

## Approval to Operate an Existing On-Site Sewage Management System – Change of Owner

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### What is an on-site sewage management system?

If your home is not connected to a reticulated sewer, you are likely to have some type of on-site sewage management system. An on-site sewage management system is any system that stores or treats sewage.

### Types of on-site sewage management systems

Systems include septic tanks, septic closets, collection wells, aerated wastewater treatment systems, composting toilets, aerobic sand filter devices, wet composting toilets and combustion toilets.

On-site sewage management systems also include partial on-site sewage management systems such as common effluent systems, chemical toilets, pump-out-systems, wastewater ejection units, constructed wetlands, amended soil systems, sand mounds and filters, and greywater treatment/diversion devices.

### Wasn't my system registered with Council years ago?

Following an inquiry that indicated failure rates of on-site sewage management systems were as high as ninety percent, the NSW Government introduced legislation in 1998 requiring Council to regulate the operation of on-site sewage management systems.

The approval to operate belongs to the landowner when a property with an existing Onsite Sewage Management System is sold. The new owner must lodge an Application to Operate an Existing Onsite Sewage Management System with Council. There is no fee required for this application.

A recent survey conducted by the Department of Local Government revealed that many inland Councils were not

sufficiently regulating on-site sewage management systems. Council has therefore committed to a more active role in ensuring systems in the area are operating satisfactorily and are not a threat to public health or the environment.

Due to numerous changes in property ownership, it is necessary for Council to constantly update its register. Therefore Council requires application forms to be submitted for all properties with an on-site sewage management system that are not on the register.

### Why do I need an approval?

Operating a system of sewage management is a prescribed activity under *section 68(C6) of the Local Government Act 1993 and Part 2 of the Local Government (General) Regulation 2005*. This means that an approval to operate a system of sewage management must be obtained from the local council.

The correct operation of on-site sewage management systems is essential for adequate long term environmental and health performance. The approval requires householders to meet environment and health performance standards when operating their systems and provides councils with a framework for ensuring these standards are met.

### Why should on-site sewage system owners have to pay council for an approval?

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 seweraged areas pay for supervision and charges. The annual management fee of \$20

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contributes to monitoring and assurance of water quality, better control of effluent discharge, supervision of plumbers and service agents, coordination of pump-out and bio-solids removal, education programs and practical support to assist landowners.

### **Does my on-site sewage management system need to be inspected?**

Council may carry out inspections at a frequency according to the assessed risk of the system, to determine compliance with the approval. Council is entitled to charge a fee for these inspections, however the fee has been set at \$0 for the initial inspection.

The council is able to inspect those parts of residential premises that relate to work being carried out under an approval in force (including approval to operate a system of sewage management) but the council must be cautious when inspecting any premises being used for residential purposes. For sewage management matters such inspections should generally be limited to areas external to any dwelling house unless there is evidence of a public health emergency or the prior approval of the occupier has been obtained.

### **Why do I need a service check and council inspection?**

Service agents currently check the internal components, but do not always check the public health and environmental impacts of effluent disposal. Unlike standard septic systems, aerated systems often discharge effluent above ground where it can easily run off into adjoining land and waterways. Should the treatment process fail, aerated systems can become serious sewage pollution hazard. Such failures are all too common, and may be caused by quite simple factors like using the wrong type of household cleaning agents, leaving the

system unattended for extended periods, excess hydraulic loading or depletion of the treatment chemicals.

### **What happens if I haven't obtained approval?**

Providing an application is voluntarily submitted and the property owner communicates openly with Council, no legal action should result. If Council inspections reveal facilities installed without approval, a penalty infringement notice may be issued for operating a system of sewage management without prior council approval (currently \$330).

### **How are the on-site sewage management operating standards enforced?**

Property owners will be advised in writing of work required and given a specified time period to complete the work. Should the work not be completed, there are a number of options to enforce performance requirements for sewage management facilities. These include giving orders, issuing penalty notices and taking prosecution action in the court.

Depending on the offence or the work required, Council may act using the powers under the Protection of the Environment Operations Act 1997 or Local Government Act 1993. Generally Council uses enforcement powers as a last resort when requests are not actioned or when there is an immediate threat to public health or the environment.

### **Further information:**

Department Local Government (Septic Safe)  
[www.dlg.nsw.gov.au/dlg/dlghome/documents/information/ssguide.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/information/ssguide.pdf)

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