

Submission

No 5

INQUIRY INTO MANAGEMENT OF DOMESTIC WASTEWATER

Organisation: Port Macquarie Hastings
Name: Mr Matt Rogers
Position: Director Development & Environmental Services
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PORT MACQUARIE
HASTINGS

Your ref: LAC11/231
Our ref: 475/2011

Mr Chris Patterson
Chair, Committee on Environment & Legislation
Parliament of NSW
Legislative Assembly
Macquarie Street
SYDNEY NSW 2000

Dear Mr Patterson

Committee on Environment and Regulation Inquiry into the Management of Domestic Wastewater

Thank you for the opportunity to make a submission to the Inquiry into the Management of Domestic Wastewater.

This submission is made in the context of the Council's role in the regulation of domestic on-site wastewater systems within the Port Macquarie-Hastings local government area. The submission addresses the Terms of Reference.

- a) In general terms, it is considered that the system of safeguards afforded by the Local Government Act 1993 and Regulations should be sufficient to enable appropriate monitoring and regulatory actions to be implemented by local government to manage food safety risks associated with domestic on-site wastewater systems. Ultimately, the level of resourcing applied by local councils will have a large bearing on the effectiveness or otherwise of the legislative framework that exists.

However some cases, particularly within village areas, may be the exception to the above. Village areas relying on on-site wastewater management can experience higher levels of non-compliance than rural areas given the constraints to land application areas and the clustering of numerous systems. Particular risks may be associated with run-off from villages to receiving waters that are used for the cultivation of oysters. Port Macquarie-Hastings Council has determined a program to provide reticulated sewerage systems to villages within the local area, commencing with the North Shore area which is in close proximity to the local oyster industry. However, Council's ability to fund such works is limited. It is noted that the Town & County Sewerage Scheme, that once offered considerable support to local government, is no longer an effective funding mechanism.

- b) As mentioned above, it is considered that the framework of regulation afforded by the Local Government Act 1993 and Regulations is generally sufficient in relation to the management of on-site domestic wastewater. The framework provides for approvals and 'licensing' of these systems and a range of tools for

enforcing the requirements of the legislation and guidelines published by the Division of Local Government.

- c) Inspection procedures are not necessarily articulated by the legislation and it is at the discretion of local councils as to the extent of inspection and monitoring undertaken. The extent of monitoring is usually directly related to the resources of the particular council. NSW Health approvals for proprietary domestic treatment plants require a minimum inspection level by suitable qualified technicians and this requirement should continue given the service requirements of these systems and the technical nature of the maintenance required.

The Local Government Act does not effectively require the reporting of failures and/or pollution incidents by system owners to the local council. Reliance on the 'Duty to Report' provisions of the Protection of the Environment Operations Act is not considered appropriate in the case of domestic on-site wastewater systems. A specific duty for system owners/occupiers, mandated by the Local Government Act, could be worth exploring.

This submission has been prepared under delegation.

To discuss the contents of this submission, please do not hesitate to contact me on 65818111.

Yours sincerely



Matt Rogers
Director
Development & Environmental Services