

Submission

No 3

INQUIRY INTO MANAGEMENT OF DOMESTIC WASTEWATER

Organisation: Blacktown City Council
Name: Mr Peter Smith
Position: Director Sustainable Living
Date Received: 30/11/2011



File no: 6-8-628/3
(11-42857C)

28 November 2011

The Committee Manager
Committee on Environment and Regulation
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Sir/Madam,

Reference is made to the invitation from the Committee on Environment and Regulation to submit information on the adequacy of regulation concerning onsite sewage management systems (OSMS).

For your information Blacktown City Council has in excess of 1700 standalone OSMS registered within the local government area and the regulation of these systems is carried out by Council's Environmental Health Officers, with approximately 500 systems inspected annually.

With regard to the terms of reference, it is Council's position that there is appropriate regulatory framework to minimise the risk of localised contamination from OSMS in a domestic setting.

The *Environment & Health Protection Guidelines On-site Sewage Management for Single Households* as prepared by NSW Health provides detailed recommendations and guidelines on installation and operation of OSMS.

In particular the guidelines provides specific details on buffer distances to ensure different land uses can co-exist on premises where an OSMS is required to treat wastewater.

The legislative framework, namely the health and safety order provisions under s124 of the *Local Government Act 1993* (NSW) (LGA) and the definition of pollution within the *Protection of the Environment Operations Act 1997* (NSW) (POEO), have been found to be appropriate by Council Officers to address issues with OSMS, where consultation with the owner/occupier fails to reach resolution.

However, more contemporary acts such as the *Food Act 2003* (NSW) have begun to include maximum fees chargeable by regulatory authorities. It is acknowledged by Council that this ensures a consistent approach by councils.

Also within the *Food Act 2003* (NSW) there is a range of penalty notices amounts available to council officers for areas of non compliance. Inclusion of a range of OSMS specific penalty notices within either the LGA or the POEO would provide council officers with the ability to escalate an area of non compliance without the need to issue a penalty notice with a value which is cost prohibitive to ensuring rectification work is completed.

Should you require any further information regarding this matter, please contact Council's Acting Manager Environmental Sustainability, Nicole Greenwood on 9839 6120.

Yours faithfully,



Peter Smith
Director Sustainable Living