

Flying Minute - Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA: WALGA Submission (05-031-01-0001MM)

By Marissa MacDonald, Senior Policy Advisor, Community

Cr Paul Kelly declared an interest in this item as his work position is responsible for licensing and regulating the 19 Local Governments referred to in the paper.

Recommendation

That the submission to the Department of Health in response to the Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA consultation be endorsed.

RESOLUTION 202.FM/2021

CARRIED

Executive Summary

- On Thursday, 18 February the Department of Health released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment.
- The discussion paper considers future options for regulating wastewater conveyance, treatment and disposal; and future options for managing wastewater systems.
- Local Government plays a role in relation to both the regulation of wastewater and in managing wastewater systems.
- Local Government is an enforcement agency under the *Public Health Act 2016*, with Local Government Environmental Health Officers (EHO’s) playing a key role in administering the regulations relating to wastewater.
- There are 19 Local Governments which manage wastewater schemes that are currently exempt from licensing under the *Water Services Act 2012* (‘19 Local Government wastewater managers’).
- The discussion paper presents three options for the future regulation of wastewater conveyance, treatment and disposal. The majority of Local Government responses received by WALGA support Option 3 - the development of new regulations largely based on the existing regulations with minor amendments, including training requirements and accreditation of Site and Soil Evaluators.
- Feedback indicated that Local Governments do not support the full adoption of the Australian Standards AS/NZS1547 in the new regulations as there is limited evidence in the discussion paper to support its adoption.
- The discussion paper presents three options for the future management of wastewater systems. WALGA received limited feedback from the 19 Local Government wastewater managers, and as such does not have a definitive position on the three options presented in the discussion paper.
- WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.



- In developing its submission WALGA has consulted with Local Governments through various methods, including co-hosting a webinar with the Department of Health and phone conversations with EHO's.
- The draft submission has been considered and endorsed by the People and Place Policy Team.

Attachment

- Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA: WALGA Submission in Response to Department of Health

Policy Implications

WALGA has previously made comment on the Public Health Regulations; Construction Sites Facilities, Cloth Materials and Temporary Toilets Regulations (139.7/2018), Aquatic Facilities and Public Buildings (15.3/2019), Pesticides (131.FM/2019), Housing Risks (2.1/2020) and Lodging Houses (60.2/2020).

Background

The Department of Health released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment in February 2021. The purpose of the consultation is to determine the best way to manage the public health risks from wastewater conveyance, treatment and disposal. The consultation forms part of the implementation of the *Public Health Act 2016* which requires the review the *Health (Miscellaneous Provisions) Act 1911* and associated regulations. The regulations being reviewed are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 (Wastewater Regulations)*.

Local Government is an enforcement agency under the *Public Health Act 2016*, with Local Government Environmental Health Officers (EHO's) playing a key role in administering the regulations relating to wastewater. There are also a number of Local Governments that own and manage wastewater systems, with 19 Local Governments having Class Exemptions from licensing under the *Water Services Act 2012* as they service less than 1,000 customers (19 Local Government wastewater managers). These 19 regional Local Governments are the Shires of Brookton, Coolgardie, Dalwallinu, Denmark, Dowerin, East Pilbara, Goomalling, Jerramungup, Kent, Koorda, Moora, Morawa, Northam, Ravensthorpe, Victoria Plains, Wickiepin, West Arthur, Yilgarn and the City of Karratha (Karratha Airport).

The discussion paper presents three options for the future regulation of wastewater conveyance, treatment and disposal:

- Option 1 - Retain the status quo by replicating the existing regulations as far as practicable.
- Option 2 - Deregulate the wastewater industry and repeal the current legislation associated with wastewater management. That is, to repeal without replacement the relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* and its subsidiary legislation and adopted codes associated with wastewater management without replacement.
- Option 3 - Develop new public health regulations for wastewater management under the *Public Health Act 2016*, which align with its principles and establish the necessary compliance requirements and processes. Option 3 is the Department of Health's preferred option.

The discussion paper also presents three options for the future management of wastewater systems of relevance to the 19 Local Government wastewater managers.

Comment

The discussion paper is complex with 150 primarily technical questions. Feedback from some Local Governments was that the discussion paper did not make a compelling case for the recommended proposals or include potential implications for Local Governments of the proposed options.

In developing its submission WALGA consulted with Local Governments through various methods including co-hosting a webinar with the Department of Health on Thursday, 15 April, emails and phone conversations with EHO's. In the submission, WALGA has not provided a response to all 150 questions, but rather commented on issues of most significance to Local Government.

With respect to the regulating of wastewater conveyance, treatment and disposal, the majority of Local Government feedback supports Option 3 - to develop new regulations, which are largely based on the existing regulations and with the inclusion of minor amendments including training requirements and accreditation of Site and Soil Evaluators.

Feedback received by WALGA indicated that Local Government does not generally support the full adoption of the Australian Standards AS/NZS1547 in the new regulations. Limited evidence has been provided in the discussion paper to support the adoption of this standard. Adoption of this standard will likely increase the size requirement for wastewater systems, resulting in increased expenses for home builders.

With respect to the three options for managing wastewater systems, WALGA received limited feedback from the 19 Local Government wastewater managers, and as such does not have a definitive position on the three options presented in the discussion paper. These additional options propose requirements to register wastewater systems and pay a registration fee, develop Risk Management Plans and conduct audits. The Shire of Ravensthorpe and the EHO from the Shires of Dowerin, Goomalling, Toodyay and Wongan-Ballidu do not support any of these options, preferring that wastewater scheme management be transferred to the Water Corporation. The Shires of Yilgarn and Denmark provided feedback that future options should not require any additional reporting or auditing. WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.

