

GENERAL MANAGER'S REPORT TO COUNCIL

(continued)

SECTION: Planning

ITEM NUMBER: Item 3

SUBJECT: Licensing of all On Site Sewer Systems

File Reference:

Reason: To commence the implementation of the Uralla Onsite Waste Water Management Strategy 2011

Objective: Successful implementation of the Uralla Onsite Waste Water Management Strategy 2011 to enable Council to meet its legislative requirements under the *Local Government Act 1993* & associated Regulation

Budget Implication: Exact costing unknown, but administration costs, inspection cost can be offset by licence registrations.

Operational Plan: PA7 Sewerage Services

Information:

Background

In 1997 there was a scare at Wallis Lake where oysters were being poisoned by waste from septic tanks. There was an outbreak of Hepatitis A linked to the contaminated Wallis Lake oysters. As a result the State Government in 1997 legislated that all on-site Wastewater Systems (also known as on-site sewerage management systems) must be licensed (Septic Tanks, Aerated Systems, Long Drops Etc.)

Uralla Council staff compiled and had approved by Council in September 2011 an Onsite Waste Water Management Strategy (the Strategy). Included in the Strategy was an enabling policy which allows Council to facilitate the management of on-site waste water systems as per the requirements of the current State legislation and the relevant Australian Standards. Council has not had the staff or the financial resources to implement the objectives of the Strategy to date. A copy of the Strategy can be provided upon request for Councillors or downloaded from Council's website.

This report is an explanation of implementation of the Strategy's objectives to allow compliance with the legislative requirements for management of on-site waste water systems.

Legislative Requirements

The *Local Government (Approvals) Regulation 1999* (the Regulations), provides the regulatory frame work and performance criteria for the installation, operation and maintenance of all on-site systems of less than 10 persons and flows of less than 2000 litres per day.

The Regulations do not fundamentally alter the existing powers and duties of the Council to regulate the installation and operation of On-site Sewage Management systems under s68 and s124 of the *Local Government Act 1993* (the LGA Act). The effect of the operating approval is to give Council new regulatory tools and to enable fees to be charged for regulatory services provided in relation to existing systems.

The Regulations enables Council to issue penalty notices under the Local Government Act 1993. Offences under Section 626(3) – to operate a sewage management system without approval and 627(3) – to operate a sewage management facility otherwise than as approved, can both incur an on the spot penalty.

There are approximately 327,000 unsewered sites or (15% of households) within New South Wales and the Regulations have been introduced to allow better control over the operation of

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existing systems and allow Councils to require appropriate designs for new systems to prevent problems, rather than reacting to events after they have occurred. Councils have been directed to formulate individual strategies and programs to facilitate improved management of these systems.

Under the Regulations Council is required to undertake routine inspections of all sewage management systems in areas identified as high risk as part of a monitoring program. The inspection regime will be:

Category	Inspection Frequency
High Risk	Annually
Medium Risk	3 years
Low Risk	5 years

Any defect or non-conformance of an aerated wastewater treatment system installation detected following an inspection carried out by Council staff or representative must be reported by Council to NSW Health.

Commercially manufactured or produced wastewater treatment units must have approval from NSW Health. A central register of NSW Health approvals of wastewater treatment devices and a register of installation approvals must be maintained by Council.

Installation, Operation & Maintenance

Effluent disposal systems must be installed as per any approved Development/On-Site Sewage Management Applications. Effluent disposal systems are not to be installed or used until the work has been inspected and approved by Council, and effluent disposal systems are not to be used until the effluent disposal area/irrigation area has been inspected and approved by Council.

Householders must have approval under s68 of the LGA Act from Council to operate a system of sewage management and maintain the renewal of this approval. All systems must be serviced and maintained in accordance with the conditions of approval to install and operate a sewage management system. Good operation and use of the system is important for protecting the overall condition of the system

Conventional septic tanks and absorption trenches are not maintenance free. Solids will build up in septic tanks over a number of years and accordingly these systems require regular desludging or pump out. After a period of years some absorption areas (particularly in dispersive soils) will fail. Resting these areas or the application of gypsum may help, however in some situations the only feasible alternative is replacement of the effluent disposal area. Replacement of absorption trenches or any other effluent area requires an application to Council for approval.

In some instances in high risk areas, Council may require the submission of a maintenance report prepared by a suitable qualified service contractor. The period for such reports will be contained in the consent(s) to operate a waste treatment device for individual properties. The service must include a check and report on:

- (a) sludge levels
- (b) scum levels
- (c) condition of the tank inlet and outlet
- (d) condition of the absorption trenches
- (e) a grease trap or pre-clarification pit if present
- (f) condition of the tank walls and lid
- (g) condition of outlet filter if installed

Maintenance is essential for the satisfactory performance of aerated wastewater treatment systems (AWTS) and composting toilets. Accordingly specific requirements apply.

