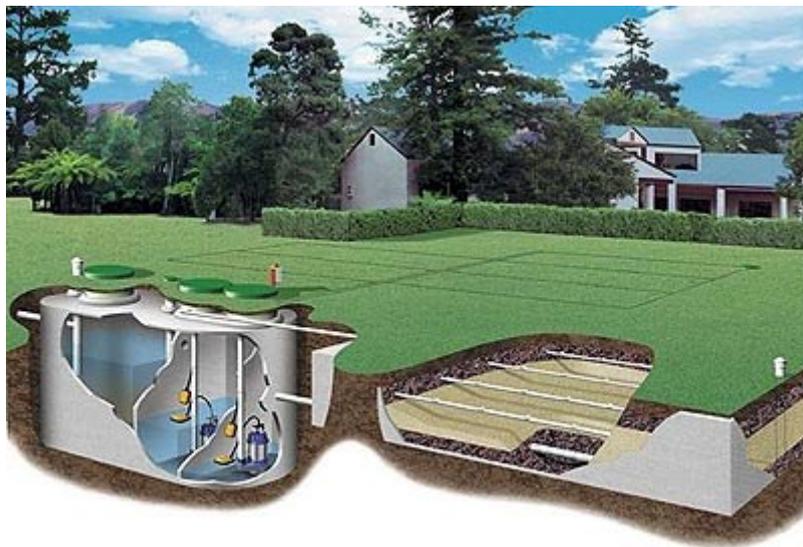


yass valley council

the country the people

On-site Sewage Management Systems Strategy (April 2019)



Yass Valley Council

209 Comur Street YASS NSW 2582

02 6226 1477

Council@yass.nsw.gov.au

www.yassvalley.nsw.gov.au

1. BACKGROUND

Yass Valley Local Government Area (LGA) is located in the Southern Tablelands of New South Wales, and covers approximately 4,000km² with the main population centred in the town of Yass, smaller villages including Binalong, Bookham, Bowning, Gundaroo, Murrumbateman, Sutton and Wee Jasper, along with a large rural population.

There are approximately 4,000 On-site Sewage Management Systems (OSSMS) within the Yass Valley which includes Aerated Wastewater Treatment Systems (AWTS), Septic Tank and Absorption Trenches and Compositing or Biological Systems.

With the population of the Yass Valley LGA projected to increase from 15,450 to about 22,785 by 2031 and the recent approval to change the minimum rural lot size from 80ha to 40ha. There is potential for the number of OSSMS to greatly increase.

The satisfactory performance of both existing and new OSSMS will depend on a number of contributing factors including age, design, installation, user loading, operation, maintenance and user knowledge. These factors must be controlled and monitored to ensure both public health and environmental protection measures are achieved.

The preparation of an On-Site Sewage Management Strategy is encouraged under the *Local Government Act 1993* and the *Protection of Environment Operations Act 1997* and their associated regulations. This legislation gives Council the discretion to develop service support and supervision models that provide for the management of the impact of sewage pollution.

Council has a responsibility to monitor not only individual system performance and take action in regard to defective systems where required, but also to manage the cumulative impact of small amounts of sewage from the many systems in the area. Council is committed to a process of continued improvement in on-site sewage management, sustainable development and better community awareness of onsite sewage management system issues within the Yass Valley.

In doing this Council has allocated resources to support a number of programs which are ongoing including, the issuing of Approvals to Operate through the Rates system, the OSSM risk based Inspection Program and general education and community awareness programs and support.

Through effective use of this Strategy, the public health and environmental impacts associated with the use of OSSM systems will be reduced.

2. PURPOSE

The purpose of this strategy is to protect public health and the environment from ineffective and failing OSSMS and to guide landholders towards sustainable on-site sewage management in the long term within the Yass Valley LGA.

These objectives will be achieved through three main processes:

1. Approvals process
2. Inspection and regulation
3. Education and community engagement

3. SCOPE

This strategy applies to all land within the Yass Valley LGA that is not connected to a reticulated sewerage system including:

- All On-Site Sewage Management Systems (OSSMS) and their Related Effluent Application Areas (REAA), designed to treat waste of a domestic or commercial nature (unless the system is required to be licensed under Schedule 1 of the *Protection of the Environment Operations Act 1997*)
- All Domestic Greywater Treatment Systems (DGTS) and Greywater Diversion Devices (GDD) where an OSSMS is installed

4. LEGISLATION & GUIDELINES

This strategy must be read in conjunction with the most current additions or revisions of the following legislation and guidelines, but are not limited to:

