

**Submission**

**No 27**

## **INQUIRY INTO MANAGEMENT OF DOMESTIC WASTEWATER**

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**Date Received:** 23/12/2011



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10970E (D11/315138)

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LAC11/231

23 December 2011

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

Dear Sir / Madam

**Submission - Inquiry into the Management of Domestic Wastewater**

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

There are more than 7,000 on-site sewage management systems (OSMS) located in the Shoalhaven. Shoalhaven City Council (SCC) has implemented an On-site Sewage Management Program since 1999 and in that time has endeavoured to identify and register all properties with an operational OSMS. These properties are inspected by Council and an approval issued for one, three or five years, depending on the risk the operation of the system may pose to the environment and public health. Accordingly, the on-site management of domestic wastewater is regarded as an important issue and SCC would like to provide the following submission with regard to the Committee's Terms of Reference:

**a) The adequacy of safeguards to ensure food safety, and to protect against the risk of localised contamination, in food production areas;**

1. Council occasionally receives requests from owners with either domestic, or small-scale sized commercial systems to apply treated effluent to crops such as grapes, olive trees or citrus trees that are used in commercial production. Council's experience is that there is currently a shortfall in guidelines that encourage this re-use of resources and provision of information on what level of treatment and what method of application may be suitable for these situations.

**b) The appropriateness of current regulatory arrangements in relation to the management of domestic wastewater;**

2. Council endeavours to inspect all on-site sewage management systems in the Shoalhaven. However, this is difficult to achieve with current resources, with re-inspections of properties being required every 1, 3 or 5 years, as well as when the system is first installed or the property changes ownership. The time required to complete such a large number of inspections per year is further impacted upon when a system is identified as being unsatisfactory during an inspection. The process of documenting evidence, completing file notes, letters, notices and orders is time-consuming. So too is providing advice to owners/installers, reviewing upgrade proposals and completing additional site inspections as required. This all impacts on Council's limited resources and we are generally unable to provide the number of inspections that are required.

Further, State funding assistance would assist in ensuring the current regulatory requirements are met.

3. Section 163B of the National Parks and Wildlife Act 1974 states that Chapter 7 of the Local Government Act 1993 does not apply to lands reserved or dedicated under the National Parks and Wildlife Act 1974, with the exception of karst conservation reserves. Accordingly, National Parks do not require an Approval to Operate a System of Sewage Management. In the interests of clarity, this exemption should be added to Clause 48 (f) of the Local Government (General) Regulation 2005.

4. Subdivision 5 of the Local Government (General) Regulation gives detail on sewage management facilities to be accredited and is limited to smaller-scale domestic systems. However, Council receives many applications for non-domestic and often larger-scale systems. These are often much more complicated and pose a higher risk to public health and the environment than domestic systems. Council is essentially “on its own” to determine whether or not these systems are suitable. Therefore, it is recommended that an accreditation-type system for these larger-scale systems be developed.

5. In addition to requiring accreditation of commercial systems, there is also a need for State guidelines to be developed for determining the suitability of the on-site treatment and application of effluent on commercial sites. Currently, there are only guidelines available for domestic systems and private recycled water schemes.

6. Subdivision 5 of the Local Government (General) Regulation 2005 also excludes mound systems from requiring NSW Health accreditation. These systems currently do not require accreditation as they are designed and

constructed specifically for each property and are also considered to be the “disposal” component of the sewage management system. The reality is however that these mounds are based on standard designs that are replicated across numerous properties. It is also claimed by consultants that the mounds, particularly amended soil mounds, provide a high level of treatment. As such, wastewater is often only treated to a primary level before entering these systems. An assessment and critique of these systems at a State level is required to ensure that they are capable of achieving the outcomes claimed by the designers and installers.

7. The Regulations need to further define what is required to achieve an effective site plan. For example, critical components for an irrigation system include a hydraulic balance to demonstrate the capabilities of the pump and emitters; flushing and distribution valves. The plans should also clearly demonstrate any levelling that is to be done on the site and the effect that this may have on the system.