As recommended by the *Select Committee into Local Government Final Report*, the regulatory impact statement for the development of any new regulations should outline the estimated costs and the resources that the State Government will provide to Local Government to meet the costs of any regulatory change.

The draft submission has been considered and endorsed by the People and Place Policy Team.

FLYING MINUTE OUTCOME

Total invited to survey: 24

Total finished survey: 16

That the submission to the Department of Health in response to the Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA consultation be endorsed.

Endorse recommendation: 11

Endorse recommendation subject to comment below: 5

Do not endorse recommendation: 0

First Name	Last Name	Completed Date
Carol	Adams OAM	31/05/2021 at 14:12
Phillip	Blight	30/05/2021 at 9:58
Julie	Brown	31/05/2021 at 23:22
Ruth	Butterfield	02/06/2021 at 16:03
Karen	Chappel	02/06/2021 at 8:48
Cheryl	Cowell	Not completed
Malcolm	Cullen	Not completed
Frank	Cvitan	02/06/2021 at 15:07
Tony	Dean	25/05/2021 at 14:40
Catherine	Ehrhardt	Not completed
Russ	Fishwick	26/05/2021 at 11:37
Ronnie	Fleay	25/05/2021 at 15:16
Logan	Howlett JP	31/05/2021 at 14:38
Mark	Irwin	Not completed
Paul	Kelly	Not completed
Jenna	Ledgerwood	31/05/2021 at 8:00
Peter	Long	28/05/2021 at 13:55
Cate	McCullough	Not completed
Chris	Mitchell JP	02/06/2021 at 14:56
Les	Price	30/05/2021 at 19:03
Michelle	Rich	Not completed
Ken	Seymour	Not completed
Stephen	Strange	31/05/2021 at 15:39
Doug	Thompson	26/05/2021 at 11:12

Responses

Poll Created: 25/05/2021 at 13:45

(9) Endorse the submission Phillip Blight (on: 30/05/2021 at 9:58), Russ Fishwick JP (on: 26/05/2021 at 11:37), Karen Chappel (on: 02/06/2021 at 8:48), Julie Brown (on: 31/05/2021 at 23:22), Doug Thompson (on: 26/05/2021 at 11:12), Logan Howlett JP (on: 31/05/2021 at 14:38), Tony Dean (on: 25/05/2021 at 14:40), Peter Long (on: 28/05/2021 at 13:55), Ronnie Fleay (on: 25/05/2021 at 15:16), Ruth Butterfield (on: 02/06/2021 at 16:03), Frank Cvitan (on: 02/06/2021 at 15:07)

(4) Endorse the submission subject to comment below Jenna Ledgerwood (on: 31/05/2021 at 8:00), Stephen Strange (on: 31/05/2021 at 15:39), Chris Mitchell JP (on: 02/06/2021 at 14:56), Les Price (on: 30/05/2021 at 19:03), Carol Adams OAM (on: 31/05/2021 at 14:12)

(0) Do not endorse

Comments

Les Price on 30/05/2021 at 19:03

Whilst I support the recommendation I would hope that any new legislative framework does not enable the State Government to push back onto Local Governments and cost shift.

Jenna Ledgerwood on 31/05/2021 at 8:00

I endorse the submission with comment that no more costs/works are delegated to the Local Councils. Managing Waste Water needs to be done better and self-regulation in most areas of government has had little to improve Health and Safety in Australia.

Carol Adams OAM on 31/05/2021 at 14:12

The City of Kwinana supports Option 3 - The City of Kwinana is not supportive of site soil evaluations (SSE) being required for residential developments of single house, granny flats or ancillary accommodation where soil types are consistently found to be sandy. - The City is in a unique position in which it has a Nutrient Retentive Effluent Disposal Systems (NRED) Policy and a MOU for the Cockburn Sound Catchment Area, with only NREDS, in which the majority of these systems are already AS/NZS 1546 compliant, being approved in the City as a result. - There is currently no AS/NZS 1546 certification testing in WA and the City is of the position that the Department of Health could provide further support to WA based manufacturers in gaining certification.

Stephen Strange on 31/05/2021 at 15:39

Also Endorse comments made by Cr Ledgerwood and Cr Price.

Chris Mitchell JP on 02/06/2021 at 14:56

I have been advised that the Metropolitan Environmental Health Managers group is proposing that an Expert Environmental Health Industry working group be tasked with selecting the relevant and well used clauses of the existing wastewater regulations and combing them with the very small number of useful measures in AS 1547, plus the supplementary information to Reg 29. To form the framework of a new set of regulations. Add into the new regulations, the methods from the preceding GSP (Government Sewerage Policy) that determine the volume of wastewaters permitted to be discharged into the ground based principally upon lot size, and the new Wastewater Regulations when gazetted, would reinstall and improve this well functioning system of governance.

Secretariat Comment

All comments above are consistent with the submission. The submission highlights the need to ensure costs are not inappropriately shifted to Local Governments (Cr Price, Cr Ledgerwood, Cr Strange)

“As recommended by the Select Committee into Local Government Final Report, the regulatory impact statement for the development of any new regulations should outline the estimated costs and the resources that the State Government will provide to Local Government to meet the costs of any regulatory change.” (Page 5)

The submission shows a preference for Option 3 and supports the comments regarding soil site evaluations (Cr Adams)

“The majority of Local Government responses received by WALGA support Option 3 - to develop new regulations largely based on the existing regulations” (Page 6)

“Feedback received by WALGA indicates that Local Government does not support the requirement for an SSE to be undertaken for single dwellings as requested by an approving agency. There may be circumstances where a SSE will be required for single dwellings as per the Sewerage Sensitive Areas identified in the GSP. It is recommended that the DOH provide guidance as to the particular situations where a SSE is required for single dwellings and consult with Local Government when developing this guidance material.” (Page 14)

WALGA does not provide the level of detail that is likely to be provided by MEHMG, but the submission is clear that further consultation with Local Governments is required (Cr Mitchell).

“WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.” (Page 5)



Managing Public Health Risks from
Wastewater Conveyance,
Treatment and Disposal in WA
**WALGA Submission in Response to
Department of Health**

May 2021

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1.0 Executive Summary

On 18 February 2021 the Department of Health (DOH) released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper to determine the best way to manage the public health risks from wastewater conveyance, treatment and disposal. The consultation forms part of the implementation of the *Public Health Act 2016* which requires the review the *Health (Miscellaneous Provisions) Act 1911* and associated regulations. The current wastewater regulations are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 (Wastewater Regulations)*.

Local Government plays a role in relation to both the regulation of wastewater and in managing wastewater systems. Local Government is an enforcement agency under the *Public Health Act 2016*, with Local Government Environmental Health Officers (EHO’s) playing a key role in administering the regulations relating to wastewater. There are also 19 Local Governments that own and manage wastewater systems with Class Exemptions from licensing under the *Water Services Act 2012* as they service less than 1,000 customers (19 Local Government wastewater managers). The 19 Local Government wastewater managers are the Shires of Brookton, Coolgardie, Dalwallinu, Denmark, Dowerin, East Pilbara, Goomalling, Jerramungup, Kent, Koorda, Moora, Morawa, Northam, Ravensthorpe, Victoria Plains, Wickipin, West Arthur, Yilgarn and the City of Karratha (Karratha Airport).

The discussion paper is complex with 150 primarily technical questions. Feedback from some Local Governments was that the discussion paper did not make a compelling case for the recommended proposals or include potential implications for Local Governments of the proposed options.

The discussion paper presents three options for the future regulation of wastewater conveyance, treatment and disposal. The majority of Local Government responses received by WALGA support Option 3 - to develop new regulations largely based on the existing regulations and with the inclusion of minor amendments including training requirements and accreditation of Site and Soil Evaluators.

Feedback received by WALGA indicated that Local Government does not generally support the full adoption of the Australian Standards AS/NZS1547 in the new regulations. Limited evidence has been provided in the discussion paper to support the adoption of this standard. Adoption of this standard will likely increase the size requirement for wastewater systems, resulting in increased expenses for home builders.

The discussion paper presented three options for the future management of wastewater. WALGA received limited feedback from the 19 Local Government wastewater managers and does not have a definitive position. These additional options propose requirements to register wastewater systems and pay a registration fee, develop Risk Management Plans and conduct audits. The Shire of Ravensthorpe and the Environmental Health Officers (EHOs) from the Shires of Dowerin, Goomalling, Toodyay and Wongan-Ballidu do not support any of these options and indicated they would prefer that wastewater scheme management be transferred to the Water Corporation. The Shires of Yilgarn and Denmark provided feedback that any future options should not require any additional reporting or auditing beyond what they already undertake.

WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.

As recommended by the Select Committee into Local Government Final Report, the regulatory impact statement for the development of any new regulations should outline the estimated costs and the resources that the State Government will provide to Local Government to meet the costs of any regulatory change.

2.0 Introduction

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of Local Governments in Western Australia.

It provides an essential voice for its members who are 139 Local Governments, 1,215 Elected Members and approximately 22,000 Local Government employees as well as over 2.2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

On Thursday, 18 February the Department of Health (DOH) released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment. The consultation forms part of the implementation of the *Public Health Act 2016* which requires the Department of Health to review the Health (Miscellaneous Provisions) Act 1911 and associated regulations. The existing regulations that are being reviewed in this consultation are the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 (Wastewater Regulations).

Local Government is an enforcement agency under the *Public Health Act 2016* (the Public Health Act), with Local Government EHOs playing a key role in administering the regulations relating to wastewater.

There are also a number of Local Governments that own and manage wastewater systems, with 19 of these Local Governments having an exemption from licensing under the *Water Services Act 2012* (19 Local Government wastewater managers).

To ensure broad representation of Local Government responses to the Discussion Paper, and within this submission, WALGA promoted the consultation through our formal communication channels, as well as via emails and phone calls to Local Government officers working in environmental health. WALGA co-hosted a webinar with the Department of Health on Thursday, 15 April with 30 Local Government attendees. During this session, DOH officers provided an overview of the discussion paper and webinar participants raised questions and provided comments. The Local Governments that were represented are listed in Appendix 1. WALGA also received comments via email, through phone conversations and through formal correspondence. A list of engagement methods and the Local Governments engaged is included in Appendix 1.

This submission will interchangeably refer to both ‘sewage’ and ‘sewerage’. It should be noted there is a difference between the terms outlined as per below:

- Sewage - Any kind of faecal matter or urine, and any waste composed wholly or in part of liquid. This does not include trade waste.
- Sewerage - The physical infrastructure (i.e. wastewater systems) that carries the sewage managed by a water service provider in accordance with the *Water Services Act 2012*.

3.0 Local Government Response

General Comments

The discussion paper is complex with 150 primarily technical questions. Feedback from some Local Governments was that the discussion paper did not make a compelling case for the recommended proposals or potential implications to Local Governments of the options.

WALGA has not provided a response to all 150 questions, but rather commented on issues of particular relevance to Local Government.

Part One: Regulating wastewater conveyance, treatment and disposal. Chapter 1 Regulatory options investigated.

5. Please indicate your preferred option for managing public health risks associated with wastewater conveyance, treatment and disposal?

