

Hepburn

SHIRE COUNCIL

DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)

JUNE 2014



01. INTRODUCTION	3
02. PURPOSE AND OBJECTIVES	4
03. CONTEXT.....	6
04. ROLES AND RESPONSIBILITIES	10
05. ASSESSMENT OF THE CURRENT SITUATION.....	12
06. COMPLIANCE, REGULATIONS & ENFORCEMENT	17
07. RESOURCING	21
08. ACTION PLAN.....	22
09. GLOSSARY OF TERMS	26
010. APPENDICES.....	28

01. INTRODUCTION

1.1 HEPBURN SHIRE PROFILE

Hepburn Shire was created in January 1995 by the amalgamation of the former Shires of Creswick, Daylesford and Glenlyon, the Clunes portion of the Shire of Talbot and Clunes and the Trentham portion of the Shire of Kyneton.

Hepburn Shire is located in the Central Highlands region of Victoria, about 110 kilometres north-west of Melbourne. It is bounded by Central Goldfields and Mount Alexander Shires in the north, Macedon Ranges Shire in the east, Moorabool Shire in the south, and the City of Ballarat and Pyrenees Shire in the west.

Hepburn Shire is a predominantly rural area, with many townships, villages and rural-residential areas. The main townships are Daylesford, Hepburn Springs, Creswick, Clunes and Trentham. The shire encompasses a total land area of about 1,470 square kilometres. Rural land is used largely for agriculture (particularly sheep and cattle grazing and potato and crop growing) and forestry, with some viticulture. Tourism is an important industry, with the shire containing 80% of Australia's mineral spring reserves. These reserves are both important geological and hydrological features, and a major draw card for thousands of visitors to the region.

Hepburn Shire is significant as being located in the upper catchment for the Tullaroop, Eppalock, Cairn Curran, Loddon River, Creswick, Lake Merrimu and McCallum Creek catchments. These catchments contain the potable storage reservoirs for a number of towns and settlements.

Hepburn is located within a number of water supply catchments, including the Loddon and Campaspe Rivers, designated by the State Government to provide drinking, and in some cases irrigation water for central and northern Victoria. The Shire with other Councils and regional water authorities share in the administration of catchment management planning across these catchments.

02. PURPOSE AND OBJECTIVES

The Hepburn Shire Council Domestic Wastewater Management Plan (DWMP) referred to in this document aims to reduce the environmental, health and economic risks, to the council and the community, posed by domestic wastewater.

The plan identifies actions that can be undertaken to:

- comply with current on-site domestic wastewater legislation
- minimise the impacts of domestic wastewater on human health and the environment
- direct the management of current Onsite Wastewater Treatment Systems (OWTS)
-

The DWMP will provide the Hepburn Shire Council with:

- a strategic planning tool to allow long term strategies to be developed for wastewater system management,
- a framework for making decisions about individual OWTS,
- a framework for enforcement and compliance options,
- a framework for resource management for wastewater management within the municipality, and
- a framework for liaison between council, the community, Water Corporations and Catchment Management Authorities.

One of the primary objectives of this DWMP is the protection of environment to which domestic wastewater is discharged. The threat from wastewater can affect:

- Public health through infectious disease transmission and exposure;
- the Natural Environment (Surface water quality, stream biodiversity, and groundwater quality);
- Amenity (Visual, recreational and odour) and;
- Economic (Development potential and property values)

2.1 DWMP STEERING COMMITTEE

The DWMP Steering Committee is responsible for providing input into the development of the DWMP. The committee comprises people from the following organisations:

External Stakeholders

- Coliban Water
- Central Highlands Water
- Department of Environment and Primary Industries (Grampians Region)
- Environment Protection Agency (North West Regional Office – Bendigo)
- Goulburn Murray Water
- North Central Catchment Management Authority
- Southern Rural Water
- Western Water

Internal Stakeholders (Hepburn Shire Council)

- Building Department
- Environmental Health Department
- Infrastructure Department
- Information Technology (IT)
- Planning Department

2.2 DWMP PROJECT TEAM

Project Manager:	Justin Fiddes
Environmental Health Officer:	Melissa Phillips
GIS Officer:	Bruce Paulet

The DWMP project management team is responsible for:

- Developing, implementing, monitoring and reviewing (as required) the DWMP;
- Identifying relevant staff and organisations and their roles in implementing the DWMP and;

- Reporting to all of the relevant stakeholders, the results of the audit of the OWTS as contained in the action plan in the DWMP
- Report annually a progress of all items contained within the Action Plan.

03. CONTEXT

This section seeks to establish the legislative framework, regulations, definitions and risks associated with domestic wastewater on which this DWMP is based.

Legislation, policies and standards govern on-site domestic wastewater management within the state of Victoria.

3.1 STATE ENVIRONMENT PROTECTION POLICY (WATERS OF VICTORIA)

The State Environment Protection Policy (SEPP) aims to ensure that all residential subdivisions are provided with reticulated sewer access at the time of subdivision. Where this is not possible each lot must be capable of treating and retaining the domestic wastewater within the boundaries of the proposed allotments. The policy directs councils to use the EPA's Septic Tanks Code of Practice, to assess the ability of proposed developments to retain wastewater within allotment boundaries.

The State Environment Protection Policy – Waters of Victoria requires;

1. Occupiers of premises with an on-site domestic wastewater system need to manage that system in accordance with permit conditions and the Code of Practice – Septic Tanks On-site Domestic Wastewater Management (2003) as amended. Occupiers also need to regularly assess the performance of their system against permit conditions.
2. Municipal Councils to develop and implement a DWMP that:
 - a) Reviews land capability assessments and available domestic wastewater management options to prevent the discharge of wastewater beyond allotment boundaries and prevent impacts on groundwater beneficial uses;
 - b) Identifies the preferred options, together with costs, funding needs, timelines and priorities; and
 - c) Provides for the assessment of compliance of on-site domestic wastewater systems with permit conditions.

3.2 PLANNING PERMIT APPLICATIONS IN OPEN POTABLE WATER CATCHMENT AREAS, NOVEMBER 2012.

The Ministerial Guideline puts further emphasis on the need for DWMPs, specifically requiring:

- a) The effective monitoring of the condition and management of OWTS, including but not limited to compliance by permit holders with permit conditions and the Code;
- b) The results of monitoring being provided to stakeholders as agreed by the relevant stakeholders;
- c) Enforcement action where non-compliance is identified;
- d) A process of review and updating (if necessary) of the DWMP every 5 years;
- e) Independent audit by an accredited auditor (water corporation approved) of implementation of the DWMP, including of monitoring and enforcement, every 3 years;
- f) The results of audit being provided to stakeholders as soon as possible after the relevant assessment; and
- g) Councils are required to demonstrate that suitable resourcing for implementation, including monitoring, enforcement, review and audit, is in place.

3.3 ENVIRONMENT PROTECTION ACT, 1970

The Environment Protection Act 1970 is the primary legislation that regulates and controls OWTS installations. The EPA and Council is responsible for the oversight and management of these systems. The EP Act outlines the council annual returns lodgement process with the EPA.

3.4 EPA CODE OF PRACTICE ONSITE WASTEWATER MANAGEMENT, PUBLICATION 891.3 FEBRUARY 2013 (AS AMENDED)

This Code of Practice provides standards and guidance to ensure the management of onsite wastewater (up to 5000L/day) protects public health and the environment, and uses our resources efficiently.

3.5 PUBLIC HEALTH AND WELLBEING ACT 2008 (PH&WB ACT)

The Public Health and Wellbeing Act (2008) authorises officers within local council to manage infectious diseases, micro-organisms and allows the development of public health policy through providing for Municipal Public Health and Wellbeing Plans and State Public Health and Wellbeing Plans. The PH&WB Act also gives powers to Authorised Officers to investigate and remedy nuisances in their municipal district.

3.6 WATER ACT 1989 PART 9 S.180 SEPTIC TANK PERMIT APPLICATIONS

The Water Act requires referral to water authorities when OWTS are proposed within a Water Authority's sewerage district, if the authority has lodged with the Council a written request to do so. There is jurisdiction under the Water Act s.183 to require an upgrade at any time to OWTS within a sewerage district.

3.7 LOCAL GOVERNMENT ACT, 1989

The Local Government Act empowers councils to enact local laws and set special charges for council activities. Councils could use these powers to develop local regulations for wastewater management provided these regulations are consistent with State policy and legislation and to raise revenue for its wastewater management programs.

3.8 BUILDING ACT, 1993

A compliance certificate from a Licensed Plumber is required at the completion of a OWTS installation before an Occupancy Permit can be issued for a new dwelling.

3.09 PLANNING AND ENVIRONMENT ACT 1987

The Planning and Environment Act 1987, sets out the requirements for obtaining planning permits where an OWTS is required. The issuing of Septic Tank Permits is a separate process which does not provide a guarantee of a planning permit approval.

