



COMPLIANCE

Policy 5.9

**ON SITE SEWAGE
MANAGEMENT POLICY**

Version 1

5. COMPLIANCE

5.9 On Site Sewage Management Policy

1. INTRODUCTION

In 1998, the New South Wales Government introduced the *Local Government (Approvals) Amendment (Sewage Management) Regulation 1998* and the “Environment and Health Protection Guidelines – On-Site Sewage Management for Single Households” to assist Local Council’s and property owners keep their on-site sewage management facilities working safely and efficiently. This was in response to studies conducted throughout New South Wales which indicated both a failure rate of up to 70% of on-site sewage management systems, and an enormous potential for unsatisfactory cumulative impacts on the environment and on public health arising from the previous ad-hoc management methods. Since 1998, the Regulation has undergone review, and the current legislative requirements are now contained in the *Local Government Act 1993* along with the *Local Government (General) Regulation 2005*.

The Lithgow City Council On-Site Sewage Management Strategy was originally adopted in 1999, with subsequent reviews undertaken in 2007, 2010, 2014, and 2021. It has been developed to assist Lithgow City Council assess, regulate and manage the selection, design, installation, operation and maintenance of all on-site sewage management systems within the Local Government Area.

The On-Site Sewage Management Strategy (now Policy) is an identified activity within Council’s Operational Plan and delivery program and is reported on in Council’s quarterly and annual reports along with the State of Environment Report.

2. APPLICATION OF THIS POLICY

This Policy applies to:

- All land within the Lithgow City Council Local Government Area (LGA) **not** provided with reticulated sewage infrastructure;
- All existing and proposed installations of on-site sewage management systems on residential premises;
- All Development Applications for new or amended/altered works on land not provided with reticulated sewage infrastructure.

This Policy is aimed at outlining the relevant guidelines for residential premises. Commercial and industrial premises require a different approach and will therefore be addresses on a case-by-case basis.

3. OBJECTIVES

The objectives of this On-Site Sewage Management Policy are:

- a) **Prevention of public health risks** – untreated sewage and effluent contains bacteria, viruses, parasites and other disease-causing organisms.
- b) **Protection of surface and groundwater** – on-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that surface waters and groundwater are not contaminated by any flow from the treatment systems or land application areas.

c) **Protection of land and soils** – on-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure that land and soils are not contaminated by any flow from the treatment systems, land application areas, effluent, rainfall run-off or contaminated groundwater flow.

d) **Conservation and reuse of resources** – 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 practiced, and wastewater production should be minimised.

e) **Protection of community amenity** - on-site sewage management systems should be selected, sited, designed, constructed, operated and maintained to ensure 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, spread of disease, and noise.

4. GOALS

The goals of this On-Site Sewage Management Policy are to:

a) Guide Council's development standards and approval criteria for subdivision, development and building to ensure that appropriate provision is made for sustainable on-site sewage management when residential development occurs in non-reticulated sewage areas;

b) Inspect and maintain a database of all on-site sewage management systems within the Lithgow City Council LGA;

c) Identify additional public infrastructure needed, for example, giving consideration to connecting un-sewered areas of townships to a centralised wastewater management facility;

d) Adopt a partnership approach with households, businesses, and service agents to support continual improvement of on-site sewage management;

e) Ensure that all on-site sewage management systems are regularly inspected by Council Officers or other qualified persons that Council may engage at intervals that will be determined through the risk assessment process;

f) To cooperate with landholders and businesses to develop site-specific sewage management plans which resolve identified problems;

g) To ensure that suitable and adequate education is provided or is available to all people involved in on-site sewage management, i.e. Council Officers, residents, business owners, and service providers.

5. LEGISLATIVE FRAMEWORK FOR APPROVALS AND MONITORING

In implementing this On-Site Sewage Management Policy, Lithgow City Council will take into consideration the following legislation, guidelines, and standards.

In the event the relevant legislation, guidelines or standards are revised or repealed post the adoption of this Policy, the revised or current document is to replace those specified in this Policy.