- **Option 1: Maintain the status quo**
- **Option 2: Deregulate the wastewater industry. Wastewater service providers will be allowed to self-regulate and will only be bound by the general public health duty provisions of the Public Health Act.**
- **Option 3: Develop new public health regulations and supporting documentation for wastewater management under the Public Health Act.**

6. Why is this your preferred option?

With respect to the regulating of wastewater conveyance, treatment and disposal, the majority of Local Government feedback supports Option 3 - to develop new regulations, which are largely based on the existing regulations and with the inclusion of minor amendments including training requirements and accreditation of Site and Soil Evaluators.

While the majority of responses favoured Option 3, some Local Governments support Option 1- to keep the status quo on the basis that the existing regulations have been working well and there is no history of large-scale adverse events causing major public health risks. The Discussion Paper refers to one major event caused from sewage overflow in 2015. Some smaller regional Local Governments expressed concern about Option 3 potentially increasing requirements for risk management planning and auditing, as well as compliance with the Australian Standards.

The Shire of Ravensthorpe prefer Option 2 due to concerns around increased reporting. The Shire does not employ an EHO but contracts the service when required and when an EHO is available. The Shire of Ravensthorpe is one of the 19 Local Government wastewater managers.

**7. Should the new regulations mandate compliance with the relevant Australian Standards?
Yes / No Please expand on your reasoning**

The majority of Local Government feedback received does not support the adoption of Australian Standards for all clauses in any new regulations, despite the [Government Sewerage Policy FAQ's](#) released in October 2019 stating that the current regulations will be replaced by new regulations that adopt Australian/New Zealand Standard 1547 on-site domestic wastewater management.

Local Governments are concerned that the adoption of AS/NZS1547 in the [Government Sewerage Policy](#) (GSP) in 2019 increased complications because it does not align with the existing *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, resulting in inconsistency in the application of the GSP. Local Governments are concerned that AS/NZS1547 may produce the following impacts:

1. complicate the legislative system that already operates effectively,
2. increase the size of footprints for onsite sewerage systems,
3. increase the complexity of onsite sewerage systems,
4. increase the complexity of the application process,
5. increase the complexity and frequency of maintenance,
6. increase the use of power and chemicals, and
7. increase the costs at every stage including installation and ongoing maintenance.

The majority of Local Governments support retaining the existing regulations without mandating AS/NZS1547 as it has been working effectively. Regional Local Governments in particular are concerned that incorporating AS/NZS1547 will make it more difficult and expensive to undertake works.

Some regional Local Governments are also concerned that the relevant Australian Standards must be purchased through Standards Australia or SAI Global and is unaffordable. The Australian Standards are also regularly reviewed and updated resulting in an ongoing cost. The May 2021 Environmental Health e-news acknowledged that the Australian Standards are no longer available from WA public libraries and that the WA Library is currently investigating other options for access, particularly for regional areas.

It is recommended that during development of any new regulations Local Government is consulted about the extent to which AS/NZS1547 is incorporated.

15. Do you agree that all premises should be required to dispose of wastewater by connection to a reticulated sewerage scheme if one is available?

16. Do you agree that if premises located within a 'reasonable distance of a sewer and the operator of that sewerage network indicates that the network has the capacity to accept that additional wastewater, then the appropriate enforcement agency can require the premises to connect to the sewer? If not, what should the requirement be?

17. Do you agree that where a reticulated sewerage scheme is provided after a premises has been constructed, and the reticulated sewerage scheme operator deems that it is viable, then the premises must connect to the scheme within 6 months of the scheme being provided? If not, how should this situation be managed?

18. Should anyone be exempt from these requirements?

Local Governments agree that if premises located within a 'reasonable distance' of a sewer and the operator of that sewerage network indicates that the network has the capacity to accept that additional wastewater, then the appropriate enforcement agency can require the premises to connect to the sewer. A definition for the term 'reasonable distance' is recommended, including guidelines to support decision making and enforcement.

Most Local Governments agree that where a reticulated sewerage scheme is provided after a premise has been constructed, and the reticulated sewerage scheme operator deems that it is viable, then the premise must connect to the scheme. However, a timeframe of 12 months rather than six months, is preferred.

- 20. Should there be a mandatory requirement to report overflow events?**
- 21. Do you agree that the reportable events should be:**
- a. provided in a schedule in new regulation?**
 - b. listed in a Code of Practice?**
- 22. Do you agree the Wastewater Overflow Procedures should be called up in new regulation as a Code of Practice?**
- 23. Do you agree that the regulations should require that the responsible person of a system which overflowed:**
- a. respond to the overflow in a timely manner?**
 - b. notify the relevant agencies (identified in their risk management plan) where the overflow is a reportable overflow?**
 - c. notify and assist any persons affected by the overflow?**
- 24. What reporting time frames would be appropriate?**
- 25. Do you agree with the events listed in Table 2?**

Local Government feedback received by WALGA supports the mandatory reporting of overflow events to DOH. Development of a Code of Practice that is adopted by regulations and provides further details on reporting and responding is supported. The service provider should be required to report an overflow event, however responsibility may also be placed on licenced plumbers, particularly as a licenced plumber may be the first contact in many situations. The reporting timeframes should allow for examination and reporting of the public health risks, such as levels of exposure.

WALGA is also aware that DOH is currently reviewing the proposed '*Wastewater Overflow Notification and Response Procedures 2021*'.

While Local Governments support the introduction of mandatory reporting of overflow events, any additional costs to Local Governments should be minimal. The [Select Committee into Local Government Final Report](#) recommends that any new regulatory responsibility for Local Governments should be explicitly addressed including the rationale for taking on the responsibility, estimated costs and the resources that the State Government will provide to Local Government to meet the estimated costs.

DOH should also consider whether there should be special procedures for reporting overflow events during emergency management weather events such as flooding.