3.10 REGULATORY REQUIREMENTS

The following list of legislation, policy and best practice guidelines (as amended) assists in assessing and ensuring best practice in the approval to use an OWTS on unsewered land:

- Environment Protection Act 1970
- Public Health and Wellbeing Act 2008
- Local Government Act 1993
- Planning and Environment Act 1987
- Catchment and Land Protection Act 1994
- Water Act 1989
- State Environment Protection Policy (Waters of Victoria), Publication S13 (2003)
- State Environment Protection Policy (Groundwater's of Victoria) (2001)
- Code of Practice Onsite Wastewater Management (EPA Publication 891.3)
- Land Capability Assessment for onsite Domestic Wastewater Management (Publication No: 746.1)
- AS/NZS 1547: 2012 On-site domestic wastewater management
- Infringements Act 2006
- Environments for health – promoting health and wellbeing through built, social, economic and natural environments, Municipal Public Health Planning Framework, DHS, Melbourne. (2001)

Definitions

3.11 DEFINITION OF A WATERWAY

For the purpose of this plan a Waterway as defined by the Water Act 1989 means:

- a) a river, creek, stream or watercourse; or
- b) a natural channel in which water regularly flows, whether or not the flow is continuous; or
- c) a channel formed wholly or partly by the alteration or relocation of a waterway as described in paragraph (a) or (b); or
- d) a lake, lagoon, swamp or marsh, being—
- e) a natural collection of water (other than water collected and contained in a private dam or a natural depression on private land) into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes, whether or not the flow is continuous; or
- f) a collection of water (other than water collected and contained in a private dam or a natural depression on private land) that the Governor in Council declares under section 4(1) to be a lake, lagoon, swamp or marsh; or
- g) land on which, as a result of works constructed on a waterway as described in paragraph (a), (b) or (c), water collects regularly, whether or not the collection is continuous; or
- h) land which is regularly covered by water from a waterway as described in paragraph (a), (b), (c), (d) or (e) but does not include any artificial channel or work which diverts water away from such a waterway; or
- i) if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip.

3.12 WASTEWATER DEFINITIONS

Onsite wastewater is divided into five categories:

- Blackwater - toilet waste (water flush, incineration, dry composting)

- Greywater - water from the shower, bath, basins, washing machine, laundry trough and kitchen (also called sullage)
- Sewerage - wastewater that includes both greywater and blackwater
- Yellow water - urine with or without flush water (i.e. from urine diversion toilets)
- Brown water - sewerage without urine.

Source: Code of Practice Onsite Wastewater Management - Publication number 891.3 February 2013

3.13 DEFINITION OF A NUISANCE

For the purpose of this plan nuisance is defined in Sect 58 of the Public Health and Wellbeing Act 2008:

PUBLIC HEALTH AND WELLBEING ACT 2008 - SECT 58

1. This Division applies to nuisances which are, or are liable to be, dangerous to health or offensive.
2. Without limiting the generality of subsection (1), this Division applies in particular to nuisances arising from or constituted by any—
 - a) premises; or
 - b) water; or
 - c) (animal, including a bird or insect, capable of carrying a disease transmissible to human beings; or
 - d) (refuse; or
 - e) noise or emission; or
 - f) state, condition or activity; or
 - g) other matter or thing—
 which is, or is liable to be, dangerous to health or offensive.
3. For the purpose of determining whether a nuisance arising from or constituted by any matter or thing referred to in subsection (2) is, or is liable to be, dangerous to health or offensive—
 - (a) regard must not be had to the number of persons affected or that may be affected; and

(b) regard may be had to the degree of offensiveness.

4. In this section, "offensive" means noxious or injurious to personal comfort.

3.14 RISKS ASSOCIATED WITH DOMESTIC WASTEWATER

The potential risks associated with inadequately managed wastewater are summarised in the table below

Public Health Drinking and Recreational Water	<p>Drinking water supplies becoming contaminated with chemicals and bacteria from effluent as a result of poorly drained soils; small lot sizes; high usage; ageing septic tanks; and lack of proper maintenance of septic tanks. Illnesses that are contracted from effluent contaminated water include Gastroenteritis, Shigellosis, Giardiasis, Cryptosporidiosis and Hepatitis.</p> <p>Statistically significant risk of illness if people come into contact with contaminated water used for recreational purposes. Illnesses include ear and eye infections and respiratory infections.</p>
Environmental	<p>Septic tanks contribute high rates of nitrogen and phosphorous to water catchments due to surface runoff.</p> <p>Septic tanks create direct bacterial contamination of the environment stimulating algal and weed growth.</p>
Economic	<p>From an economic perspective, rectifying environmental contamination is costly. Management should be focused on prevention.</p> <p>In the event of contamination of ground and other waters there is the cost of advising residents, the effect on visitors and tourists to the area, managing community anxiety and the indirect costs associated with the perception that the area is unsafe.</p> <p>For the owner/occupier the cost of replacing wastewater systems can be expensive.</p>
Legal	<p>Council has quite clearly established statutory duties under the provisions of the Environment Protection Act 1970 and Public Health and Wellbeing Act 2008.</p> <p>Council has a duty to exercise its enforcement powers where it knows there is a breach of the legislation and there is a likelihood of injury.</p>

04. ROLES AND RESPONSIBILITIES

This section outlines the roles and responsibilities of the relevant stakeholders in ensuring that OWTS are EPA approved systems, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval to protect the environment from the potential source of pollution and of unplanned development.

4.1 PROPERTY OWNERS OR OCCUPIERS

Property owners or occupiers must ensure the OWTS on their property is operated, maintained and monitored in accordance with the relevant Council permits, the Certificate of Approval requirements (CA) & the Code of Practice Onsite Wastewater Management and site specific Land Capability Assessment requirements. It is the owner's responsibility to meet the costs of any maintenance and servicing and to provide reporting as required to the responsible authority.

4.2 LOCAL GOVERNMENTS ROLE

Council is responsible for approving OWTS permits and ultimately the installation of the OWTS in accordance with the EPA approved list. It is Local Government responsibility to ensure that the on-site wastewater systems are:

- Installed in accordance with the planning controls (planning permit conditions);
- Installed and in compliance with Section 173 agreements that may be registered on title and may relate to Septic Tank permit conditions,

13. Review Council's Compliance and Development functions with a focus on improving safety and legislative compliance, reducing processing times and increasing levels of customer satisfaction.

- Operated and maintained in accordance with the State Environment Protection Policies (SEPP's) and Code of Practice Onsite Wastewater Management and the EP Act 1970.

Council is responsible for approving OWTS permits and ultimately the installation of the OWTS in accordance with the EPA approved list. Council is also responsible for ensuring that the conditions of any approved permit are met, including monitoring the system to ensure that OWTS is maintained in accordance with any relevant permit conditions, codes and standards.

Council is responsible for collating and submitting information in relation to OWTS to the EPA on an annual basis as required under the EP Act 1970.

4.3 COUNCIL PLANS

The development of the DWMP has close links to:

- Hepburn Shire Council – Council Plan 2013 – 2017 and;
- Hepburn Shire Council – Municipal Strategic Statement and Planning Scheme Review, Draft 2011

4.4 COUNCIL PLAN

The Council Plan 2013-2017 sets out a vision for Hepburn Shire Council (HSC) to be a "cutting edge Council making excellent decisions for future generations". The Plan also identifies 27 Key Strategic Activities; Strategic Activity 13 is relevant to the development of a Domestic Wastewater Management Plan (DWMP). This is shown in Table 1.

Action	Measure	Target
Complete and activate a domestic waste water management plan (DWMP) for Hepburn Shire Council	Complete stage 1 review	DWMP complete

Table 1: Relevant Strategic Activity - Hepburn Shire Council Plan 2013-2017 Source: Hepburn Shire Council Plan 2013-2017

4.5 MUNICIPAL STRATEGIC STATEMENT DRAFT 2011

The Municipal Strategic Statement (MSS) is under review and was exhibited in May 2013. The MSS has close links with the Council Plan 2013-2017 and sets the strategic framework for land use and development in Hepburn Shire.

The completion of a DWMP will link with the economic and land use and development sections of the MSS review.

4.6 KEY STAKEHOLDERS

Key stakeholders and referral authorities that have a direct or indirect impact on development in the Hepburn Shire include:

- Department of Environment and Primary Industries (DEPI);
- Department of Health (DoH);
- Environment Protection Authority and;
- North Central Catchment Management Authority

4.7 WATER AUTHORITIES

Rural Water Corporations provide water services comprising non-potable water supply, drainage, and salinity mitigation services for irrigation and domestic and stock purposes:

- Goulburn-Murray Water
- Southern Rural Water

Urban Water Corporations providing potable and non-potable water supply and sewerage services to urban customers within their respective service districts:

- Central Highlands Water;
- Coliban Water;
- Western Water

Both Rural and Urban Water Corporations have a responsibility for assessing and responding to all referred applications under clause 66 of council planning schemes

for Declared Water Supply Catchments as listed in schedule 5 of the Catchment and Land Protection Act 1994.

4.7 DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRIES (DEPI)

The government has responsibility for the natural and built environment, which is managed by the DEPI. DEPI provides an oversight role in domestic wastewater management and involved in the referrals process when required by Clause 66 of the Hepburn Planning Scheme.

4.8 DEPARTMENT OF HEALTH (DOH)

The Department of Health (DoH) is responsible for ensuring that all Victorians have access to services that protect and enhance the community's physical, mental and social well-being. They are responsible for water quality standards including drinking water, irrigation water and reuse. DoH have no direct impact on domestic wastewater management.

4.9 ENVIRONMENT PROTECTION AUTHORITY

The Environment Protection Authority (EPA) is responsible for ensuring that the environment is protected from adverse impacts resulting from human activities. The EPA produces a list of approved technologies for the treatment of wastewater within allotment boundaries.

4.10 NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY

The North Central Catchment Management Authority (NCCMA) is responsible for ensuring on-site treatment facilities do not / will not have adverse impacts on their water supply catchments. The NCCMA is responsible for assessing all referred applications from Council in relation to water supply catchments and protection of natural resources.

05. ASSESSMENT OF THE CURRENT SITUATION

There are 10,813 rateable properties in the shire with an estimated 4544 properties with septic systems. Council has records of all properties with an OWTS recorded on Council's GIS database, however some specific details such as age and system type prior to 2008 is not known. The DWMP action plan seeks to establish a complete list of all existing systems over time with those systems regarded as high risk properties being of priority along with localities and areas which may present risk to the environment due to high development density. OWTS information to be captured and fed into the database will include the approximate age, GPS location information, system type and function / performance.

