
POLICY TITLE:	On-Site Sewage Management System Policy
FOLDER NUMBER:	F2007/00307
POLICY OWNER / DIVISION:	Planning & Compliance
POLICY OWNER / BRANCH:	Regulatory Services
FUNCTION:	Environment
RELEVANT LEGISLATION:	Local Government Act 1993 Local Government (General) Regulation 2005 Protection of the Environment Operations Act 1997
POLICY ADOPTION/AMENDMENT DATE:	REPORT NUMBER:
REVIEW YEAR:	
RELATED POLICIES:	

POLICY PURPOSE / OBJECTIVES

- To fulfil Council's regulatory responsibilities under the Local Government Act 1993 in the assessment and approval of licences for the installation and operation of on-site sewage management systems.
- To provide a framework for the licensing of on-site sewage management systems.
- To protect the public and natural environment from potential impacts associated with on-site sewage management systems.

POLICY STATEMENT

1. Hornsby Shire Council is committed to providing an integrated approach to on-site sewage management within a framework of community education, water quality monitoring, auditing, and where necessary, the use of regulatory powers by Council.
2. Council's On-Site Sewage Management System Policy aims to ensure there is effective management of on-site sewage management systems by:
 - a) Ensuring all on-site sewage management systems in the Shire have the required installation and operating approvals and are operating in accordance with approval conditions
 - b) Ensuring best practice for the installation and operation of on-site sewage management systems
 - c) Progressively eliminating illegal discharge of effluent from on-site sewage management systems
 - d) Protecting the natural environment, public health and community amenity from the impacts associated with on-site sewage management systems
 - e) Monitoring the environmental impacts from on-site sewage management systems
 - f) Taking an educational and where necessary, enforcement role, in the regulation of on-site sewage management systems in the Shire

- g) Ensuring all stakeholders are aware of their responsibilities and have access to appropriate information about their on-site sewage management systems.
3. Council's On-Site Sewage Management System Policy aims to ensure that the community is provided with an efficient, cost effective on-site sewage management licensing program which meets the needs of the stakeholders, the responsibilities of Council and the protection of the environment and public health.

LEGISLATION AND GUIDELINES

Council is guided by the following NSW legislation, Australian Standards and Guidelines in its assessment of on-site sewage management system applications and the ongoing licensing of systems:

Local Government Act 1993

The installation and operation of on-site sewage systems are regulated under the Local Government Act 1993.

Section 68 of the Act requires Council approval for the installation, construction, alteration and ongoing operation of a sewage management system. The Act also requires Council approval to install and operate greywater treatment systems and greywater diversion devices in unsewered areas.

It is an offence of the Act not to obtain approval for the installation and ongoing operation of an on-site sewage management system. It is also an offence not to comply with the terms of an Approval issued by Council for an on-site sewage management system.

The Local Government Act 1993 provides regulatory tools for Council officers to use in instances of system failures, systems without approvals, and pollution events. These regulatory tools include the issuance of Notices and Orders pursuant to Section 124 to repair defective systems, and/or do or refrain from doing things to ensure land is kept in a safe and healthy condition. The Act also contains provisions relating to monetary penalties for breaches of the Act.

Local Government (General) Regulation 2005

The Local Government (General) Regulation 2005 sets out specific requirements for on-site sewage system approvals including matters for Council consideration, performance standards and circumstances where prior council approval is not required. The Regulation also specifies the accreditation role NSW Health plays in the types of systems which may be installed.

Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 provides Council with powers to take regulatory action where on-site sewage management systems are failing and/or causing pollution. Council has powers under the Act to issue Notices where a pollution incident is being caused or where a system is being operated in an environmentally unsatisfactory manner. The Act also contains provisions relating to monetary penalties for breaches of the Act.

Environment & Health Protection Guidelines On-Site Sewage Management for Single Households

The Environment and Health Protection Guidelines were developed by the Department of Local Government in 1998. The Guidelines provide councils with tools for the effective regulation of on-site sewage management systems. The Guidelines address issues including but not limited to regulatory frameworks, the development of conditions of approval to operate on-site sewage management systems, and site assessment principles.

Other Standards/Guidelines

Other guidance documents used by Council officers to assess applications and undertake inspections of on-site sewage management systems may include:

- AS/NZS 1547 On-site domestic wastewater management
- AS 3500 Plumbing and Drainage Code
- NSW Guidelines for greywater reuse in sewer, single household residential premises
- NSW Health guidelines for on-site sewage management

AREAS COVERED BY THIS POLICY

This Policy includes all properties which contain an on-site sewage management system, as defined by the Local Government Act 1993, where sewage is not directly discharged to a public sewer, and which are not specifically licensed and/or regulated by the NSW Environment Protection Authority (EPA).

LICENSING PROGRAM

Approval to Install

All new systems must obtain an Approval to Install licence pursuant to Section 68 of the Local Government Act 1993.

Council will consider Approval to Install applications in accordance with the abovementioned legislation and guidelines and will conduct the necessary inspections to ensure the system has been installed in accordance with the approval granted.

Approval to Operate

Following installation of an on-site sewage management system to Council's satisfaction, an Approval to Operate licence is required pursuant to Section 68 of the Local Government Act 1993.

Council's Approval to Operate licence will be valid for a period not exceeding seven years and includes conditions of approval to correctly operate and maintain the system. These conditions outline the responsibilities of system owners in order to protect the natural environment and public health, and require systems to be operated in such a manner to prevent the spread of disease, the generation of insects, vermin and foul odours, the contamination of waters and the degradation of soil and vegetation.

Audits of all on-site sewage management systems will be undertaken over a seven-year period to ensure compliance with licence approval conditions.

Audits will be undertaken sequentially based on their level of risk to the environment and public health. In situations where Council's audit identifies that a system has failed and/or has the potential to cause significant environmental pollution or impact to public health, the risk level for a system may be re-evaluated. In these scenarios it may be deemed appropriate for Council to issue a lesser licensing period.

Where a change in ownership of a property occurs, an Approval to Operate licence will be issued to the new owner once Council receives information pertaining to the property transfer.

Where Sydney Water's sewer system becomes available in previously non-sewered areas, an Approval to Operate licence will not be renewed and the property owner will be required to connect to the Sydney Water sewer line.

FEES AND CHARGES

Licensing fees associated with the issuance of an Approval to Install and an Approval to Operate will be charged in accordance with Council's adopted Fees and Charges. The Approval to Operate licence will be charged as an annual levy in Council's Rate Notice.