- *Local Government Act 1993* and *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations Act 1997* and Associated Regulation
- NSW Department of Local Government 1998, *Environment and Health Protection Guidelines: On-Site Sewage Management for Single Households*.
- *Department of Energy, Utilities and Sustainability: NSW Guideline for Greywater Reuse in Sewered Single Household Residential Premises, 2007*
- AS/NZS 1547:2012 On-Site Domestic Wastewater Management
- AS/NZS 1546.1:2008 On-Site Domestic Wastewater Treatment Units – Septic Tanks
- AS/NZS 1546.2:2008 On-Site Domestic Wastewater Treatment Units – Waterless Composting Toilets
- AS/NZS 1546.3:2008 On-Site Domestic Wastewater Treatment Units – Aerated Wastewater Treatment Systems
- AS/NZS 3500 Plumbing and Drainage
- *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Yass Valley Development Control Plan* and planning policy documents relating to development approvals

5. APPROVALS PROCESS

5.1 Context

The *Local Government Act 1993 (LG Act 1993)* and *Local Government (General) Regulation 2005* provide the legislative framework for On-site Sewerage Management Systems (OSSMS).

The *Local Government (General) Regulation 2005* sets out specific requirements for OSSM approvals including matters for Council consideration, performance standards and defines the circumstances where prior Council approval is or is not required. Part 2 of the Regulation incorporates the requirement for an Approval to Operate an onsite sewage management system. Section 68 *LG Act 1993* covers the requirements for Approval to Install or Alter a system of sewage management.

5.2 Existing Situation

Approval to Install or Alter

An application is required to install, construct or alter a waste treatment device or a human waste storage facility under s68 *LG Act 1993*.

For new development involving an OSSMS this will be issued in conjunction with a Consent or the Complying Development Certificate as part of the usual Development Application process.

For Complying Development Certificates obtained from a Private Certifier a separate s68 Approval is required.

For Exempt Development (i.e. development not requiring planning approval) a separate s68 Approval is required if an OSSMS is involved.

All applications to install, construct or alter an OSSMS must be on the prescribed form with the relevant supporting documentation as outline on Council's website and the prescribed fee at the time of lodgement. The systems must be designed in accordance with the Environment & Health Protection Guidelines *On-site Sewage Management for Single Households (Jan 1998)* ('Silver Book') and AS/NZ 1547:2012 *On-Site Domestic Wastewater Management*.

Approval to Operate

Operating a system of sewage management is a prescribed activity under s69 *Local Government Act 1993* and clause 45 *Local Government (General) Regulation 2005*. It is the activity of sewage management (not the facilities) which are subject to this approval. The design, construction and installation of sewage management facilities and land application areas is regulated by the requirement to obtain either Development Consent under the *EP&A Act 1979* or activity approval under s68 *LG Act 1993*.

Unlike Consent for the development of land, Council approval to operate an OSSMS is personal and does not run with the land. Approval to Operate an OSSMS is primarily an accountability mechanism between the individual landowner and Council. The operating conditions are specified as part of the approval to install and set the performance objectives and accountability requirements for the ongoing management and operation.

A system of sewerage management requires the landowner to take all reasonable steps to minimise the transmission of disease, pollution of water and degradation of land as a result of sewage management activity and requires the landowner to inform Council about these activities and pay fees which are charged through the rates system.

An annual application for an Approval to Operate is no longer required in Yass Valley. Following the Approval to Install an OSSMS, the Approval to Operate is now part of the annual Rates Notice process. The issue of a receipt following payment of rates (which includes the Approval to Operate fee) is sufficient for an approval. This ensures that every OSSMS owner has current annual approval.

For new systems, a completed application form for an Approval to Operate an On-Site Sewage Management Facility must accompany the application for Approval to Install an On-Site Sewage Management Facility if a current Approval to Operate does not exist.

Where a property changes hands an application for change of ownership of a property is required – there are no fees associated with this. New owners have a period of three months to inform Council of their new ownership of the system.

5.3 Key Ongoing Commitments

Council's ongoing commitments are to:

- Continue to assess applications to install/alter OSSMS in accordance with the legislation
- Continue to issue Rates Notices with the fee for an Approval to Operate an OSSMS

5.4 New Initiatives

- Electronic lodgement of an Application for s68 Drainage Approval Form 5 (including On-site Sewage Management Systems)
- List of Wastewater Consultants known to operate in Yass Valley to be provided on Council's Website

5.5 What you can do to assist

- Understand how your system operates

- Maintain the system in accordance with the manufacturer's specifications and installation requirements and any conditions of your Approval to Install

6. INSPECTION AND REGULATION

6.1 Context

The *Local Government Act 1993* and the *Protection of the Environment Operations Act 1997* provide the legislative framework for compliance of OSSMS.

