



LEETON
SHIRE COUNCIL

DRAFT
ONSITE SEWAGE MANAGEMENT
POLICY
AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Manager Planning, Building and Health				
REVIEWED BY:	Group Manager - Activation				
LINK TO CSP/DELIVERY PROGRAM/OPERATIONAL PLAN:	FOCUS AREA 2 – A safe, active and healthy community – 1 Our community is safe to live in and move about – 2.2 – Take action to safeguard public health and safety – Undertake an on-site sewer management inspection program				
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REVIEW OF THIS DOCUMENT

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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1. Purpose

Councils in NSW are required to approve the operation and monitor the performance of all on-site sewage management systems (OSSMS) within their area under the *Local Government Act 1993*.

Accordingly, as per Section 68 of the Act, an OSSM cannot be operated lawfully without being given an Approval to Operate by the Local Council. An Approval to Operate is issued to the landowner and not to the property.

To achieve this outcome Leeton Shire Council has adopted the Leeton Shire Council On-Site Sewage Management Policy.

There are approximately 2,000 households in the Leeton Shire that use OSSMS for household effluent disposal. These systems vary from conventional septic systems with absorption trenches, septic tanks with evapo-transpiration disposal systems to aerated wastewater treatment systems.

The on-going level of performance of these systems also varies enormously from low risk to high risk which can result in potential serious threats to both public health and the environment. The combination of a flat topography and clay soils in many areas of Leeton Shire can create difficulties with the safe and effective disposal of effluent, especially on small lots during winter.

This Policy will allow all landowners who operate an OSSMS to be confident that their system is safe to the environment and does not cause any health issues, by establishing a protocol of approvals, inspections and management tailored to the location and particulars of each system.

This Policy is underpinned by categorising each OSSMS as a low, medium and high risk system. High Risk systems will be inspected every 3 years and medium systems every 5 years.

The objectives of this Policy are to ensure that all OSSM systems in Leeton Shire to control and dispose of domestic sewage generated on site are approved, installed and operated having regard to:

- preventing the spread of disease by micro-organisms,
- preventing the spread of foul odours,
- preventing contamination of water,
- preventing degradation of soil and vegetation,
- discouraging insects and vermin,
- 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,
- the re-use of resources (including nutrients, organic matter and water),
- the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.

The specific outcomes resulting from this Policy are to:

- Establish a database of OSSM systems operating within the Leeton Shire.
- Establish and undertake a risk based regular inspection and monitoring program to ensure that systems comply with legislative requirements.
- Work with the owners and operators of OSSM systems to raise the awareness of their responsibilities and expectations for the operation of OSSM systems within Leeton Shire.
- Ensure that Council's approval criteria for the installation of new OSSM systems and fit for purpose and meet best practice under required legislation.
- Establish an annual OSSMS Approval to Operate Charge to resource this Policy.

2. Scope

This Policy will apply to all OSSMS in the Leeton Shire that hold, process, or re-use or otherwise dispose of, sewage or by-products of sewage and are not specifically regulated under a pollution control license issued by the Environment Protection Authority.

The systems covered by this Policy will include a wide range of public, commercial and domestic sewage management facilities.

The following wastewater treatment devices are all classed as OSSMS:

- Septic tank and absorption trenches.
- Septic tank and evapo-transpiration areas.
- Aerated wastewater treatment systems.
- Septic tank to pump out.
- Dry composting toilets and grey water treatment systems.
- Wet composting toilets and subsurface application systems.
- Septic tank and constructed wetlands.
- Septic tank and soil mound systems.
- Package treatment plants.
- Any other system that stores, treats and/or disposes of sewage and wastewater on-site.

3. Roles and Responsibilities

The management of this policy will be undertaken by the Manager Planning, Building & Health.

4. Definitions

Absorption trench - a designated area where effluent is released into the soil below ground. Typically a long trench at least 10 metres long that is half filled with gravel and topped with soil which relies upon the effluent being absorbed into the ground.

Aerated Wastewater Treatment System (AWTS) - a wastewater treatment process typically consisting of:

- Primary Settling of solids and flotation of scum;
- Secondary oxidation and consumption of organic matter through aeration;
- Clarification —additional settling of solids; and
- Disinfection of wastewater before surface irrigation.
- Mechanical operation of air pumps and pressure pumps which must be serviced quarterly

AWTS require routine servicing, generally 4 times a year, in order to ensure the disinfection is working. Effluent from AWT systems may be disposed of above ground by irrigating lawns and/or garden areas.

De-sludging - Withdrawing sludge, scum and liquid from a tank by a qualified service agent licensed to transport and dispose of liquid waste

Effluent - Wastewater discharging from a sewage management facility.