A permit to install an AWTS will only be granted on the condition that the installation is inspected every three months by an approved servicing agent at the householder's expense. A report must be prepared after each inspection, with a copy forwarded to Council. A service tag or similar recording arrangement must be implemented and must be dated and signed or stamped at each visit.

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The servicing agent must be engaged to carry out necessary repair work to the installation as well as the routine cleaning and maintenance activities at the householder's expense. Any installation faults revealed in the three-monthly inspection must be repaired promptly.

Each three-monthly service must include a check on all mechanical, electrical and functioning parts of the AWTS including:

- (a) the chlorinator
- (b) replenishment of the disinfectant
- (c) all pumps
- (d) the air blower, fan or air venturi
- (e) the alarm system
- (f) the slime growth on the filter
- (g) the operation of the sludge return

Why should residents pay a fee?

The Regulations gazetted on 6 March 1998 require owners of relevant premises to apply to Council for approval to operate a system of sewage management. The Council is able to grant a renewable approval (eg a Sewage Management Licence). The grant of a renewable approval allows the Council to monitor performance on a regular basis and to recover an appropriate fee to cover reasonable costs.

Most of the costs of operating an on-site sewage management system are borne by the landowner or resident, but the Council is responsible for supervision and environmental management. Residents in sewered areas pay for supervision and environmental management through sewerage charges, which include load based Department of Environment and Heritage licence fees and other environmental management costs.

With regard to on-site sewage systems Council is to provide monitoring of effluent quality, appropriate control of effluent discharge, supervision of plumbers and service agents, education programs and practical support to assist landowners.

Council charges a fee, payable upon renewal. The renewal period will depend on the classification of the system as a high, medium or low risk, (high risk areas will require more regular inspections than systems with low risk) This determination of risk largely reflects site sensitivity and the systems threat to public and environmental health, and the operators knowledge of the required performance standards.

When site inspections are required, Council is able to levy an inspection fee. Some of the considerations in determining the approval period include:

- Size of block
- Slope
- Hydraulic load
- Vegetation coverage
- Soil type
- Distance to watercourses, drains and property boundaries
- Approved system design
- Established irrigation areas
- Surface effluent/waterlogging
- Migration of wet areas off site
- Presence of odours
- Evidence of servicing/maintenance

Any works proposed to be undertaken to alter an existing on-site system must be submitted to Council for prior approval being issued under s68 of the LGA Act.

What has Council done in the Past?

Council licensed all existing on-site sewerage management systems with no inspection being carried out to determine the risk category. Inspections have only been carried out when Council was informed of a problem, when requested by a prospective purchaser or at the time of an amendment to the system. No fee was charged for the inspection.

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Both of the previous Councils elected not to charge an initial fee for the registration and approval of existing on-site systems.

There is no Council created or maintained register for the on-site sewerage management systems within the Shire and no record is kept of the quarterly inspections carried out by qualified contractors. The contractors are required to provide Council with a copy of the quarterly inspection report. Council has copies of these reports but there are no records currently kept against the on-site sewerage management system. The licences have not been renewed when a property transfer has been completed.

Therefore provision has been made within Council's Operational Plan for the development and ongoing monitoring of the On-site Sewerage Management Strategy. Council is able to raise revenue for On-site Sewerage Management programs and services, mainly through:

- Ordinary rates for general Council administration and services.
- Special rates (include fixed-term capital rates) levied on particular parcels of land that have access to, benefit from and contribute to the need for particular programs and services.
- Charges for On-site Sewerage Management services actually provided to particular properties.
- Approved fees for services (include regulatory services) to people.
- Developer charges (levied under s64 Local Government Act and s94 Environmental Planning and Assessment Act).

Council's strategy is to apply a "user pays" system. Council's Management Plan sets down the application fee for new systems, an inspection fee, and a renewal fee where applicable.

Issues

1. Council is currently not meeting the legislative requirements under the Regulations in that:
 - a) It has no register of existing on-site sewer management systems.
 - b) The existing on-site sewerage management systems have not been classified into risk categories.
 - c) Inspections have not been carried out on existing on-site sewerage management systems to ascertain risk category and operating capability (i.e. successfully or failing).
 - d) The licensing component has not been kept current. (i.e. no new licence issued at transfer of land unless requested by solicitor, and no inspection to accompany transfer of licence, and no licence being issued after approval has been given for installation or amendment of treatment system.)
2. Council is leaving itself open to legislative ramification is there is a pollution incident relating to an unlicensed or uninspected on-site sewerage treatment system.
3. Resourcing the implementation of the Strategy and then continuing the management of the licensed on-site sewerage treatment systems as set out in the Strategy.