28. Please select your preferred option for managing wastewater schemes?

- a. **OPTION 1: Declare the operation of a sewage scheme as a prescribed public health risk activity and require sewerage schemes to hold a registration with the DOH.**
- b. **OPTION 2: Declare the operation of a sewage scheme as a prescribed public health risk activity and not require a registration and include regulations in respect to specific items such as those proposed in Sections 2.2 and 2.5 or**
- c. **OPTION 3: Do NOT declare the operation of a sewerage scheme a public health risk activity, require scheme operators to notify the DOH that they operate a wastewater treatment scheme and use the general public health duty to manage the public health risks.**

With respect to the three future options for managing wastewater systems, WALGA received limited feedback from the 19 Local Government wastewater managers and does not have a definitive position. These additional options propose requirements to register wastewater systems and pay a registration fee, develop Risk Management Plans and conduct audits. The Shire of Ravensthorpe and the EHO from the Shires of Dowerin, Goomalling, Toodyay and Wongan-Ballidu do not support any of these options and indicated they would prefer that wastewater scheme management be transferred to the Water Corporation. The Shires of Yilgarn and Denmark provided feedback that any future options should not require any additional reporting or auditing beyond what they already undertake.

The 19 Local Government wastewater managers were granted exemptions from the *Water Services Act 2012* because they involve less than 1,000 customer connections and their water services are limited to the provision of sewerage services and/or non-potable water supply services. The rationale for providing the exemption was to reduce the regulatory and compliance costs associated with water services licensing, including:

- administrative costs to the service provider of licensing i.e. licence fees, annual regulatory reporting costs, the costs of operational audits and asset management system reviews every two to three years; and
- costs to Government for enforcing and administering water service licences.

The 19 Local Government wastewater managers are:

Shire of Brookton	Shire of Koorda
Shire of Coolgardie	Shire of Moora
Shire of Dalwallinu	Shire of Morawa
Shire of Denmark	Shire of Northam
Shire of Dowerin	Shire of Ravensthorpe
Shire of East Pilbara	Shire of Victoria Plains
Shire of Goomalling	Shire of Wickiepin
Shire of Jerramungup	Shire of West Arthur
City of Karratha (Karratha Airport)	Shire of Yilgarn
Shire of Kent	

Potential impacts resulting from the implementation of the options are:

Option 1 – Local Governments will be required to:

- Register the scheme including paying a registration fee. DOH suggests that registration could be a small one-off fee or subject to a small annual fee to minimise the financial impacts.
- Apply conditions to which the registration is subject.

- Prepare, implement and monitor Risk Management Plans (RMPs).
- Have their RMPs audited.

Option 2 – Local Governments will be required to:

- Prepare, implement and monitor RMPs.
- Report on RMPs.
- Have their RMPs audited.
- Apply specified criteria and parameters for monitoring the provision of specific information.

Option 3 – Local Governments will be required to:

- Self-regulate
- Respond only to issues as they arise (reactive). Action can only be taken if there is a suspicion of a public health risk such as;
 - an overflow event from odour emissions
 - illness from exposure to wastewater, or
 - complaint from the public.
- Voluntarily develop RMPs however they will not be reviewed by DOH and will not require auditing.

The Shire of Ravensthorpe has indicated that as they are already providing an annual report, undertaking audits and a Recycled Water Quality Management Plan as well as a number of other reports to the Department of Water and Environmental Regulation, they would not be supportive of the introduction of additional reporting requirements. Many of the 19 regional Local Government wastewater managers share EHOs with neighbouring Local Governments, and regulatory change may create a problematic additional workload. Varying levels of Risk Management Plans (RMPs) may need to be developed, depending of the level of risk determined. For some of these 19 Local Government wastewater managers, it may be difficult to find resources to develop detailed RMPs to meet the requirements.

Proceeding with Option 1 will require the 19 Local Government wastewater managers to register the wastewater systems and pay a registration fee, contrary to the rationale for the granting of exemptions in the first place. It is submitted that existing Local Government managed wastewater schemes should be exempt from the requirement to pay a fee.

33. Do you agree that new regulation for audits should capture only those wastewater sewerage schemes who hold an exemption under the Water Services Act?

34. If the preferred management option requires an audit of a wastewater scheme, should schemes be required to conduct:

- a. Internal audits
- b. External audits

35. If you agree internal audits are required, do you agree that internal audits should be undertaken every two (2) years?

36. If you agree external audits are required, do you agree that external audits should be undertaken every five (5) years?

37. Should the regulations require submission of an external audit report to the DOH within 3 months of it being conducted?

38. If an audit of a wastewater scheme were a requirement of new regulation, do you agree the wastewater scheme operator should appoint the auditor? Please explain your answer?

39. Do you agree that the DOH provide guidance material to assist wastewater schemes operator to select an appropriate auditor?

40. Do you agree the scope of an audit should follow the Australian Sewerage Quality Management Guidelines? If not what framework should be used?

Regional Local Governments may find it difficult to find suitably qualified professionals to undertake external auditing and audit costs may be inflated in regional areas. If auditing is a requirement, it is recommended that guidance material be developed to assist Local Governments to select appropriately qualified auditors, including recommended auditors.

41. If Option 1 is the proposed management option: Do you agree that the regulations require sewerage schemes operators must develop and implement a risk management plan (RMP) as part of their registration?

42. If Option 2 is the proposed management option: Do you agree that the regulations state sewerage schemes operators must develop and implement a RMP?

43. Do you agree that a RMP must be provided to the DOH by the responsible person if they are requested to do so?

44. Do you support the proposal that the wastewater scheme operator can determine the framework used to develop a RMP? Please explain.

45. If you do not support the above, should the DOH develop a template that would be provided as guidance material or a Code of Practice?