8. Council receives applications for subdivisions in non-sewered areas that aim to maximise the number of lots that may be created. Whilst these applications are accompanied by a wastewater report that complies with current regulations, Council is encountering an increasing number of issues with these proposals. Such proposals are often only designed for mound systems as these have the smallest footprint of all on-site sewage management systems. This means there is little choice in the type of system that the eventual owners may install on their property. Property owners also often end up with a raised mound for a backyard and little to no space for a shed, swimming pool or even for recreation. A high density of on-site systems also leads to issues with flow-

paths and buffer distances. Designers rely on diversion bunds to achieve appropriate distances to watercourses as well as often part of a neighbours block, where there is no restriction on what drainage and minor works they may do on their own block that may affect the flow-path. The long-term accumulative affect of such a high density of these systems is difficult to measure. It is recommended that the adoption of a state-wide minimum lot-size for non-sewered areas is critical in addressing these issues.

9. It should be clearly specified in the regulations that in non-sewered areas, a reserve area for effluent disposal, based on the hydraulic loading, should be set aside and not built on to allow for future expansion and contingencies.

10. SCC seeks clarification from the Committee on what penalties may apply to contractors for completing drainage works in accordance with Part C of the Table to section 68 under Part 1 of Chapter 7 of the Local Government Act, 1993, when the owner has not obtained prior approval of Council for such works.

**c) The adequacy of inspection procedures and requirements to report incidents; and**

11. There is a condition placed on the accreditation of Aerated Wastewater Treatment Systems (AWTS) that require the owner/occupier of the premises to enter into an annual service contract with a representative of the manufacturer or a service contractor or company acceptable to the Council. The systems are to be serviced at three monthly intervals. As this is in addition to Council's inspections every 1, 3 or 5 years to issue an approval to operate, Council

received many complaints from the community that this is an unnecessary duplication in inspections.

However, Council also receives many complaints about the quality of the service by the contractor and the length of time the contractor is at the property. NSW Health advises that a service should take approximately one hour, whilst Council often receives complaints that contractors are only present for 5 minutes. Council's own inspections that have followed the service contractor's have found that inspection lids appear to not have been opened and irrigation areas are completely unsatisfactory with broken sprinklers, or sometimes there is no irrigation area at all. Some service contractors refuse to include the irrigation areas in their inspections, even though an inspection of the irrigation area is specified in the Certificate of Accreditation by NSW Health.

It is therefore suggested that a State-wide licence or accreditation scheme of service contractors be established to ensure the appropriate level of qualifications and training by service contractors, as well as holding contractors accountable for the level of service they are required to provide. Such a scheme would also provide an opportunity for standardising service reports and to encourage the electronic submission to Council of these reports, as opposed to the large amount of paperwork that is currently submitted.

12. There is a uniform requirement across NSW needed for designers and installers of on-site sewage management systems to take responsibility and accountability that the system has been installed as per the specifications.

There are many complex systems, particularly mound systems, that require an expert level of knowledge and multiple critical inspection stages throughout the

installation. The designer should be required to “sign off” the installation of such systems.

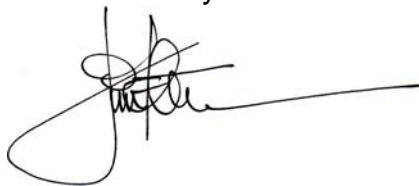
**d) Any other related matter.**

13. Further assistance by the NSW Government is required to investigate, establish and maintain community on-site sewage management systems.

Thank you for the opportunity to provide this submission. I look forward to the Committee’s response to this submission and to the outcomes from the Inquiry into the Management of Domestic Wastewater.

If you need further information about this matter, please contact Alison McVey, Development & Environmental Services Group on (02) 4429 3407. Please quote Council’s reference 10970E.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Fletcher', with a long horizontal line extending to the right.

**Tim Fletcher**  
**Director Development & Environmental Services**