Implementation of the Strategy

By Council leaving the situation as it stands will result in Council being forced by the Department of Local Government to do action that may come with major financial implications. Therefore the following implementation strategy is being proposed:

1. Compilation of a register containing all known on-site sewerage treatment management systems and the current owner.
2. All existing systems be considered as currently unlicensed.
3. A registration and licensing fee of \$25.00 be charged for all known on-site sewerage treatment systems.
4. All registered systems be classified as high, medium or low risk.
5. An inspection regime be implemented, where all systems that are classified as high risk be inspected annually, medium risk inspected every 3 years and low risk

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- be inspected every 5 years.
6. An inspection fee be charged for any further inspections required after initial inspection.
 7. An immediate inspection of all high risk areas relating to village areas (particularly Bundarra) and the outskirts of Uralla be undertaken by a suitably qualified person.
 8. A procedure be developed to maintain the risk inspection regime and renewal of licensing at transfer of land.
 9. An inspection fee be charged at time of renewal of licence.
 10. A register be created and maintained to ensure that quarterly reports are received from suitably qualified contractors on aerated wastewater treatment systems.
 11. An education program be undertaken regarding the use and maintenance of all on-site sewer treatment systems.

Financial Implication

Uralla Shire Council has approximately 1800 unsewered sites within the council area, with approximately 1500 of these having on-site waste water treatment systems. The following approximate costing has been prepared to start the Strategy implementation:

Registration and Licensing of existing systems

1500 * \$25.00	\$37,500.00
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Inspections of existing systems in Village areas would cost

600 required @ 2.5 per hour equals 17.5 per day, Total days to inspect 35 days @ \$800.00 per person per day	\$28,000.00
Surplus to be used for education, flyers, etc	\$9,500.00

This does not include any administration cost including administration staff, copying, postage etc.

The current charges listed in Council's Operational Plan are:

Operators Licence	\$85.00
Inspection	\$100.00

Conclusion

Currently Uralla Council does not have any suitably qualified trained staff to deal with this issue, therefore it is suggested that a tender be prepared and advertised. It would contain the following:

1. Be for a period of 1 year only with an option of renewal for a further year.
2. Request for interested and qualified contractor's to supply tenders for the following works:
 - a) 1.5 days a week of Building Assessment, including Certifying, Building Certificates, Orders and Approvals, Section 68 Approvals, Complaints and investigations, checking of existing on-site sewerage management systems when no other work available, Food Shop Inspections within the Uralla Council area, and where required reports to Council.
 - b) The contractor must have the availability to inspect existing on-site sewerage management systems within the village areas and the outskirts of the Uralla urban area, being approximately 600 using Templates made in consultation with council officers and GPS locations that will allow data to be retrieved into Mapinfo.
 - c) All tenders should provide proof of Accreditation (BPB), Professional Indemnity Insurance (as Per BPB Accreditation), Public Liability Insurance (\$20,000,000.00), Resume with Qualifications.

After an advertising period commencing during the month of November, a further report be brought before council for letting of the tender, and with works to commence March 2013.

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Prepared For: General Manager

Recommendation:

That Council:

- a) Implement the Uralla Waste Water Strategy 2011 by:
1. Compiling a register containing all known on-site sewerage treatment management systems and the current owner.
 2. Determining that all existing systems be currently unlicensed.
 3. Charge a registration and licensing fee for all known on-site sewerage treatment systems.
 4. Classify all registered systems as either high, medium or low risk.
 5. Implement an inspection regime where all systems that are classified as high risk be inspected annually, medium risk inspected every 3 years and low risk be inspected every 5 years.
 6. Charge an inspection fee for any further inspections required after initial inspection.
 7. Undertake an immediate inspection by a suitably qualified person, of all high risk areas relating to village areas (particularly Bundarra) and the outskirts of Uralla.
 8. Develop a procedure to maintain the risk inspection regime and renewal of licensing at transfer of land.
 9. Charge an inspection fee at time of renewal of licence.
 10. Create and maintain a register to ensure that quarterly reports are received from suitably qualified contractors on aerated wastewater treatment systems.
 11. Undertake an education program regarding the use and maintenance of all on-site sewer treatment systems.
- b) Prepare and advertise a tender to request for interested and qualified contractor's to supply tenders for 1.5 days a week of Building Assessment, including Certifying, Building Certificates, Orders and Approvals, Section 68 Approvals, Complaints and investigations, checking of existing on-site sewerage management systems when no other work available, Food Shop Inspections with in the Uralla Council area, and where required reports to Council. This tender is for a 1 year provision of service with an option to extend for a further 1 year period.