Using Council's OWTS database and GIS system, Council has established:

- 391 properties that are identified as being high risk. These are properties which met all the high risk threats as contained in the risk matrix. These properties will be audited as part of Council's implementation of the DWMP as outlined in the action plan.
- 1144 properties in high density areas where Council will require the owner to submit a compulsory status report.

A total of 1535 properties will be audited or must supply council with compulsory status reports.

Council has identified approx:

- 1800 septic tank permits which have been issued with permit conditions, these properties will be required to comply with the permit conditions and if required to submit maintenance reports.

5.1 RISK ASSESSMENT / RISK RATING

An essential part of the DWMP is the development of a risk matrix. The risk matrix is one of the key tools used by Council to determine those existing OWTS which are considered to be high, medium or low risk, in terms of their potential impact on the environment and human health.

The risk matrix needs to be used to give priority to inspection and compliance prioritisation (not as assessment for areas for future development).

The risk matrix used by Hepburn Shire Council is detailed below describes each risk category against which each OWTS is assessed thus placing the system at a threat level. This determines the priority with which information on OWTS is collected and resources allocated to determine operational status.

The risk rating utilised Council GIS database that contains information about all of Council's OWTS, to establish whether the property with an OWTS was high, medium or low risk.

The following steps were undertaken to develop the risk assessment:

1. Assign a rating to each identified risk. Risk categories include:
 - Lot size
 - Proximity to watercourse
 - Proximity to reservoir
 - Land Subject to Inundation
 - Soil type
 - Slope
 - Housing density (cumulative effect)
2. The rating system for the threats has been established as follows:
 - High
 - Medium
 - Low

A risk matrix has been established and unsewered lots with septic systems in Hepburn Shire have been assessed and rated as Low, Medium or High risk. Those properties that come under the high risk level for all 7 listed threats are the priority for Council's audit program.

The risk matrix used by Hepburn Shire Council is detailed below.

Threat	Low Risk	Medium Risk	High Risk
Lot Size	>1ha	4000sq m-1ha	<4000 sq m
Proximity to watercourse	>200m	Between 100-200m	<100m
Proximity to reservoir	>300m	Between 200-300m	<300m
Land Subject to Inundation	No	Yes	Yes
Soil Type - from GIS database	(Rs) Red earths (Ri) Red duplex soils, Brown earths (Ru) Red earths, Red earths (Rzc) Red loams (Rx) Red friable earths (Rzg) Reddish yellow earths (Rzf) Reddish brown earths	(Md) Mottled duplex soils, Shallow sands (Yl) Yellow earths (Ri) Red duplex soils, Brown earths (Mc) Mottled duplex soils, Sands (Rg) Red duplex soils (Fd) Friable earths, Mottled duplex soils (Bn) Brown loams (Rn) Red duplex soils, Mottled duplex soils (Yp) Yellow earths, Mottled duplex soils (Rzb) Red loams, Grey loams (Szk) Stony mottled duplex soils (Szl) Stony red earths (Ma) Mottled duplex soils	(Sz) Shallow stony loams, Shallow stony clays (Yt) Yellow earths, Yellow duplex soils (Ga) Grey clays (Gb) Grey clays, Brown duplex soils (Sv) Shallow stony earths, Friable earths (Ye) Yellow duplex soils, Grey clays, Red friable earths (Bc) Black self mulching cracking clays (St) Shallow stony earths, Dark clays (De) Duplex soils, Grey clays (Yd) Yellow duplex soils, Grey clays (Szf) Stony earths
Slope	Slope<10%	Slope between 10-20%	Slope greater than 20%
Housing Density			>1:40ha

Maps containing information about soil type, lots less than 4000sq m, showing a watercourse, lots with OWTS and lots subject to inundation is in the appendices section as Appendix 2.

The risk assessment model used has identified a number of properties with septic systems that Council would consider to be high risk. Council has also identified unsewered townships and areas that have a high density of development to seek status reports on OWTS as a priority due to the potential impact on human health and the environment. These towns are listed below.

The following methodology has been used to establish the existing density of dwellings for a township or locality to establish the level of unsewered development:

Applying a one kilometre radius around the centre of township. This results in an area of 314 ha.

Count the number of existing dwelling (Dwellings with Certificate of Occupancy at time of calculation) within the one kilometre radius.

Divide the area (314 ha) by the number of existing dwellings.

i.e. $1:40 \text{ ha} = 314/40$ which equals 7.85. Round this up to 8 dwellings.

This methodology established the number of properties with an OWTS in higher dwelling density locations. In total 1144 properties were identified. These are represented in Table 1 below.

This table shows the unsewered developed areas where dwelling density exceeds 1:40 ha

Table 1 - Dwelling density exceeding 1:40ha

Unsewered developed area	No of dwellings	Exceeds density Y/N
Newlyn	52	Yes
Glenlyon	105	Yes
Smeaton	55	Yes
Lyonville	60	Yes
Coomoora/Wheatsheaf	113	Yes
Eganstown	66	Yes
Musk	39	Yes
Kingston	63	Yes
Allendale	46	Yes
Rocklyn	31	Yes
Bullarto	52	Yes
Broomfield	45	Yes
Blampied	20	Yes
Newbury	39	Yes
Yandoit	61	Yes
Drummond	Approx 43	Yes

Unsewered developed area	No of dwellings	Exceeds density Y/N
Trentham	Approx 120	Yes
Creswick	Approx 45	Yes
Clunes	Approx 89 Fairview Estate	Yes
Total	Approx 1144	

These properties will be required to submit a compulsory status report to Council.

06. COMPLIANCE, REGULATIONS & ENFORCEMENT

To ensure that homeowners are maintaining their systems in accordance with council's requirements (DWMP), a compliance, regulation and enforcement program is required for the management of OWTS. The following section details a number of ways that the council can enforce the management and compliance of onsite wastewater systems.

These actions include:

- Education;
- Compulsory status report;
- Mandatory/Maintenance Reporting;
- Inspection / audit process for septic systems in high risk areas;
- Section 173 agreements
- Mechanisms for enforcement

6.1 EDUCATION

Ensuring owners are aware of their responsibilities in maintaining their OWTS and how this can be achieved is a key strategy in minimising the impacts of poorly functioning systems. There are numerous educational publications and materials already available for Council to use in the education of property owners. Owners also need to be made aware that a properly maintained OWTS is in their best interests in terms of minimising health risks and financial implications of a failing system. This information would include factsheets specific to type of system, extra material provided at the Permit to Install / Use stage and having information and resources available on Council's website.

6.2 COMPULSORY STATUS REPORT

A compulsory status report on all high risk properties which contain an OWTS will be required to be provided to council by the landowner/occupier. The status report must be prepared by a suitably qualified professional or servicing

agent. The report must be submitted to Council within 90 days of the initial request.

The Status Report must include details including:

Type of system;

- the location of the system including a site plan and GPS location;
- approximate age of the septic system;
- function of the system;
- disposal area type;
- disposal area performance and;
- details on the maintenance of the system – including evidence of most recent maintenance work such as receipt for desludge of septic tank or quarterly maintenance report from servicing agent.
- Property owners will be required to submit a completed checklist as per the checklist contained in Appendix 1 of the DWMP.

The information from the status report will be entered into Councils OWTS database and GIS system.

The enforcement of this requirement for a status report to be submitted will occur through the introduction of a Local Law, which will have a penalty (10 penalty units) for non compliance.

If the status report indicates a failing system, councils EHO/authorised officer will inspect the property and take action as described in Section 6.4 of this DWMP.

The properties required to send a status report are contained in Table 1 in Section 5.2 of this plan -Table 1 - Dwelling density exceeding 1:40ha.

6.3 MANDATORY REPORTING / MAINTENANCE REPORTING

Mandatory reporting/maintenance of all septic systems must be undertaken at the owner's responsibility. All OWTS must be maintained according to the relevant EPA

Certificate of Approval or as directed by Hepburn Shire Council.

All landowners/occupiers of the land must submit a maintenance report prepared by a suitably qualified professional or servicing agent. The report must be submitted to Council within 30 days of the maintenance inspection.

The enforcement of this requirement is through two mechanisms:

- if a permit is in place it can be enforced as the Environment Protect Act allows or;
- if no permit is in place, through the Local Law

6.4 HEPBURN SHIRE COUNCIL INSPECTION CHECKLIST (AUDIT)

Hepburn Shire Council will use an inspection checklist when conducting the audits of high risk OWTS and following notification of a failing system through the receipt of status reports. The inspection checklist will capture information including:

- the address
- age of the system
- type of premises
- water supply
- GPS location of system
- Type of system
- Condition of system
- Disposal area type
- Disposal performance
- Details on the maintenance of the system

All of these details will be recorded onto Council's database for future reference and reporting.

A copy of the checklist is attached as Appendix 1.

Results of these inspections will be followed up –
Satisfactory – no issues

A thankyou letter will be sent to property owner/occupier reinforcing their 'good work' in maintaining their system. Also system specific fact sheet will be provided.

Low – minor issue to owner (e.g. cracked distribution box lid)

Thankyou letter will be sent to property owner/occupier, with advice on how to rectify issue, as well a system specific fact sheet.

Medium – potential health risk exists (e.g. wet areas around disposal area)

Is there a permit in place to enforce requirements? Can we establish a nuisance exists? Action taken will depend on risk status of property.

High – system failing – discharging offsite or into a waterway

System must be upgraded or replaced using existing permit, nuisance enforcement or local law.

6.5 SECT 173 AGREEMENT

Section 173 agreements registered on title to ensure that certain Septic Tanks conditions are complied with will be maintained on Council's register by Council's Planning Investigation Officer. Council's Planning Investigation Officer will ensure that any Section 173 agreements relating to Septic Permit conditions are enforced. This will be reported to Council and other key stakeholders annually and is contained in Section 8 of this DWMP.

Council has power under the Planning and Environment Act 1987 to enforce Sec 173 agreements.

