criteria

Low risk indicative criteria for an on-site sewage management system represent those in well-drained areas away from streams, waterways and groundwater supplies and include the following matters. That the system is: -

- Operating in accordance with:
 - The performance objectives of this policy.
 - Any requirements of the manufacturer of any of the system's components.
 - Any conditions of accreditation imposed by the Director General of the Department of Health in respect of plans and designs for the on-site sewage management facility.
 - Any conditions imposed by Council on any approval to install a system of on-site sewage management.

(In this respect it should be noted that Council is the authority for making the necessary determinations regarding the above issues).

- Located on a property with a total land area greater than 10 hectares.
- Located so that any part of the system is greater than 100 metres from any property boundary.
- Located so that any part of the system is located greater than 250 metres from a domestic groundwater well used for domestic water supply.
- Located so that any part of the system is greater than 100 metres from any permanent surface waters.
- Located so that any part of the system is greater than 100 metres from any other waters (eg farm dams, intermittent waterways and drainage channels).
- Located in an area with a known high water table with the depth to the water table greater than 1.0 metre for surface and subsurface irrigation, or greater than 1.5 metres for absorption systems.
- Not located within an area prone to flooding in a 1 in 100-year flood.
- Located so that any part of the system complies with the recommended buffer distances.
- A type of sewage management system which serves no more than 10 people.

NOTE: *It should be noted that failure to comply with the performance criteria or any conditions of either the Department of Health or Council may result in the reclassification of a system to medium or high risk.*



Appendix C - Enforcement

Adequate powers exist under Section 124 of the *Local Government Act, 1993*, and the *Protection of the Environment Operations Act, 1997* (POEO) to ensure compliance with this policy and to require that on-site sewage management systems have an Approval to Operate, and that these systems be maintained to an acceptable standard. Notices and Orders may be issued, where necessary, for faulty, defective, or unhealthy on-site sewage management

Council has the ability to: -

- Require action to be taken to bring an on-site sewerage management system into compliance with relevant standards or requirements (Order No.5).
- Require owners or operators to do or refrain from doing such things to prevent environmental damage or to repair environmental damage (Order No.11).
- Cease conducting an activity on a premise (such as operating an OSMS), where the activity is or may constitute a threat to public health or safety (Order No.15).
- Require action to maintain a premise in a healthy condition (Order No.21).
- Control waste on premises where the waste is not being dealt with satisfactorily (Order No.22).
- Require the connection to a public sewer, where the sewer is within 75 metres (Order No.24).
- Require owners or operators to use or not to use a human waste storage facility (Order No.25).
- Require compliance with an approval (Order No.30), where considered necessary.
- Require owners to clean-up a pollution incident (Part 4.2 POEO Act).
- Require owners to take measures to prevent a pollution incident (Part 4.3 POEO Act).

Failure to comply with an Order or Notice issued by Council may constitute an offence for which penalties apply, such as a Penalty Infringement Notice. Failure to comply with the conditions of an exemption for obtaining an approval to operate may also constitute an offence. Prescribed administration fees also apply with respect of Notices issued under the *Protection of the Environment Operations Act, 1997*.

Note that under Section 139 of the *Local Government Act, 1993* a Council order may specify work to be undertaken or may specify the standards that the premises are required to meet and require submissions from the responsible person concerning the action to be taken to meet those standards. If a person fails to comply with the terms of an order, Council may carry out the work required by the order and recover the costs from the owner as a debt (s678 of the *Local Government Act, 1993*) or Council may prosecute (s628).

Council also has the ability to issue infringement notices (on the spot fines) for offences under the *Local Government Act, 1993*, the fee being prescribed within Schedule 12 of the accompanying Regulations:

- a) Operating a system of sewage management without the prior Council Approval [s.626(3)]; and
- b) Operating a system of sewage management otherwise than in accordance with the terms of an approval [s.627(3)].

Under Section 125 of the *Local Government Act, 1993* Council may also order a person responsible for a public nuisance to abate it. This order may be given if the operation of an on-site sewage management system results in a public nuisance.

Proceedings for an offence against the *Local Government Act, 1993* or accompanying Regulations may be dealt with summarily by the Local Court (s691).