5.1 The Local Government Act 1993 and Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* (the Regulation) (under section 68 of the *Local Government Act 1993* (the Act)):

- a) Specifies requirements for the design, installation, alteration and operation of domestic on-site sewage management systems under section 68 and section 68A of the Act, and allows for fees to be charged under section 608 of the Act;
- b) Specifies information required to accompany an application to operate, install or alter an on-site sewage management system;
- c) Clarifies the accreditation roles and responsibilities of New South Wales Health;
- d) Describes the minimum performance criteria for the installation and operation of on-site sewage management systems;
- e) Allows for Orders to be issued under section 124 of the Act;
- f) Allows for Penalty Infringement Notices (PIN) to be issued for offences under section 679 of the Act.

5.2 Protection of the Environment Operations Act 1997 (POEO Act)

The POEO Act provided Local Government authorities with powers to investigate and issue notices. Local Council's are the Appropriate Regulatory Authority (ARA) for activities relating to on-site sewage management systems (excluding Scheduled Premises). Where an on-site sewage management system is detected to be failing, the following actions are available to Council under the POEO Act:

Clean-up Notices – are quick responses to pollution incidents. These notices incur an administration fee set by legislation. If Council spends time and money monitoring the required works, a compliance cost notice may be issued to recover all costs for environmental protection activities;

Prevention Notices – can be issued where an on-site sewage management system is operating in an environmentally unsatisfactory manner. These notices incur an administration fee set by legislation. If Council spends time and money monitoring the required works, a compliance cost notice may be issued to recover all costs for environmental protection activities;

Penalty Infringement Notices – can be issued under the POEO Act for non-compliance with Clean-up and Prevention Notices as well as any pollution incidents that may or have occurred.

Any enforcement action undertaken by Council will be guided by the procedures outlined in Council's Enforcement Policy. At all times Council aims to work with landholders to ensure the safe and efficient management of on-site sewage management systems, however some circumstances may require Council to utilise powers under the POEO Act.

5.3 Public Health Act 2010 and Public Health Regulation 2012

All human waste treatment devices must be accredited by NSW Health as listed on the Register of Accredited Sewage Management Facilities.

5.4 Environment and Health Protection Guidelines for On-site Sewage Management for Single Households 1998

These guidelines, which are called up in the Regulation and duly empowered by the application of the Regulation recommend that Council's should:

- a) Develop, implement and regularly review a Sewage Management Strategy;
- b) Consider all issues relating to approving the installation and operation of on-site sewage management systems, particularly environmental and health issues;
- c) Develop conditions of Approval to Operate for systems of on-site sewage management and specific sites;
- d) Undertake ongoing community education programs; and
- e) Implement a long-term program of inspections to monitor the performance and impact of on-site sewage management systems on the wider environment.

5.4 National Construction Code and Australian/New Zealand Standards

The following must be adhered to in the application of this policy:

NCC Volume 3 (Plumbing Code of Australia) Incorporating AS/NZS 3500.2:2018 Plumbing and Drainage – This standard is highly relevant to the licenced plumbers and installers who conduct repairs or alterations to existing on-site sewage management systems or new installations.

This standard covers the requirements for the design and installation of any plumbing and drainage;

AS/NZS 1547:2012 On-site Domestic Wastewater Management – This standard provides specific details for a range of domestic on-site sewage management systems and land application areas for all persons and agencies involved with on-site sewage management in Australia and New Zealand. This standard provides guidance for:

- System flows up to a maximum of 14,000L per week and population equivalent of up to 10 persons; and
- Site investigation, land application system design, installation, operation and maintenance to achieve sustainable outcomes and public health performance.

AS/NZS 1546 On-site Domestic Wastewater Treatment Units –

- AS/NZS 1546.1:2008 Septic Tanks – This standard is highly relevant to manufacturers of on-site sewage management systems by specifying technical means of system compliance and test specifications to achieve sustainable outcomes and satisfactory public health performance.
- AS/NZS 1546.2:2008 Waterless Composting Toilets – This standard covers the requirements for waterless composting toilets that are intended primarily as stand-alone units for residential use but may be suitable for non-residential applications.
- AS/NZS 1546.3:2017 Secondary Treatment Systems – This standard sets out the design, installation, operation, maintenance and performance requirements, means of compliance, specification for testing and associated fittings.