If DOH progresses with an option that requires Local Governments to develop RMPs, it is recommended that DOH develop a suite of model RMP templates of varying detail depending on the level of risk as assessed by DOH.

50. If regulation is the preferred option, do you agree the regulations give the CHO the power to prescribe minimum training and skills requirements for operating and maintaining onsite wastewater systems?

Feedback received by WALGA indicates that Local Governments support the prescription of minimum training and skill requirements for personnel operating and maintaining onsite wastewater systems. It is recommended that training be developed by the DOH and provided online (to enable accessibility for regional Local Governments) at no (or low) cost. It is anticipated that training would increase compliance with regulations and reduce risks.

53. Do you agree that minimum siting requirements should be required for the location of onsite wastewater systems?

54. Do you agree that minimum siting requirements should be required for the location of land application systems?

55. Should the DOH set prescriptive minimum siting distances in the regulation or a Code of Practice or should minimum siting requirements follow the risk based approach provided in AS/NZS1547? Please explain your response.

56. Should the DOH consider other literature for setting minimum siting distances? Please provide detail and explain why.

Feedback received by WALGA indicates that Local Governments support minimum siting requirements for the location of onsite wastewater systems and land application systems. It is recommended that minimum siting distances be prescribed by regulation and based on existing regulations not Australian Standards. A useful resource is 1986 Report 'On-Site Wastewater Disposal System Final Report' from Caldwell Connell Engineers for the former Water Authority of Western Australia.

74. Should local government be authorised to inspect systems to determine that a system is still fit for purpose after registration?

Feedback received by WALGA indicates that Local Governments support being authorised to inspect systems after they have been installed, after a period of time has passed or if the landowner has reported there are issues with the system. It is recommended that Local Governments also have the option to request assistance from other suitably qualified personnel including qualified plumbers to accompany them on inspections.

85. Do you agree that a system can be decommissioned by either a licensed installer or a licensed plumber?

86. Do you agree that decommissioning of a system should take place in the following situations?

- a. A building is to be constructed above the apparatus
- b. Reticulated sewerage is provided and connection to the reticulated sewerage system has occurred

87. Are there any other situations where decommissioning occur?

88. What activities should be required as part of decommissioning?

- a. Empty the onsite wastewater system
- b. Removal of the onsite wastewater system
- c. Backfill the area with clean fill
- d. Other, please describe

Feedback received by WALGA indicates that Local Governments support the requirement that the decommissioning of an onsite wastewater system be carried out by a licenced installer or licenced plumber, to ensure the quality and completeness of works. Decommissioning may also need to occur if a system has failed and a new onsite wastewater system is required. Where decommissioning is part of a wastewater system that is still in use and occurs due to the proximity of a proposed new building, or where there is a system failure, an application to modify the registration should be required.

WALGA has received feedback from regional Local Governments that it is difficult to obtain services from licensed installers or plumbers. Ongoing training of licensed plumbers to keep their skills up to date with different and/or newer wastewater systems is necessary to ensure that the system is decommissioned appropriately and in a safe manner.

91. Do you agree that additional system design requirements are outlined in a Code of Practice which is called up in new regulation?

Feedback received by WALGA indicates that Local Governments support the development of a Code of Practice that addresses ongoing maintenance of onsite wastewater systems. It is recommended that Local Government be consulted during the development of any proposed Code of Practice.

92. Do you agree the regulations should reference the design flow rates from AS/NZS 1547?

93. Do you agree with the proposal that a per person, per day flow rate is used?

94. If not, how should the design flow rates should be estimated? Please provide evidence for your suggestion.

95. Do you agree that in situations where a system which uses alternative technologies or does not include sewage, the flow rates sizing of an onsite wastewater system can be based on a lower flow rate? Please explain your answer.

96. Do you agree that the regulations should refer to the design loading rate (infiltration rate) for various soil types using Table L1 of AS/NZS 1547?

97. If not, what design loading rates should the DOH reference? Please provide the evidence for your answer.

WALGA recommends that the DOH engage further with Local Government when developing any new regulations.

98. Do you agree with the proposal to reference the formula from AS/NZS1547 to determine the size of the land application system?

99. If you do not agree with this calculation what calculation should be referenced? Please provide evidence for your suggestion.

Feedback received by WALGA indicates that Local Governments are of the view that the formula provided in AS/NZS1547 can result in complicated sizing for land application systems and increasing of costs. Local Government support the sizing methodology contained within the existing regulations, based on the 1986 Caldwell Connell Engineers Pty Ltd "On-Site Wastewater Disposal Systems Final Report" that was prepared for the then Water Authority of Western Australia. This report outlines the science behind the methodology utilised by the existing regulations.

100. Do you agree that the requirements for a site and soil evaluation (SSE) are provided in a Code of Practice which is called up in regulation?

Feedback received by WALGA indicates that Local Governments support the requirement for SSEs being provided in a Code of Practice.

101. Do you support the proposal that a SSE is not required as part of an Application to Install for premises with a lot with a single dwelling, unless the approving agency requests one? If not, how do you think it should be managed?

Feedback received by WALGA indicates that SSEs may still be required for single dwellings, particularly in Sewage Sensitive Areas as documented in the Government Sewerage Policy. There may be other situations where SSEs are required for single dwellings in line with Local Planning Policies.

102. If adopted, should proposed regulations state premises with a single dwelling will not be required to submit a SSE with an application to install unless requested by the approving agency?

103. If adopted, should proposed regulations state a SSE will be required for all lots other than those with a single dwelling, unless the approving agency considers it has enough information to assess the application to install?

104. If adopted, should an owner be able to request an exemption where there is enough information already available for the site and soil conditions on site to assess in an Application to Install?