6.6 MECHANISMS FOR ENFORCEMENT

The following mechanism will be used to enforce compliance with the above requirements.

6.6.1 ISSUING OF MONETARY FINES AND/OR COURT ACTION

Council may issue of monetary fines to those landowners not complying with Council and EPA mandatory status reporting and regular maintenance requirements may be used to ensure that onsite systems are maintained as required. The fines can be issued in through various mechanisms including:

- EP Act - Maintenance of septic tank systems;
- a Council Local Law and;

The structure for issuing monetary fines is detailed as follows:

- Send an initial letter to inform the landowner that their Septic system is due for its maintenance report and for the report to be sent to council
- Send a courtesy reminder 4 weeks after the inspection was due
- If within 3 weeks of the courtesy letter, the inspection report has not been forwarded a final notice will be issued;
- If the inspection report is not received within 2 weeks of the final notice a monetary fine notice may be issued and;
- If the fine has not been received 2 weeks after the final notice has been sent, Council will begin debt collection in accordance with its debt collection policy.

Council may also initiate enforcement/court action seeking a land owner or occupier to rectify a nuisance where an improvement order has been issued in relation to an OWTS.

- the PUBLIC HEALTH AND WELLBEING ACT 2008

6.6.2 ENVIRONMENT PROTECTION ACT 1970

Where a permit is issued under this act, Council has the power to enforce compliance with conditions imposed including maintenance and function of OWTS.

ENVIRONMENT PROTECTION ACT 1970 - SECT 53MA - Compliance with permit

A person must comply with a permit and any conditions to which it is subject.

Penalty: 120 penalty units.

ENVIRONMENT PROTECTION ACT 1970 - SECT 53N - Maintenance of septic tank systems

An owner or occupier of the land on which a septic tank system is located must maintain the septic system in accordance with the requirements specified in the permit issued by the Council for that septic system.

Penalty: 10 penalty units

6.6.3 LOCAL LAWS FOR ENFORCEMENT

Council will introduce a Local Law to ensure the maintenance of septic systems. The Local Law will include the following information.

Operation and Maintenance of septic tanks systems

1. An owner or occupier of land on which a septic tank system is located must ensure that the system operates and is maintained so that it does not:
 - a) cause a nuisance to others because of odour;
 - b) cause a nuisance to others because of discharge;
 - c) cause or could cause a risk of public health and;
 - d) cause or potentially cause environmental degradation.
2. An owner or occupier of land on which a septic tank is installed must:
 - a) make the septic tank available for inspection by an authorised officer when requested to do so;
 - b) high risk properties as identified in the DWMP must provide a status report by a suitably qualified professional or servicing agent. The owner/occupier of the land must submit the report to Council within 90 days of the issue date of the initial request by Council. Normal debt collecting will commence in the case of non compliance with the issue of a Local Law as per Council debt collection policy and;
 - c) have the septic tank inspected by a suitably qualified professional or servicing agent including submission of a regular maintenance reports as required by EPA Certificates of Approval. The owner/occupier of the land must submit the report to Council within 30 days of the maintenance inspection. Normal debt collecting will commence in the case of non compliance with the issue of a Local Law as per Council debt collection policy.
3. If an authorised officer considers that a septic tank system is operating or maintained contrary to subclause (1), the owner or occupier of the land on which the septic system is located may be required to modify the system to the standards prescribed in the Code of Practice for Onsite Wastewater Management and the Australian Standard AS/NZA 1547.

Penalty: 10 penalty units

6.6.4 PUBLIC HEALTH AND WELLBEING ACT 2008 - SECT 61

Offence of causing a nuisance

1. A person must not—
 - a) cause a nuisance; or
 - b) knowingly allow or suffer a nuisance to exist on, or emanate from, any land owned or occupied by that person.

Penalty: In the case of a natural person, 120 penalty units;

In the case of a body corporate, 600 penalty units.

2. A person is not guilty of an offence under subsection (1)(b) if the person had a lawful excuse for knowingly allowing or suffering a nuisance to exist on, or emanate from, any land owned or occupied by that person.

PUBLIC HEALTH AND WELLBEING ACT 2008 - SECTION 62

Notification of nuisance

1. If a person believes that a nuisance exists, that person may notify the Council in whose municipal district the alleged nuisance exists.
2. The Council must investigate any notice of a nuisance.
3. If, upon investigation, a nuisance is found to exist, the Council must—
 - a) take any action specified in subsection (4) that the Council considers appropriate; or
 - b) if the Council is of the opinion that the matter is better settled privately, advise the person notifying the Council of the nuisance of any available methods for settling the matter privately.

4. For the purposes of subsection (3)(a), the Council may—
 - c) if section 66 applies, exercise the powers conferred by that section;
 - d) issue an improvement notice or a prohibition notice;
 - e) bring proceedings under section 219(2) for an offence against this Act.

Note: See section 197 in relation to the power of a Council to bring proceedings after it has issued an improvement notice or a prohibition notice in respect of a nuisance.

Council's authorised officers have the authority and responsibility to investigate and remedy any notification of a nuisance. Council may issue improvement or prohibition notices, failure to comply may result in court action.

07. RESOURCING

Hepburn Shire Council has capacity within existing resources to implement the actions that form the DWMP. The action plan identifies the resource allocation to ensure that OWTS are maintained and effectively monitored as per the action plan that sets out agreed timelines and actions.

7.1 COMPULSORY STATUS REPORTS

To ensure that all current septic systems are correctly recorded on Council's database, owners/occupiers will be required to submit a status report prepared by a suitably qualified professional or servicing agent. Details including the age, location, the function and type of septic system including GPS location and site plan will be required to be submitted to Council.

The report must be submitted to Council within 90 days of the adoption of the DWMP. The cost of this report is to be borne by the owner/occupier of the land. All information is to be entered onto Council's OWTS database using existing administration staff. Approx 1144 properties will be required to submit a status report (These are contained in Table 1 - Dwelling density exceeding 1:40ha) Properties and townships identified by Council as being high risk through factors included in section 5.1 and 5.2 will be required to submit a status report.

7.2 MAINTENANCE REPORTS

Maintenance reports will be submitted in accordance with the requirements of the EPA Code of Practice and/or any permit conditions on any permits that may exist on the land. Such permits may include, Septic Tank Permits (OWTS Permits) and Planning Permits, including Section 173 agreements relating to OWTS. Council will run reports to ensure that letters are sent out to remind landowners/occupiers that maintenance reports are due. Council's existing OWTS database can report back on any outstanding matters to ensure that compliance and enforcement can be pursued on any outstanding status reports, maintenance reports or orders to improve. Existing administration officers will be used to keep the OWTS database up to date.

7.3 COMPLIANCE WITH SECTION 173 AGREEMENTS

Section 173 agreements are a legislative tool to ensure compliance with septic permit conditions.

A register will be maintained by Council's Planning Investigation Officer. Council's Planning Investigation Officer will ensure that any Section 173 agreements relating to OWTS Permit conditions are enforced.

Compliance with this register will be reported to Council and other key stakeholders annually and is contained in Section 8 of this DWMP.

7.4 AUDITS OF OWTS

Council's Environmental Health Officers will conduct an audit of all high risk OWTS in accordance with the Action Plan contained in Section 8 of this DWMP.

Using Council's GIS mapping system, 391 properties with existing OWTS have been identified as being a high risk to water quality and need to be audited. The action plan identifies that Council will audit 20% of the high risk properties each year. Council has the ability within its existing resources to adequately manage the audit of no less than 20% of high risk OWTS annually.

The implementation of other actions will require a commitment (financial) from other stakeholders and/or through grant allocation for the duration of the plan. The resource allocations are listed in the Action Plan that forms part of the DWMP.

7.5 RESOURCING BREAKDOWN

Council will allocate the following resources to ensure the actions of the DWMP can be implemented as detailed in Section 8 Action Plan.

Administration = 0.6 EFT (3 days per week)

Planning Investigations Officer to ensure Section 173 compliance by 30/06/2015

Environmental Health Officers 2 X 0.2 EFT per week – high risk OWTS audit inspections (2 days per week)

08. ACTION PLAN

The action plan details a number of actions that will be undertaken to ensure the DWMP is implemented, reported to Council and other relevant authorities as required and to the satisfaction of all of the key relevant stakeholders. The DWMP must be implemented to meet with the requirements of the State Environment Protection Policy (Waters of Victoria)

Actions are required to:

- Generate reports for the EPA as required under the EP Act;
- Generate reports for Council and the relevant water authorities;
- Implement a compliance, regulation and enforcement program as detailed in the DWMP Action Plan and;
- Implement the DWMP in accordance with the requirements of the Ministerial Guidelines for Assessing Planning Applications in Potable Water Supply Catchment Areas 2012.

8.1 INFORMATION MANAGEMENT AND QUALITY ASSURANCE

Council will provide the following information to Council and to the relevant water authorities as outlined below:

- Council will lodge with the EPA and key stakeholders an annual return in the month of July each year containing the following:
 - Council will provide details on the number of permits issued for septic tank systems;
 - Council will provide details on the number of compulsory status reports received for high risk properties and any that are reported as non compliant;
 - Council will provide details on the number of maintenance reports received as per the maintenance reporting program as outlined in the DWMP;

- A compliance and enforcement report as detailed in this DWMP and;
- Council will provide details on the number of OWTS inspected as per the Action Plan and as agreed in the DWMP. The report will include any OWTS that are functioning correctly and what measures were taken to ensure that those OWTS that were not functioning correctly were rectified.
- An update to all stakeholders on the progress against all action contained in the Action Plan.

8.2 HEPBURN SHIRE ACTION PLAN

The action plan must to be adopted by Council and will be adopted for all unsewered properties within the Hepburn Shire.