5.6 Other Relevant Documents

Council will also adhere to the following standards and documents in the implementation of this policy:

- AS 4419:2018 Soils for Landscaping and Garden Use;
- AS 1546.4:2016 Domestic Greywater Treatment Systems;
- AS 2698 Plastic Pipes and Fittings for Irrigation and Rural Application;
- AS/NZS 3000:2018 Electrical Installations;
- AS 1319:1994 Safety Signs for the Occupational Environment;
- Designing and Installing On-site Wastewater Systems – Water NSW Current Recommended Practice (2019);
- EPA Guideline – Use of Effluent by Irrigation (2004);
- NSW Health Septic Tank and Collection Well Accreditation Guideline (2001);
- NSW Health Sewage Management Facility Sewage Treatment Accreditation Guideline (2005);
- NSW Health Waterless Composting Toilet Accreditation Guideline (2005);
- The Neutral or Beneficial Effect (NorBE) Water Quality Assessment Guideline - Sydney Catchment Authority (2015);
- Relevant Lithgow City Council Policies.

6. TYPES OF ON-SITE SEWAGE MANAGEMENT SYSTEMS

On-site sewage management on a premises may include one or more of the following systems or elements:

- Septic tank and absorption trenches;
- Septic tank and evapotranspiration beds;
- Septic tank and collection well;
- Septic tank and constructed wetland;
- Septic tank and mound system;
- Dry composting toilet;
- Wet composting toilet and subsurface land application area/s;
- Pond system;

- Separate greywater treatment system;
- Aerated wastewater treatment system;
- Any other system designed and approved to treat and dispose of sewage.

Note: Pump-out systems are not considered a viable on-site sewage management technique and as such will only be considered as a last resort option, and generally only on sites where significant constraints or other environmental and/or public health risks exist.

7. ASSESSMENT AND APPROVAL

Council has identified the following sections as being necessary for the effective and efficient implementation of this On-site Sewage Management Policy:

7.1 Approval and Assessment of New Systems

a) Applications will be required for all new on-site sewage management systems. As part of the development assessment process, an application for installation of an on-site sewage management system, pursuant to Section 68 of the *Local Government Act 1993*, must be submitted to Council. Any approval will be issued subject to compliance with the relevant conditions of approval. Council will require that inspections are carried out when the on-site wastewater treatment system is installed and when the land application area is being prepared. All conditions of approval must be adhered to.

b) Soil testing, water and nutrient balance analysis will be required prior to the installation of any new system. This will need to be carried out by a suitably qualified and experienced person such as: a member of the Australian Society of Soil Science (Certified Professional Soil Scientist); an agronomist; an environmental scientist or engineer who is recognised by their industry body as being proficient or who has completed a suitable level of training in on-site wastewater management.

c) After the development has been completed, and prior to the development being occupied, an Occupation Certificate must be obtained from the Principal Certifier. Prior to the issue of the Occupation Certificate, Council must undertake an inspection of the completed on-site sewage management system. A satisfactory inspection advice must be obtained from Council prior to issue of the Occupation Certificate.

d) On-site sewage management systems associated with residential developments must be listed on the NSW Health Register of Accredited Sewage Management Facilities. A copy of the NSW Health Accreditation Certificate should be included with the Section 68 application for installation of the on-site sewage management system.

e) In accordance with the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP), all development applications for, or that include on-site sewage management systems, and which fall within the Sydney Drinking Water Catchment, will be assessed in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*. Such applications must demonstrate compliance with the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. This may require referral to Water NSW for assessment utilising their own Development Assessment Model.

f) After a development has been completed, and following the issue of an Occupation Certificate, Council will issue an Approval to Operate. This approval allows the owner/occupier

to operate the on-site wastewater management system. The Approval to Operate will outline the risk that the system poses to environmental and public health and will also nominate the frequency for Council reinspection. The risk classification system used by Council is outlined in section 7.2.

7.2 Assessment of Existing Systems and Categories of Risk

All on-site wastewater systems within the Lithgow City Council Local Government Area will be allocated a risk category. The three risk categories are:

- High Risk
- Medium Risk
- Low Risk

The on-site wastewater system is assigned the appropriate risk category if it satisfies **one** or more criteria. In the case where the property may fall within two categories, the **higher** risk category and associated charges will apply.

All new systems will initially be granted an Approval to Operate period of two (2) years. In conjunction with the issue of a renewal, Council will assess the performance of the system and apply an appropriate risk rating moving forward.