Feedback received by WALGA indicates that Local Government does not support the requirement for an SSE to be undertaken for single dwellings as requested by an approving agency. There may be circumstances where a SSE will be required for single dwellings as per the Sewerage Sensitive Areas identified in the GSP. It is recommended that the DOH provide guidance as to the particular situations where a SSE is required for single dwellings and consult with Local Government when developing this guidance material.

The Government Sewerage Policy FAQ's state that "a site and soil evaluation may not be required where the decision maker is satisfied that the minimum site requirements for on-site sewage disposal will be met".

105. Should the DOH maintain the status quo and provide guidance material for conducting an SSE?

106. Which of the following options do you agree with:

- a. A SSE should be conducted in accordance with AS/NZS 1547 or
- b. The scale and intensity of a SSE should be determined by the agency approving the application to install.
- c. Other, please outline what a SSE should be based on and why?

Feedback received by WALGA indicates that Local Government supports the provision of guidance material and specialist training for conducting a SSE. It is recommended that Local Government is consulted during the development of these resources.

107. Who should be able to conduct a SSE for an Application to Install?

- a. Environmental engineer / soil scientist / land capability assessor
- b. Other

108. If other, what qualifications and/ or experience should a suitably qualified person hold?

Feedback received by WALGA indicates that Local Governments agree that a SSE should be conducted by an Environmental Engineer/ Soil Scientist/ Land Capability Assessor. Currently, WA does not have an accreditation process for site evaluators and soil assessors. As site

evaluators and soil assessors are responsible for all work to evaluate the capacity of a site and its soil for accepting treated wastewater, they should, at a minimum be:

- familiar with any regulatory requirements; and
- able to certify that the evaluation procedure has been undertaken in accordance with AS/NZS1547:2012.

Local Governments have indicated a preference for Site and Soil Evaluators to go through an accreditation and registration process to reduce the risk of SSEs being undertaken by people without the appropriate skills and knowledge. It is recommended that the DOH be responsible for the registration process.

109. Do you agree the ongoing requirements for managing onsite wastewater systems should be provided in a Code of Practice that is called up in regulation?

Feedback received by WALGA indicates that Local Government supports the development of a Code of Practice that covers the ongoing requirements for managing onsite wastewater systems.

123. Do you agree with the roles of each of the enforcement agencies described in Table 4?

124. If not, please provide details on who should be the appropriate enforcement agency.

Feedback received by WALGA indicates that Local Government does not support the roles listed within Table 4 because there are additional roles that require inclusion:

- Maintain register of SSE qualified persons
- Registration of installers and service persons
- Provide advice and include product approvals for commercial sizing.

Local Governments were of the view that Local Governments with capacity should be able to assess and/or approve wastewater systems (including retrospective) without DOH input. This acknowledges that in most cases Local Government will be the agency responsible if a wastewater system fails. Local Government support the retrospective assessment and/or approval of wastewater systems that have already been installed.

126. If regulation is the preferred option, should new regulations require that a person installing an onsite wastewater system be:

- a. Licenced**
- b. An authorised person**
- c. No specialised training or experience required**
- d. Other, please provide your reasoning**

Feedback received by WALGA indicates that Local Government support the requirement for a person who installs an onsite wastewater system to be licenced. Some regional Local Governments have concerns regarding licensed plumbers installing certain wastewater systems in regional areas. This includes the ability to source a licensed plumber to the regional location and that the licensed plumber may not have the specific qualifications or skills to install certain wastewater systems such as Secondary Treatment Systems (formerly Aerobic Treatment Unit or ATU's) and bespoke systems. WALGA recommends that the plumbing license board be consulted on this matter.

142. Do you agree with the listed benefits of the proposed regulatory framework to the community? Please provide any further comments that you have, including any other benefits that were not listed.

143. Do you agree with the listed costs of the proposed regulatory framework to the community? Please provide any further comments that you have, including any other costs that were not listed.

Feedback received by WALGA indicates that Local Government is concerned that if AS/NZS1547 is adopted then the sizing requirements may increase the costs of installing new systems and impede land development across WA.

Currently primary treatment systems only require 140m² of area to be installed, however the new proposal for a standard 4 bedroom dwelling in heavy soils will require 1,156m² of area for the drains and necessary setbacks. In sands or gravels it will require 339m² of available space to install. This size increase may prevent the development and subdivision of land, especially infill development (as supported by the objectives of *Perth and Peel @3.5million*).

Local Government is also concerned that the application of AS/NZS 1547 may increase the costs of installing a new system significantly. The anticipated cost increase is displayed in the table below¹:

	Current	Potential costs with AS/NZS1547
Primary Treatment System	\$7,000-\$12,000	\$15,000-\$17,500
Secondary Treatment System	\$12,000 & \$20,000	\$30,000

Additionally, in order to appropriately determine the soil type for sizing to ensure compliance with AS/NZS1547, a SSE would be required which would add further costs to the development. Potentially the most affordable compliant system would rise from approximately \$7,000 to approximately \$15,000.

Feedback received by WALGA indicates that Local Government are of the view that maintaining the status quo with minor updates would not increase the cost to landowners and not adversely impact development.

145. Do you agree with the listed costs of the proposed regulations to industry and businesses? Please provide any further comments that you have, including any other costs that were not listed.

Developing regulations would require the 19 Local Government wastewater providers to develop RMPs and undertake audits on the safety and operation of the schemes which will increase costs. Although the DOH will work with sewerage scheme operators to minimise the impact, there will still likely be additional costs to these 19 Local Governments. WALGA recommends that DOH quantify these costs in alignment with the [Select Committee into Local Government Final Report](#).