The Action Plan details:

- Actions to be undertaken;
- Priority of each action;
- Officer/Team to undertake the action and;
- Date the action is due to be completed

Action	Description	Priority	Officer/Team	Due Date
Adoption of the DWMP	Council must adopt and implement the DWMP to meet the requirements of the SEPP	HIGH	Council	June 2014
Reporting to Council/Key stakeholders including water authorities	Council will provide an annual report on all OWTS on Council's database, including an update to all stakeholders on the progress against all actions contained in the Action Plan.	High	EHO	31 July of each financial year
Compliance with Sec 173 agreement conditions relating to OWTS	Council's investigation officer will ensure that any OWTS issued with Sec 173 agreements registered on title are complied with.	High	Planning Investigation Officer	Year 1 – Set up S. 173 compliance by 30/06/2015 Ongoing as required
Local Law for Enforcement	Introduce a Local Law as a penalty unit to ensure regulation and maintenance of OWTS	High	Council	To be introduced by 31/12/2014
Update current OWTS database - only existing systems	Council will add GPS co-ordinates to the GIS layer to accurately record the location of existing OWTS. Details to be obtained from compulsory status reports.	Medium	GIS Officer	30/06/2015
Update current OWTS database	Council will complete an archiving process for all hardcopy file OWTS records to be put onto the current database.	Medium	Records officer	30/06/2015

Update current OWTS database	Council will complete and audit of the current OWTS database to ensure that all compulsory status reports information is captured on the current database - High Risk OWTS only	Medium	Administration Officer	30/06/2015
Update the GIS OWTS database	Council will ensure all known high risk OWTS - GPS locations is added to the OWTS database and GIS system.	Medium	EHO/GIS officer	30/06/2015
Council will support relevant industry	Council will support and provide guidance to plumbers and authorised servicing agents to improve standards in the industry (forum)	Medium	EHO	30/06/2014
Mandatory Reporting/Maintenance Reporting	Council will require the landowner to provide a mandatory maintenance report when required in accordance to the relevant EPA Certificate of Approval or as directed by Hepburn Shire Council	High	Administration Officer	As and when required to be submitted in accordance with Septic Tank Permit or as Local Law requirements
Initial mandatory status report	Council will require the landowner/occupier of the identified high risk properties to supply a status report on the OWTS.	High	This information is to be supplied by the landowner	This is a one off requirement to be supplied within 90 days of the issue of the initial request from Council.
Random Audit of Septic Systems	Council will conduct an annual audit of all high risk OWTS as identified in this plan.	High	EHO	79 year 1 78 year 2 78 year 3 78 year 4 78 year 5

Audit of the DWMP	Council will get an independent audit by an accredited auditor (water corporation approved) of implementation of the DWMP, including of monitoring and enforcement.	High	Council	Every 3 years from the adoption of the DWMP
Review of DWMP	Council & stakeholders to review the DWMP 5 years after adoption	Low	Council and Water Authorities	5 years after adoption
Education to property owners	Information to be provided to home owners with an OWTS	Medium	Council	Ongoing
Press Releases	Hepburn Shire Council to provide information through various media outlets to provide information to residents about the regulation and compliance as detailed in the DWMP	High	Council	These will be released upon adoption of the DWMP
Lobby EPA and Water Corporations	Council to lobby the EPA and water authorities to investigate decentralised waste water treatment systems in unsewered townships in the Shire	Medium/Low	Council/Water Authorities	Water Authorities develop 5 years Water Plans to address infrastructure investments – opportunity to identify new sewerage infrastructure needs at this stage
Develop a Domestic Wastewater Management Policy	The policy will be used for permit application process, complaint investigation process, works required procedure and for it to be in line with the DWMP	Medium	Council	30/06/2015

09. GLOSSARY OF TERMS

AS: Australian Standard

AWTS: Aerated Wastewater Treatment Systems

CA: Certificate of Approval for an onsite wastewater system as issued by the EPA

CHW: Central Highlands Water

Coliban Water

Conventional Sewerage: Use of sewers to collect sewage

DEPI: Department of Environment and Primary Industries

DWMP: Domestic Wastewater Management Plan

EHO: Environmental Health Officer

Effluent: Liquid flowing out of a treatment process

Effluent reuse: Effluent reuse is a process where treated wastewater is recycled for useful purposes and is not discharged to a natural waterway. The treated water may be used by industry or for watering of golf courses or other recreational facilities, agro forestry, pastures and food crops.

EPA: Environmental Protection Authority

Grey water: Domestic wastewater from sources other than toilets - for example, water from washing machines, dishwashers, showers and basins.

Groundwater: Water that is found below the surface, usually in porous rock or soil or in underground aquifers.

GMW: Goulburn-Murray Water

Infiltration: Water entering the sewerage system through cracked pipes or faulty joints.

LCA: Land Capability Assessment

NCCMA: North Central Catchment Management Authority

Non-potable reuse: The use of treated wastewater for purposes that do not require water of a drinkable standard.

Onsite wastewater treatment system: a treatment system that treats up to 5,000 L/day of wastewater on the allotment where it was generated.

Runoff: Water that flows across the land surface and does not soak into the ground.

SEPP: State Environment Protection Policy

Septic tank: Underground tank used for treatment of wastewater through bacterial activity.

Sewage overflow: A release of sewage from a designed relief point to avoid sewage flowing back into houses.

Sewage: the waste and wastewater produced by residential, commercial and industrial sources and discharged into sewers

Sewerage: The entire system of sewage collection, treatment, and disposal.

Sludge: Solid matter that is removed during wastewater or water treatment. It can be processed into a material that can be beneficially used (biosolids).

SRW: Southern Rural Water

SS: Suspended Solids

Sullage: domestic wastewater other than that which comes from the toilet.

VCAT: Victorian Civil and Administrative Tribunal

Wastewater: Another name for sewage.

WW: Western Water

010. APPENDICES

APPENDIX 1

Septic Tank Inspection Checklist

Property Address: _____	Date: _____
Property Number: _____	Inspector: _____
Property Owner: _____	Owner Present yes <input type="checkbox"/> no <input type="checkbox"/>
Owner Contact: _____	
Owner Postal: _____	

Septic Tank Permit No: _____ Estimated age of system: _____

Plans on record: yes <input type="checkbox"/> no <input type="checkbox"/>		Plans Attached	
Type of Premises:			
Occupied dwelling <input type="checkbox"/>	Holiday house <input type="checkbox"/>	Commercial <input type="checkbox"/>	Other: _____
Water supply:			
Reticulated <input type="checkbox"/>	rainwater <input type="checkbox"/>	Bore <input type="checkbox"/> Spring <input type="checkbox"/>	Well <input type="checkbox"/> Dam <input type="checkbox"/>

GPS Location of System:

Treatment System:

All waste septic tank <input type="checkbox"/>	AWTS <input type="checkbox"/> System: _____
Split system septic <input type="checkbox"/>	Worm Farm <input type="checkbox"/> System: _____
Sand filter <input type="checkbox"/>	Composting toilet & grey water <input type="checkbox"/>
Other _____	

System Condition:

	yes	no	comment
System accessible for inspection & maintenance			
System structurally sound			
Odour detected			
Pump turned on			
Pump alarm			

Disposal Area Type:

Conventional trenches subsurface irrigation surface irrigation
 Mound reed bed

Disposal Area Appearance:

	yes	no	comment
Wet areas			
Drainage ditches			
Ponding			
Odour			
Overgrown vegetation			
Matted green material			
Disposal area covered			
Tree root invasion			
Evidence of vehicle damage			
Distribution box intact			
Sludge in distribution boxes			
Discharging offsite			

System Maintenance:

Date of last desludge _____

AWTS date of last service report _____

Regular service reports received yes no

Result:

Satisfactory - no issues

Low -minor issue to owner

Medium – potential health risk exists

High – system failing – discharging offsite or into waterway

Action required yes no

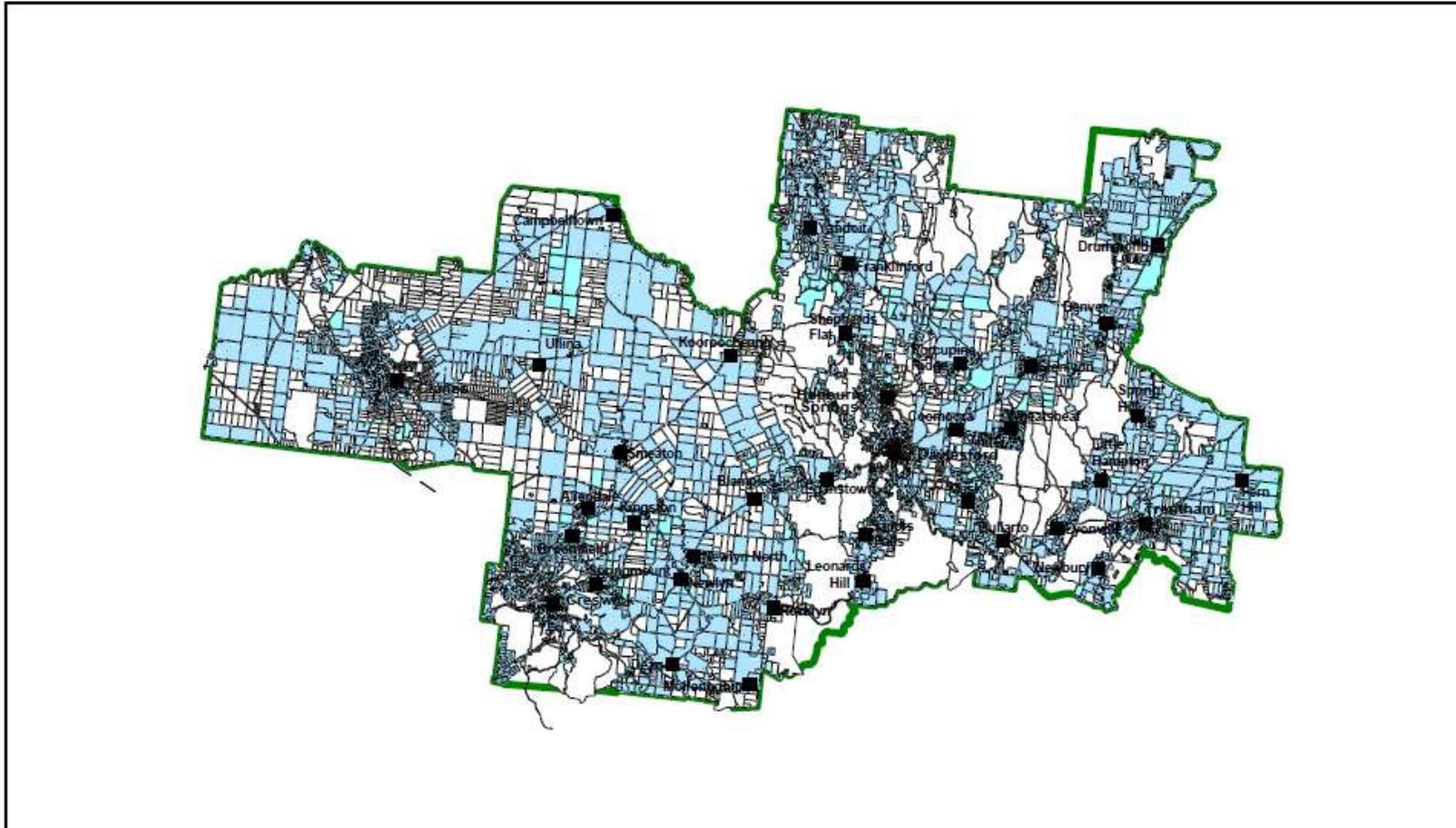
Details

APPENDIX 2 – GIS MAPPING

Maps containing information about:

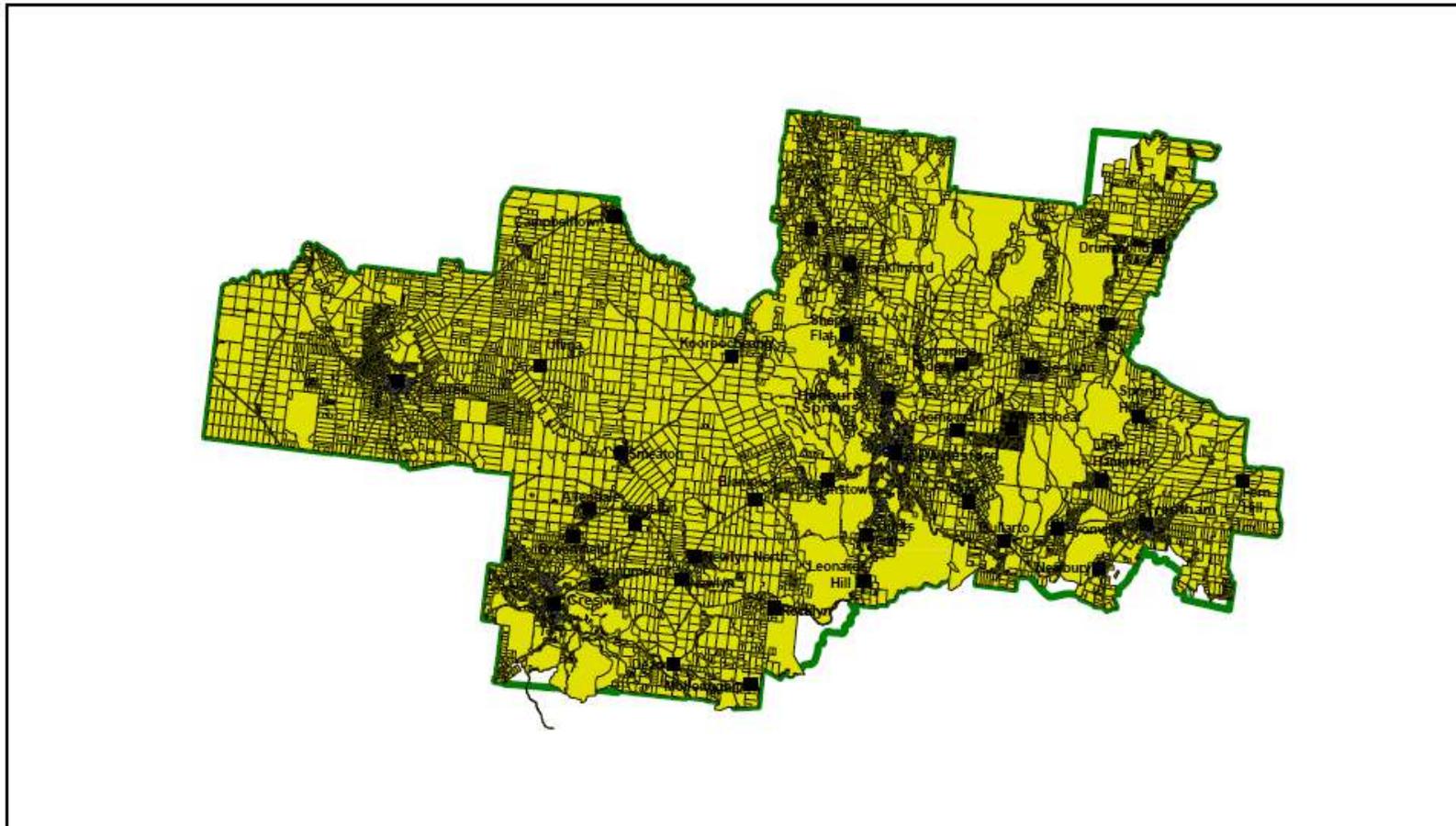
- Properties with OWTS;
- lots greater than 1ha;
- lots less than 4000sq m;
- watercourses and reservoirs;
- land subject to inundation;
- soil type;
- contour mapping and;
- dwelling density
- high risk properties for audit