The criteria for each risk category are outlined as follows:

7.2.1 High Risk Systems

- Land application area less than 100 metres from permanent surface water sources or less than 40 metres from an intermittent waterway, dam, drainage channel or other water source;
- Land application area less than 250 metres from any groundwater bore or well;
- Land application area less than 6 metres (12 metres in the case of an absorption system) from an upslope property boundary;
- Land application area less than 3 metres (6 metres in the case of an absorption system) from a downslope property boundary;
- Land application area less than 6 metres from an upslope swimming pool, driveway or building;
- Land application area less than 3 metres from a downslope swimming pool, driveway or building;
- Land application area less than 3 metres from paths and walkways (surface spray irrigation only);
- Land application area less than 6 metres from an upslope or 3 metres from a downslope human activity*;
- Nil stormwater diversion installed where stormwater impact may be an issue within the land application area;
- Soil erosion is present in or near the land application area;
- Surface water is present in the land application area;
- Property is within 1% AEP flood level;
- All commercial properties (i.e. caravan parks, hotels, mines, industrial complexes, vineyards, recreational facilities etc.);
- Area of property that is less than 1 Hectare in size;
- Slope of land application area greater than 20%;
- All systems located within the village of Cullen Bullen.

7.2.2 Medium Risk Systems

- Land application area between 100 and 200 metres from a permanent surface water source;
- Land application area between 6 and 20 metres from a human activity*;
- Property is outside 1% AEP flood level;
- Area of property between 1 and 5 Hectares inclusive;
- Slope of land application area less than 20% but greater than 10%;

7.2.3 Low Risk Systems

- Land application area is greater than 200 metres from any permanent surface water sources and greater than 40 metres from an intermittent waterway, dam, drainage channel or other water source;
- Land application area is greater than 250 metres from any groundwater bore or well;
- Land application area is greater than 6 metres (12 metres in the case of an absorption system) from an upslope property boundary;
- Land application area is greater than 3 metres (6 metres in the case of an absorption system) from a downslope property boundary;
- Land application area is greater than 6 metres from an upslope swimming pool, driveway or building;
- Land application area is greater than 3 metres from a downslope swimming pool, driveway or building;
- Land application area greater than 3 metres from paths and walkways (surface spray irrigation only);
- Land application area is greater than 20 metres from a human activity*;
- Property is outside 1% AEP flood level;
- Area of property greater than 5 hectares in size;
- Slope of land application area less than 10%;
- All aerated wastewater treatment systems.

* human activity includes children's play areas, vegetable gardens, fruit trees, recreational lawn areas, and other areas where there is significant human activity.

7.3 Inspection and Approval Regimen

Existing on-site wastewater systems operating in a satisfactory manner & not in need of upgrading will be allocated a risk category as specified in section 7.2. Council will then issue an Approval to Operate for a period of time based on the risk category that has been assigned.

The terms of any Approval to Operate should facilitate effective ongoing use/performance so as to protect the environment and safeguard public health. The time in which an Approval to Operate is valid for each risk category are as follows:

- **High risk** – Two (2) years
- **Medium risk** – Five (5) years
- **Low risk** – Ten (10) years

Note: Additional inspections may be carried out at Council's discretion.

Aerated wastewater treatment systems (AWTS) are considered 'low risk' by Council and will be subject to an annual charge accordingly. These systems are required to be serviced quarterly as per the manufacturer's instructions by an approved and suitably qualified service technician

at cost to the owner. Once each service has been completed, a report or service certificate must be provided to Council within 14 days of the date of the service. Failure to provide a report or certificate to Council may result in Council inspecting the AWTS (at the owner's cost) and / or the issue of a Penalty Infringement Notice under the *Local Government Act 1993*.

7.3.1 Renewal of the 'Approval to Operate'

Prior to expiration of any Approval to Operate, Council shall remind the owner in writing to lodge a renewal application (together with the prescribed fee).

If the owner fails to apply for the renewal within the nominated period, Council shall arrange to undertake a risk evaluation of the existing system and facilitate the lodgement of the renewal application.

7.3.1 Failing Systems

In the event of failure, an existing on-site sewage management system is to be upgraded (as directed by Council) to ensure that the system is operating in a satisfactory manner.