¹ Calculation prepared by MEHMG

146. Do you agree referencing the Australian Standards will provide consistency for authorising agencies?

Feedback received by WALGA indicates that Local Government do not support the full adoption of the Australian Standards AS/NZS1547.

148. Do you agree with the listed costs of the proposed regulations to enforcement agencies? Please provide any further comments that you have, including any other costs that were not listed.

The discussion paper indicates that there will be minimal additional costs to Local Governments related to Proposals 2.5 and 2.6 (which require reporting of overflow events). This issue was not raised under the earlier sections 2.5 and 2.6. WALGA recommends that DOH quantify these potential cost impacts on Local Governments.

Local Government is concerned that there may be additional costs to Local Governments other than those identified for proposals 2.5 and 2.6, such as to align their systems, processes and templates. Recommendation 3 of the [Select Committee into Local Government Final Report](#) recommends that any new regulatory responsibility for Local Governments should be explicitly addressed including the rationale, estimated costs and the resources that the State Government will provide to Local Government to meet the estimated costs.

150. Please provide any further comments you have on the proposed regulations that have not been specifically addressed in this discussion paper?

WALGA recommends that DOH engage further with Local Government when developing any new regulations including discussing:

- Effluent volumes in industrial/commercial areas
- Water from wash down pads
- Grease traps for development types
- Triggers for upgrade or replacement of an existing on-site effluent disposal systems
- Non-compliance to AS/NZS1547 and when it's not feasible to comply due to size limitations.

150. Please provide any further comments you have on the proposed regulations that have not been specifically addressed in this discussion paper?

Local Governments will require an adequate period of time to transition to any new regulatory regime, including requirements for Local Government EHOs to undertake any additional training. Sensitive Sewerage Areas with regards to clay beds, amenity of wetlands and emergency management events such as flooding are areas of most concern and may require additional training.

4.0 Conclusion

With respect to the regulating of wastewater conveyance, treatment and disposal, the majority of Local Government feedback supports Option 3 - to develop new regulations, which are largely based on the existing regulations and with the inclusion of minor amendments including training requirements and accreditation of Site and Soil Evaluators.

Feedback received by WALGA indicated that Local Government does not generally support the full mandatory adoption of the Australian Standards AS/NZS1547 in the new regulations. Limited evidence has been provided in the discussion paper to support the adoption of this standard. Adoption of this standard will likely increase the size requirement for wastewater systems, resulting in increased expenses for home builders.

With respect to the three future options for managing wastewater systems, WALGA received limited feedback from the 19 Local Government wastewater managers and does not have a definitive position. These additional options propose requirements to register wastewater systems and pay a registration fee, develop Risk Management Plans and conduct audits. The Shire of Ravensthorpe and the EHO from the Shires of Dowerin, Goomalling, Toodyay and Wongan-Ballidu do not support any of these options and indicated they would prefer that wastewater scheme management be transferred to the Water Corporation. The Shires of Yilgarn and Denmark provided feedback that any future options should not require any additional reporting or auditing beyond what they already undertake. WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.

As recommended by the Select Committee into Local Government Final Report, the regulatory impact statement for the development of any new regulations should outline the estimated costs and the resources that the State Government will provide to Local Government to meet the costs of any regulatory change.

5.0 Appendix 1: Engagement Methods

Newsletters:

- WALGA Local Government News
- WALGA Community and Place News

Emails:

- Metropolitan Environmental Health Management Group (MEHMG)

Phone Calls:

- Local Governments in regional areas

Webinar co-hosted with Department of Health:

- 30 Local Government participants from the following Local Governments:

Shire of Augusta Margaret River
Town of Bassendean
Shire of Broome
City of Bunbury
Shire of Carnarvon
City of Cockburn

Shire of Corrigin
Shire of Dardanup
Shire of Dalwallinu
Shire of Esperance
Shire of East Pilbara
Shire of Harvey
Shire of Gingin

City of Gosnells
City of Joondalup
City of Kalamunda
Shire of Koorda
Shire of Plantagenet
Shires of Meekatharra, Mount Magnet, Cue
and Yalgoo
Shire of Mundaring
Shire of Murray
City of Rockingham
Shire of Serpentine-Jarrahdale
City of Subiaco
City of Swan
Shire of Toodyay

WALGA Internal Teams:

- Planning
- Governance
- Waste
- Infrastructure

Formal correspondence:

- Infopage sent out to all Local Governments

6.0 Appendix 2: Local Governments Engaged

Written submissions received from:

- MEHMG – Metropolitan Environmental Health Management Group

Written comments received from:

- Shire of Ravensthorpe (formal letter)
- City of Joondalup (email)
- Shire of Dardanup (email)
- Shires of Dowerin, Goomalling, Wongan-Ballidu, Toodyay (email)
- Shire of Boddington (email)

Verbal feedback via phone received from:

- EHO - Shires of Brookton, Lake Grace, Laverton, Leonora, Williams
- EHO - Shires of Dowerin, Goomalling, Wongan-Ballidu, Toodyay
- EHO - Shires of Meekatharra, Mount Magnet, Yalgoo, Cue
- EHO - City of Albany & Shire of Jerramungup
- EHO - Shires of Dandaragan and Moora
- Manager Planning & Development Services - Shire of Dallwallinu
- Executive Manager Regulatory Services – Shire of Yilgarn
- EHO – Shire of Victoria Plains
- EHO – Shire of Northam
- EHO – Shire of Denmark

Webinar Questions and Comments from:

- EHO - Shires of Meekatharra, Mount Magnet, Yalgoo, Cue
- EHO - Shire of Mundaring
- EHO - Shire of Carnarvon
- EHO - Shire of Esperance
- EHO - City of Subiaco
- EHO - Shire of Augusta-Margaret River
- EHO - City of Rockingham