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



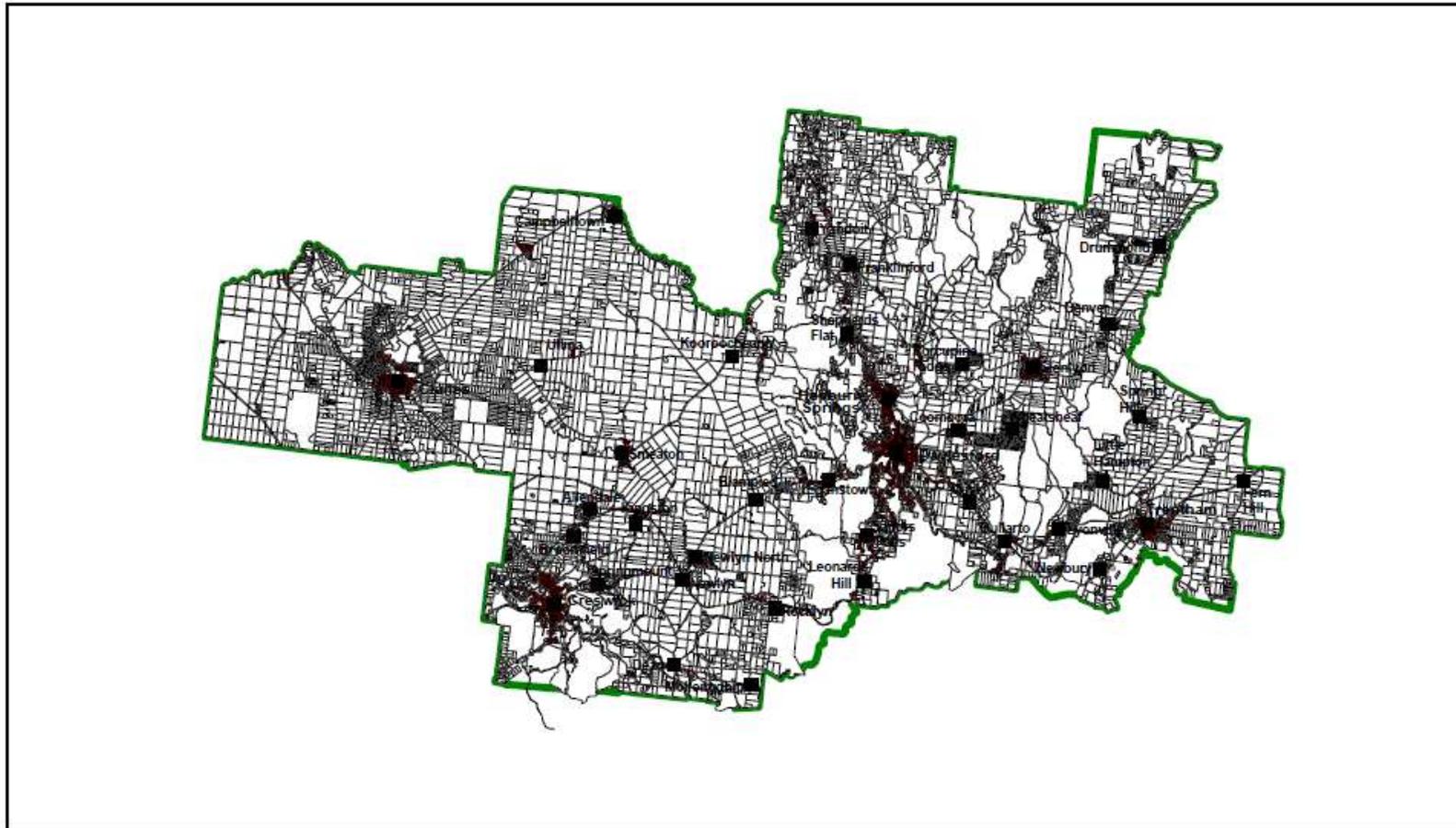
Properties with OWTS in Hepburn Shire

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



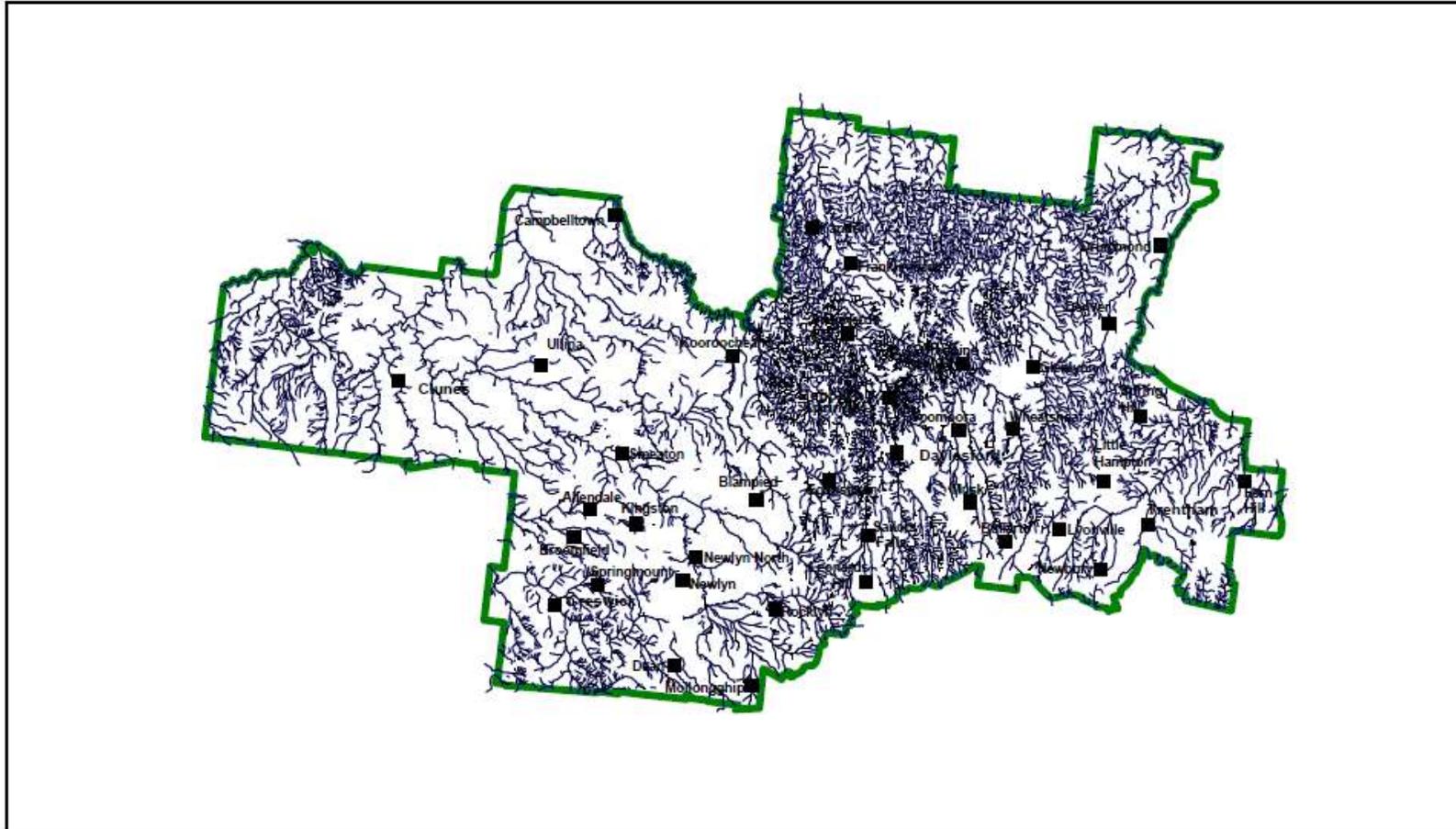
Properties greater than 1ha

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



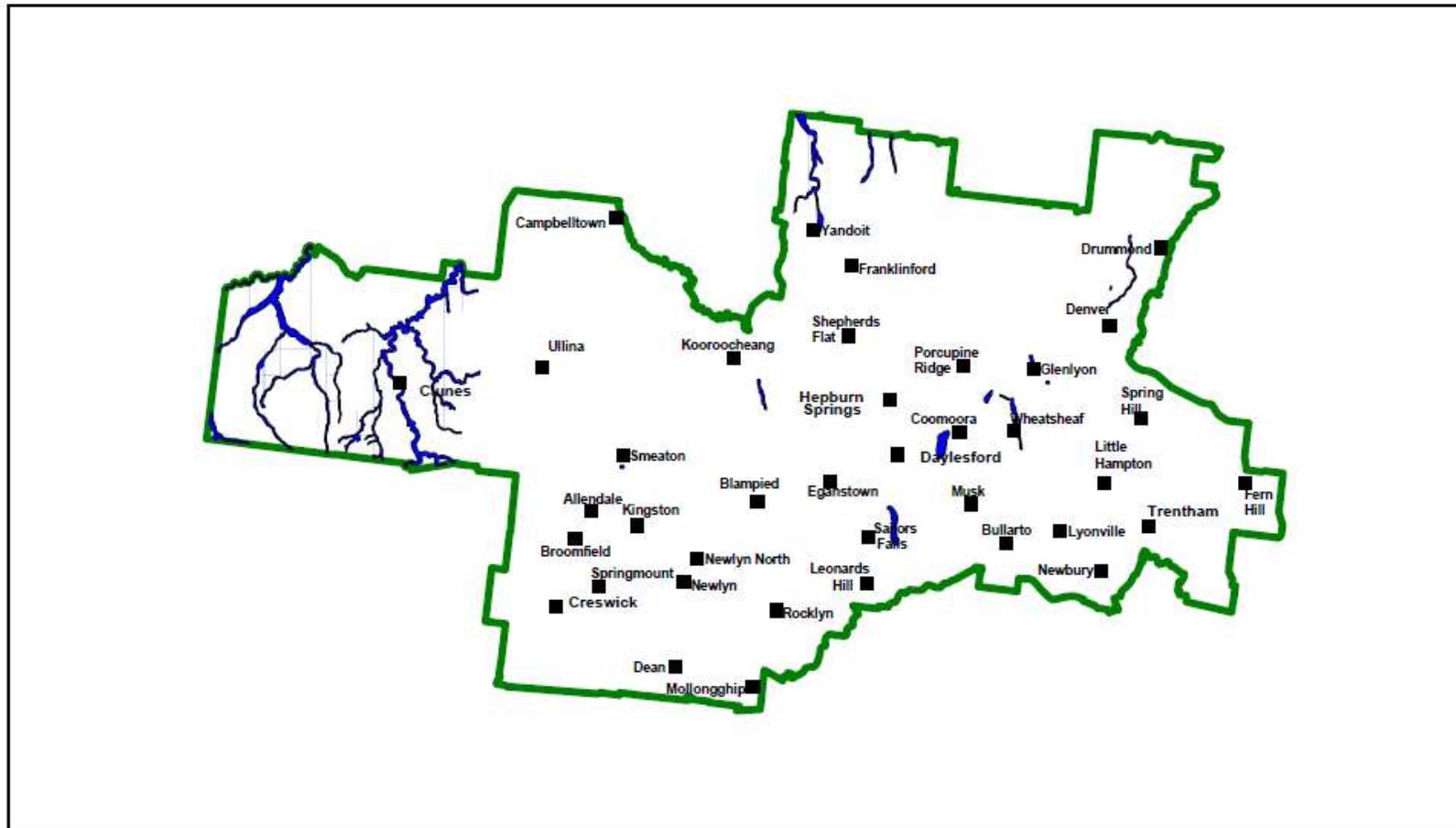
Properties less than 4000 sq m

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



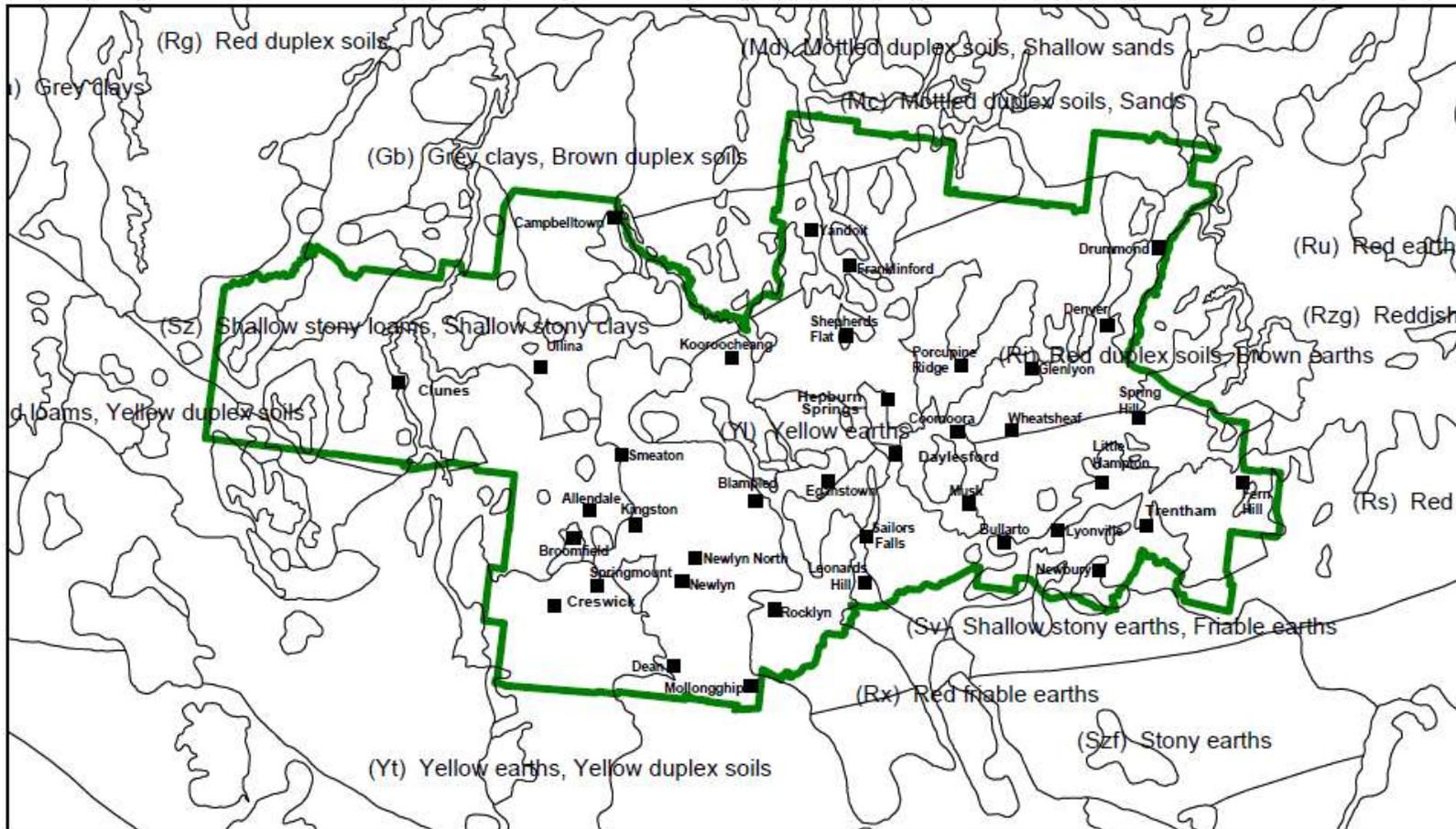