Council is the Appropriate Regulatory Authority (ARA) for the enforcement and regulation of OSSMS in Yass Valley.

The *Environment & Health Protection Guidelines On-site Sewages Management for Single Households* recommends that Councils should implement a program of OSSMS audits to monitor the performance of systems and also to monitor the impact of on-site sewage management on a larger environmental scale which are assess against the Performance Standards of *Local Government (General) Regulation 2005*.

Prior to 1 July 2016 there was no system of renewing Approvals to Operate. Renewals tended to occur when:

- A property is bought and sold (provided the solicitors are aware of the need to transfer the approval)
- An organised resident seeks renewal/extension
- Council officers are undertaking inspections of on-site systems in an area

Similarly there was no programmed inspections for OSSMS and inspections were undertaken on an ad hoc, reactionary basis.

In 2016, as part of a service review, a new approvals system was introduced (i.e. approval linked to payment of rates). This system freed up resources to develop an inspection program for OSSMS.

6.2 Existing Situation

Inspections

Council's approach to inspections of OSSMS is based on risk. Inspections are targeted at high risk locations (e.g. villages) and responding to reports or complaints of poorly operating systems.

Inspections will be programmed annually as per the following table:

Area	Risk	Inspection Audit Rate
• Villages/Flood/Overland Flow Areas	High	10% of properties in this category (minimum)
• Rural Residential	Medium	5% of properties in this category (minimum)
• Rural	Low	20 Inspections (random)

In addition follow up inspections of OSSMS previously identified with problems will also be undertaken.

Reports or complaints of poorly operating systems will result in an inspection being undertaken.

Additional inspections may be undertaken as resources permit.

Enforcement

Provisions for enforcing compliance of OSSMS exist under the *Local Government Act 1993* and the *Protection of the Environment Operations Act 1997*. Council's approach to compliance is outlined in its *Enforcement Policy* and is also based on a risk approach i.e.

Risk	Response
Life threatening or significant risk to the environment	As soon as practical
Non-life threatening or non-serious risk to the environment	Within 10 working days
Council identified priority	As per program or plan

Allegations will be initially assessed to determine if investigation is warranted. Investigations will not occur if:

- (a) The matter has already been investigated and resolved
- (b) Council has no jurisdiction
- (c) The activity is determined to be lawful
- (d) The complaint is trivial, frivolous or vexatious
- (e) Too much time has elapsed between the activity and the complaint being received
- (f) There is another appropriate agency to investigate the matter

For those matters warranting investigation, those that are non-life threatening/non-serious risks to the environment will progressively escalate from 'counselling' through to formal enforcement options provided for in the relevant legislation if corrective action is not taken.

For life threatening/serious risk to the environment a stronger enforcement response (e.g. fines, emergency orders) will initially be taken to achieve corrective action.

6.3 Key Ongoing Commitments

Council's ongoing commitments are to:

- Undertake inspection in accordance with the risk rating identified for areas throughout Yass Valley
- Undertake compliance action consistent with Council's *Enforcement Policy*

6.4 New Initiatives

Nil

6.5 What you can do to assist

- Understand how your system operates
- Maintain the system in accordance with the manufacturer's specifications and installation requirements and any conditions of your Approval to Install

7. EDUCATION & STAKEHOLDER INVOLVEMENT

Context

It is important for landowners to understand how to operate and maintain their OSSMS and what the possible consequences of a faulty or poorly managed system.

Landowners should also be aware of their legal responsibilities

Existing Situation

Council provides information on OSSMS on its web site relating to:

- What is an OSSMS?
- Approval to install
- What is an approval to operate?
- Pre-purchase inspections

On-site Sewage Management Systems Strategy (April 2019)

- Maintenance and alterations
- Decommissioning

This information also provides useful links to other web based information by the Department of Health and the Office of Local Government.

Key Ongoing Commitments

Council's ongoing commitments are to:

- To maintain Council's web based information and links to other websites.
- To provide educational materials and advice when needed

New Initiatives

- Provide, free of charge, the required AWTS 'avoid contact' signs to the community stating 'Reclaimed Effluent, Not for Drinking, Avoid Contact'
- Regular social media posts

What you can do to assist

- Check out the OSSMS information on the Department of Health and the Office of Local Government web sites (e.g. *The Easy Septic Guide*)
- Understand your legal responsibilities in operating an OSSMS
- Understand how your system operates
- Maintain the system in accordance with the manufacturer's specifications and installation requirements and any conditions of your Approval to Install