Evapo-Transpiration bed - a designated area where effluent is released into the soil below ground. Typically a long shallow excavation that has a surface area of at least 100m² over which grass or other suitable vegetation is planted in order to use the effluent.

Groundwater - All underground waters.

Land Application Area - The area over which treated wastewater is applied.

Onsite Sewerage Management System (OSSM) – on site sewage management facility that typically in Leeton Shire is either a septic tank, with or without an adjacent pump out tank or an AWTS.

Pathogens - micro-organisms that are potentially disease-causing include but are not limited to bacteria, protozoa and viruses.

Septic Tank - Septic system: any kind of sewage management system that stores, treats or discharges sewage on or adjacent to the premises on which it was generated. Effluent from septic tanks must be disposed of below ground.

Sewage - the waste matter from premises normally discharged to a sewer.

5. Supporting Documents

Environment and Health Protection Guidelines: On-site Sewage Management for Single Households

These Guidelines assist Council to regulate the installation and operation of OSSM systems.

In accordance with Section 23A of the Local Government Act, guidelines may be prepared and adopted by the Office of Local Government which require Councils' consideration when exercising any of its functions.

The Guidelines address the following areas;

- The regulatory framework of Council's operations, including legislation and development planning;
- The development of a local OSSMS strategies;
- Administration and operational strategies;
- Site evaluation including the site and soil assessment; and,
- System options and the operation of OSSM systems.

Leeton Local Environmental Plan 2014

Leeton Shire Council's LEP 2014 contains several sections that are relevant to, or have implications for, sewage management systems.

Subdivision of land and the erection of dwelling houses within the irrigation areas and zoned RU1 generally requires the creation of allotments of not less than 20 ha for horticultural holdings and 150 ha for land used for agricultural purposes other than horticulture.

Land zoned R2 Low Density Residential and R5 Large Lot Residential permits the subdivision of land into allotments of not less than 4000m² and 4 Ha provided that the created allotment has an area which, in the opinion of Council, is sufficient to enable the disposal, within the curtilage of the allotment, of sillage or other water borne wastes.

Council has resolved that all new dwellings not connected to Council's sewer system must be provided with a minimum effluent disposal area of 300m² and be provided with an approved Aerated Wastewater Treatment System on allotments that are 2 hectares or smaller.

6. Legislation

Local Government Act and Regulations

The following legislative requirements apply to sewage management systems:

- Section 68 of the Local Government Act requires Council approval for the installation, construction, alteration and operation of an on-site sewage management facility. This requirement applies to sewage management systems that do not discharge directly to a public sewerage system;
- Section 124 of the Local Government Act gives Councils the authority to issue orders to rectify or cease matters of non-compliance on a number of issues relating to the operation of an OSSM system;
- Sections 626 and 627 of the Local Government Act establish the offences of operating an OSSM system without approval or in non-compliance with Council's terms of approval; and,

- The Local Government (General) Regulation sets out specific requirements for OSSM system approvals including matters for Councils consideration, performance standards and circumstances where approval is not required.

7. Policy Procedure

Council will undertake the following activities:

- Establish a database of all OSSM systems.
- Conduct a monitoring and inspection program of OSSM systems.
- Establish different risk categories based on the potential environmental and/or public health risk posed by each OSSM systems.
- Issue approvals to operate existing systems.
- Issue approvals to install new OSSM systems.
- Establish appropriate fees for the approval and inspections.

7.1 Risk Determination

Council will classify all OSSM systems as either high risk, medium risk or low risk. High risk systems are those deemed to have the highest potential for failure resulting in significant environmental and/or public health. Medium risk systems have the potential for failure with a lower risk of negative consequences to environmental and/or public health. Systems deemed to be low risk pose minimal environmental and/or public health consequences in the event of a failure.

Criteria to be used in categorising systems into the various risk categories will include:

- Location and size of land.
- System type, design, slope and condition.
- Proximity to other property boundaries and neighbours.
- Proximity to watercourses, irrigation and drainage facilities.
- Maintenance of systems and intervals of de-sludging.
- Physical condition of system and signs of leakage.
- Location in relation to domestic groundwater bore or well.

The principle risk criteria will be based on the condition of the system at the time of the inspection, receipt of any complaints from neighbours and the standard of operation. **GENERALLY** Council will apply Table 1 as a **GUIDE** when applying a risk assessment of OSSM systems. The environmental and operating criteria used to determine the risk level must be satisfied for that risk level. If this cannot be achieved the risk rating will increase.