This action is irrespective of whether the system is being operated under a current Approval to Operate or not. Once the system is compliant Council reserves the right to reissue the Approval to Operate (after payment of the appropriate fee) or allow the current approval to remain in force.

7.3.1 Complaints Process

Any member of the public is entitled to contact Council should they have concerns regarding the operation or use of an on-site sewage management system within the Lithgow Local Government Area. All complaints will be registered as a Customer Request and be subject to administrative protocols in respect to customer service delivery.

Where an inspection is conducted by Council in response to a complaint, such inspection may replace the next scheduled routine inspection and may facilitate the issue of a new Approval to Operate.

8. OPERATION AND MAINTENANCE

Prior to the operation of a new installation or altered system, an Approval to Operate must be in force.

The issue of an Approval to Operate for new or modified installations is subject to compliance with the terms of installation approval as issued by Council under Section 68 of the *Local Government Act 1993*.

Council may modify or revoke any Approval to Operate, require remedial works to be undertaken, or issue enforcement orders or penalty notices to ensure compliance therewith.

8.1 Responsibility of the Owner/Occupier

It is the responsibility of the owner/occupier of the property to ensure that the on-site sewage management system on their property is maintained and operated in a manner which does not pose undue risk to the environment or to public health.

The owner and/or occupier should be aware of the operation and maintenance requirements for their system and must ensure that the necessary service contracts are in place. Where discernible, the owner or occupier should notify Council of any system failure prior to arranging the necessary repairs or replacement of the system. The prior written approval of Council must be obtained in respect to of any proposed modifications or alterations to the system, including the effluent disposal area.

8.2 Maintenance of Septic Tanks

Septic tanks shall be de-sludged as required (normally every 3-5 years) by an licenced pump

out contractor and disposed of at an authorised facility. Desludging is required when:

- a) The scum layer is within 100mm of the bottom of the inlet square junction or tee, or the sludge layer is within 200mm of the bottom of the outlet square junction or tee;
- b) The sludge occupies the sludge allowance (1,550 litres) of the septic tank; or
- c) The total depth of sludge and scum is equal to one-third of the depth of the tank.

The desludging procedure should ensure:

- a) That sufficient water is introduced into the tank after desludging to prevent the tank from being lifted by soil hydrostatic pressure;
- b) Caution should be taken during the desludging process to protect the facility from possible collapse or displacement of internal compartments or components.

8.3 Maintenance of Aerated Wastewater Treatment Systems (AWTS)

All AWTS require servicing and maintenance at quarterly intervals (or other intervals as specified in the NSW accreditation for the system), therefore:

- a) The owner must enter into an annual service contract with a suitably qualified and experienced service provider;
- b) The service contractor is required to check or test all the mechanical, electrical and functioning parts of the AWTS (including irrigation systems) in accordance with the NSW Health Certificate of Accreditation for the specific system;
- c) At the completion of each service, a service report should be completed with a copy provided to Council within 14 days of the completion of the service;
- d) Any desludging of the primary chamber of the AWTS should be completed as per section 8.1 of this policy.

8.4 Maintenance of the Effluent Disposal Area

It is the responsibility of the owner or occupier to ensure that the effluent disposal area is managed in accordance with the relevant regulations and standards, the 'Approval to Operate On-site Sewage Management System', and conditions of the original Approval to Install issued by Council.

8.5 General Maintenance Considerations

When an on-site sewage management system is:

- a) Due to be serviced;
 - b) In need of repair;
 - c) Requiring replacement;
 - d) To be installed; or
 - e) To be altered, modified, or attended to in terms of operational adjustment
- All works may only be carried out by a person who is a qualified service technician or licenced

tradesperson where required. Written approval must be obtained from Council prior to the commencement of any works, modifications, or alterations to the system. Any replacement work must comply with the manufacturers specifications and the NSW Health accreditation for the system.

9. FEES AND CHARGES

Council charges both annual septic fees and Approval to Operate application fees as per the adopted Fees and Charges. These fees cover the some of the costs incurred whilst implementing and the ongoing management of the septic program. The fees & charges have been determined in accordance with Section 608 of the *Local Government Act 1993* and are reviewed on an annual basis.

10. REVIEW OF POLICY

Council seeks feedback from the public on ways to improve this policy and the ongoing septic program. Please address any comments or feedback in writing to:

The General Manager
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