Watercourses and Reservoirs

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



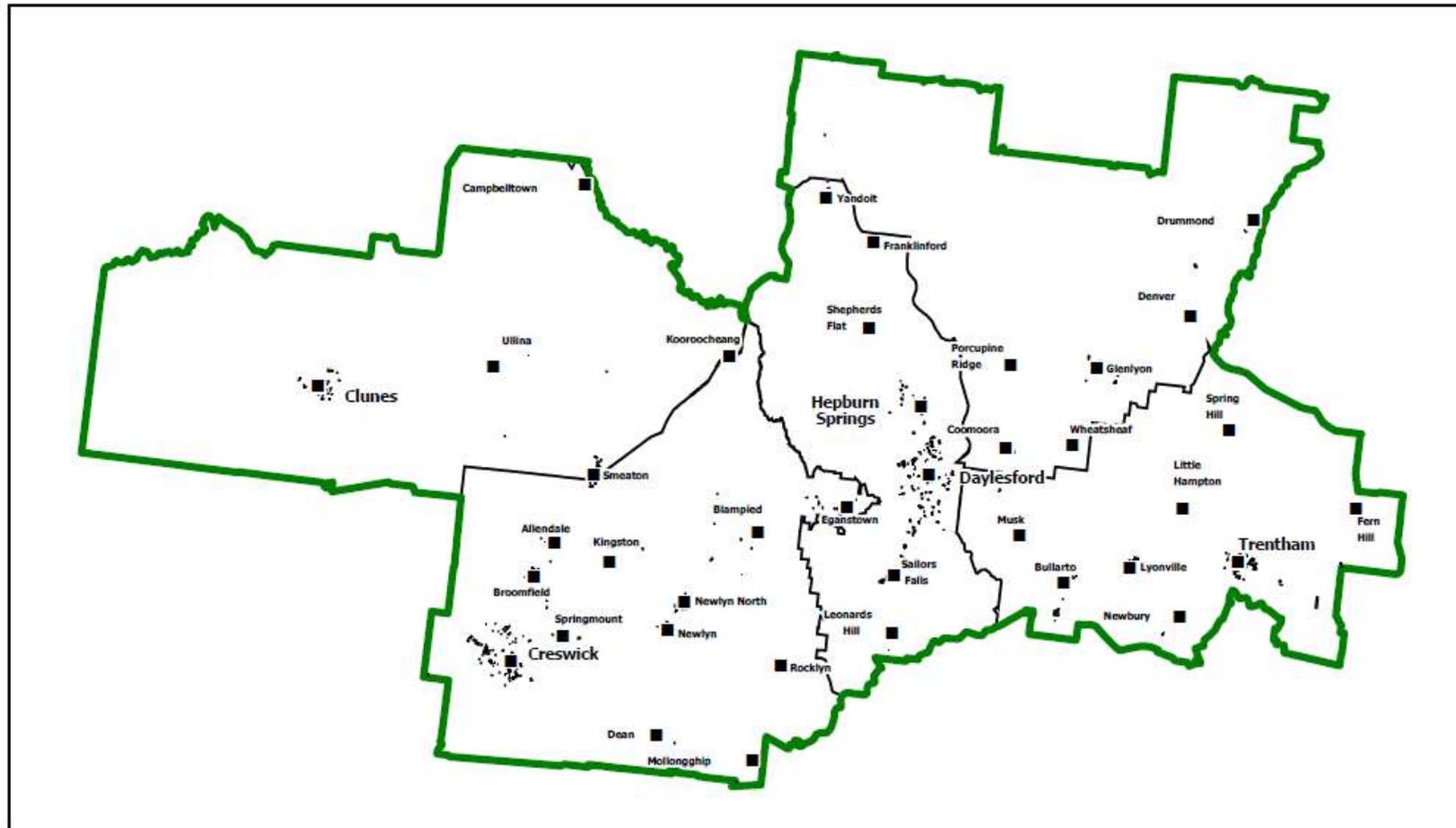
Land subject to inundation

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



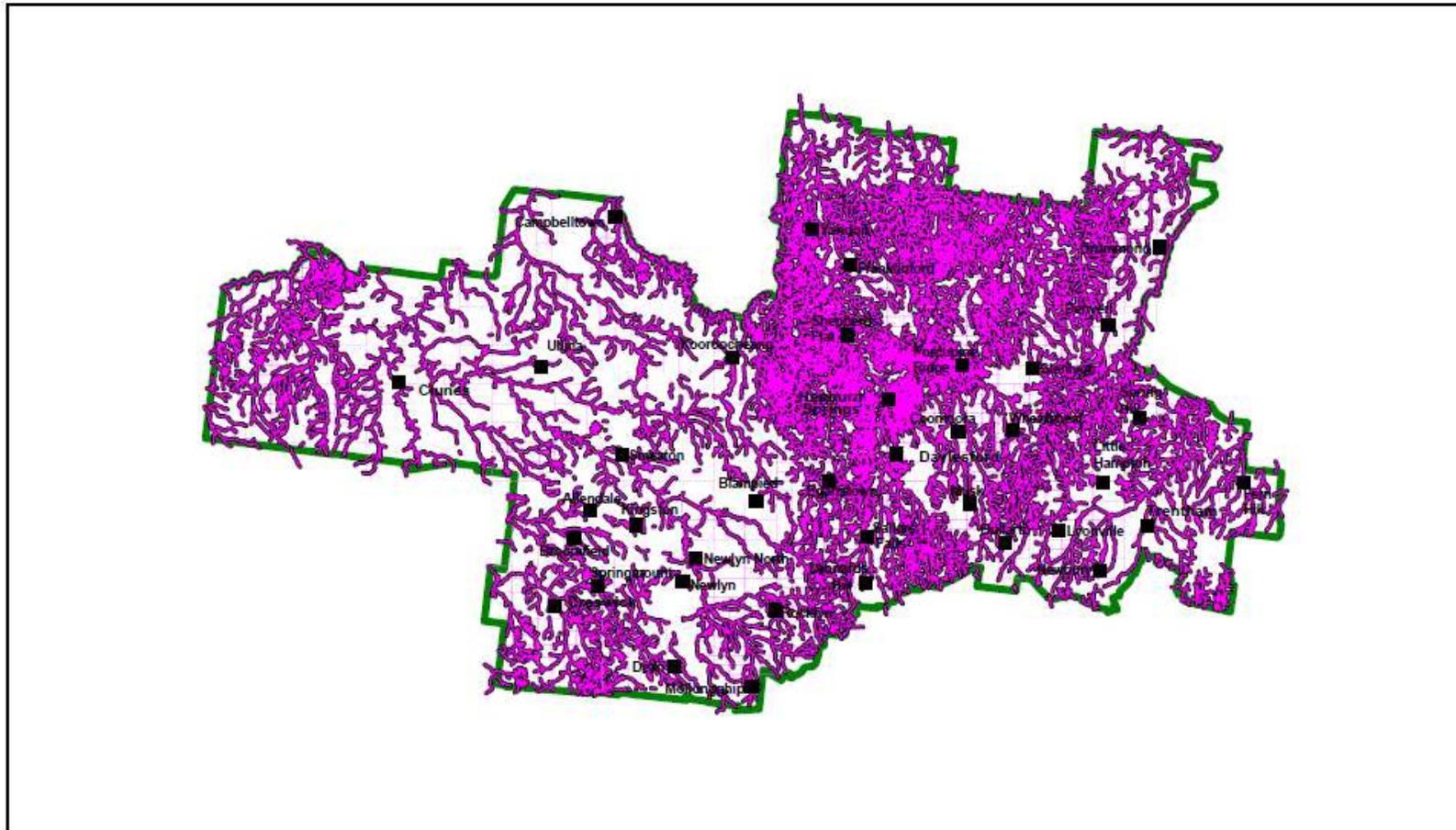
Hepburn Soil

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



Dwelling density - 1144 properties in higher density areas map

▶ DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP)



100 metres ring around waterways and watercourse