Risk assessment factors	Level of risk						Points	Notes
	High		Medium		Low			
Area of land	20	Less than 2000m2	10	Between 2000m2-4000m2	0	More than 4000m2		
Distance to nearest artificial waterbody e.g. swimming pool, canal etc	20	Less than 10 metres	10	Between 10- 20 metres	0	More than 20 metres		
Distance to	20	Less	10	Between	0	More		

nearest natural waterbody		than 50 metres		50 -100 metres		than 100 metres		
Distance from effluent disposal area to nearest downhill boundary	20	Less than 6 metres	10	Between 6-15 metres	0	More than 15 metres		
Landfall/slope	20	Steep More than 15 degrees	10	Medium 5-15 degrees	0	Flat 0-5 degrees		
Distance to nearest domestic groundwater bore or well	30	Less than 50 metres	20	Between 50 -250 metres	0	More than 250 metres		
De-sludging	20	More than 10 years ago	10	5-10 years ago	0	Every 5 years		
Signs of leakage around disposal area or tank	30	Visible leaks, water ponding	10	Dampness, green grass growing around tank or disposal area	0	No signs of leakage, no ponding		
3 monthly service not carried out on AWTs	50	Less than 3 services per annum	20	System serviced 3 x per annum	0	System serviced every 3 months		
Total score								
Risk rating								
High risk	More than 50 points							
Medium risk	Between 30 -50 points							
Low risk	Less than 30 points							

Table 1: Generic Risk Assessment Criteria for On Site Waste Management Systems (Guide)

Once each OSSM system has been given a risk assessment, compliance inspections will be carried out at an interval which is appropriate to the system's risk category and operational status.

Generally high risk systems will be inspected at least once in every 3 years and medium risk systems will be inspected at least one in every 5 years. Low risk systems in continuous ownership will not be subject to any scheduled inspections, unless subject to a complaint. Should the complaint be verified by Council the system's risk assessment may be upgraded.

Every new system will be inspected after the first 12 months of operation to ensure that the system is operating in accordance with the approval and determine the appropriate risk category.

7.2 Improvement Works

All OSSM systems must operate in accordance with the requirements under Part 2.0 Objectives of this Policy. Owners of systems that fail to achieve the required performance standards or operating conditions will be required to upgrade their OSSM systems in accordance with Council's requirements.

7.3 New Installations

An application for approval to install or construct or alter an OSSM system must be made to Council and approved before any work may commence.

Applications must provide the following information;

- A plan to scale indicating the location of the OSSM system proposed, the effluent application areas, any buildings or facilities or environmentally sensitive areas within 100 metres of the sewage management facility or effluent application areas and any related drainage lines or pipe work.
- Full specifications of the OSSM system proposed to be installed.
- A statement of the number of persons residing or probable number of persons to reside on the premises and such other factors as are relevant to the capacity of the proposed sewage management facility.
- Details of the operation and maintenance requirements of the proposed system, the proposed operation, maintenance and servicing arrangements intended to meet those requirements and the action to be taken in the event of a breakdown in, or other interference with its operation.

7.4 Change of Ownership

The approval to operate an OSSM system is issued to the owner of the property, not to the property itself. When a property is sold the new owner is responsible for lodging a change of ownership application form with Council and paying the Approval to Operate an Onsite Waste Management system within 3 months of the date of transfer.

7.5 Fees and Charges

The fees and charges issued by Council for the approval to install and operate OSSM systems are issued to the owner/occupier of property. Fees and charges relevant to OSSM approvals and inspections are included in Council's Operational Plan – Schedule of Fees and Charges. All fees and charges are issued in accordance with Section 608 of the Local Government Act 1993.

The fee system has four separate parts:

- **Fees for Approval to Operate an OSSM system**

Council will charge an annual service fee under Section 608(2) of the Local Government Act 1993 for an approval to operate a system of sewage management. Section 107A of the Act provides that an application for an approval to operate is deemed to have been made on payment of the service fee. This fee is able to be listed as a separate item in the annual rates notice provided that the fee item and the funds when collected are separately specified and accounted for. It is noted that this is a separate service fee and is not an increase to the annual rates.

- **Fees for Performance Standard Compliance Inspections**

Council will invoice landowners each time a High or Medium Risk OSSM system is inspected. If the inspection reveals that the system is failing and requires rectification works, re-inspection fees may apply. There is no initial inspection fee for Low Risk properties however, if there are issues identified during any inspection, re-inspection fees will apply.

- **Fees for the Install of New or Alteration of Existing Systems**

Fees related to Section 68 applications and their associated inspections apply. Application fees are paid up front and further inspection fees will apply.

- **Fees for Change of Ownership**

Council will invoice new landowners to process the change in ownership. This fee includes the approval to operate for the remainder of the current financial year. If an inspection is required, inspection fees may apply.

7.6 Inspection Regime

The goal is to undertake between 40 and 60 inspections per year

8. Education

Council will undertake an educational role with an objective of raising awareness on the obligations of the owners and operators of OSSM systems. This will involve online resources and printed information that will be made available at Council offices and during inspections.