

## **Flying Minute: Draft Code of Practice for On-site Wastewater Disposal**

*By Rebecca Brown, Manager Waste and Environment*

**That the Draft Code of Practice for On-site Wastewater Disposal in Western Australia 2023 submission be endorsed.**

### **RESOLUTION 235.FM/2023**

**CARRIED**

#### **Executive Summary**

- The Department of Health (DoH) is consulting on a Draft Code of Practice for on-site wastewater disposal.
- Local Government has a key role in approving the installation and construction of wastewater disposal systems, including Local Government Authorised Officers (Environmental Health Officers (EHOs)) reviewing all stages of the approval process and ensuring compliance.
- EHOs have identified concerns regarding the proposed approach in the Draft Code, including that the adoption of the Code will increase costs and complexity associated with developing and regulating wastewater systems.
- The WALGA Submission also identifies the need to address concerns raised by EHOs, the opportunity to streamline some of the proposed processes and what further resourcing and clarification is needed for successful implementation.

#### **Attachment**

- Draft WALGA submission to Department of Health on [Draft Code of Practice for On-site Wastewater Disposal in Western Australia 2023](#)

#### **Policy Implications**

This submission draws on a WALGA Submission from October 2012 on the Draft Code of Practice for On-site Sewage Management.

#### **Background**

The Department of Health has developed a [Draft Code of Practice for On-site Wastewater Disposal in Western Australia 2023](#) (Draft Code). Local Government has a key role in approving the installation and construction of these systems. Local Governments have Authorised Officers responsible for reviewing all stages of the approval process, including ensuring compliance with the Draft code and other relevant guidelines and standards.

The Draft Code does not cover all the regulatory approvals and identifies some of the other relevant Guidelines/Codes, such as those relating to Wastewater Recycling and management or disposal of trade waste. The Draft Code only applies to individual lots. Where subdivision is required an alternative pathway is required. The Draft Code applies to new systems and changes to existing systems made after the Code has commenced.

#### **Comment**

Local Government EHOs have expressed concerns about the adoption, through the Draft Code, of the Australian/New Zealand Standard for the design, installation and operation of on-site wastewater systems on individual lots. The Department of Health intends, by taking this approach, to align with the WA planning framework which includes this standard for unsewered developments and allow for industry innovation. EHO concerns are that this approach will complicate and increase costs, compared to the current system, which is operating efficiently. These concerns, and detailed comments, are covered in a separate submission by the WA Principal EHO Network.



The WALGA Submission, includes the concerns expressed by the EHOs, as those officers currently implementing the approval/regulatory system, and emphasises the issue of potentially impact of increased costs and more complex approaches in regional and remote areas. The WALGA Submission also identifies:

- The opportunity for to streamline the process if the Authorised Officer is able to waive the site and soil evaluation in circumstances where an assessment has already occurred some circumstances.
- That sufficient resourcing of the Department of Health website, as the main resource for key information, is essential to ensure timely application assessment by Local Government.
- There are mechanisms for cost recovery and appropriate penalties.
- There is also need for the Department of Health to provide further clarification on the requirements for the various professional/activities listed in the Draft Code.

The submission requests that these concerns are addressed prior the Code being implemented, and that the Department of Health considers the scope for flexibility in the Code's application for regional and remote areas as appropriate.

The submission was considered and endorsed by the Environment and Waste Policy Team on Tuesday, 3 October.



## FLYING MINUTE OUTCOME

Poll created: 05/10/2023 at 09:55

Poll closed: 12/10/2023 at 23:59

Total invited to survey: 24

Total finished survey: 19

Endorse the Recommendation: 18

Endorse the Recommendation subject to comment below: 1

Do not endorse: 0

First Name	Last Name	Completed Date
Carol	Adams OAM	10/10/2023 21:33
Phillip	Blight	08/10/2023 19:59
Laurene	Bonza	12/10/2023 16:07
Ruth	Butterfield	05/10/2023 10:54
Cheryl	Cowell	05/10/2023 11:10
Frank	Cvitan	12/10/2023 13:56
John	Daw	06/10/2023 20:52
Tony	Dean	06/10/2023 11:47
Catherine	Ehrhardt	10/10/2023 16:24
Russ	Fishwick JP	05/10/2023 13:39
Moira	Girando JP	13/10/2023 08:28
Patrick	Hall	05/10/2023 13:28
Logan	Howlett JP	09/10/2023 16:02
Paul	Kelly	08/10/2023 23:22
David	Lagan	Not completed
Peter	Long	09/10/2023 13:54
Chris	Mitchell JP	Not completed
Chris	Pavlovich	Not completed
Les	Price	07/10/2023 19:29
Michelle	Rich	Not completed
Helen	Sadler	10/10/2023 21:14
Ken	Seymour	Not completed
Stephen	Strange	09/10/2023 13:57
Doug	Thompson	09/10/2023 16:30

## Responses

(18) Endorse the Recommendation: Mayor Ruth Butterfield, President Cr Cheryl Cowell, Mayor Patrick Hall, Cr Russ Fishwick JP, President Cr Tony Dean, Cr John Daw, Cr Les Price, President Cr Phillip Blight, Cr Paul Kelly, Mayor Peter Long, President Cr Stephen Strange, Mayor Logan Howlett JP, Cr Doug Thompson, Cr Catherine Ehrhardt, Mayor Carol Adams OAM, Cr Helen Sadler, Cr Frank Cvitan, President Cr Moira Girando JP

(1) Endorse the Recommendation subject to comment below: President Cr Laurene Bonza

(0) Do not endorse

## Comments

### President Cr Laurene Bonza

*The Goldfields Esperance Zone is supportive of the submission with further comments below.*

- *The City of Kalgoorlie Boulder is generally supportive as long as concerns raised by WA Principal EHO (WAPEHO) group is appropriately addressed. WAPEHO has a more comprehensive and specific submission. Some of the key concerns are:*
  - *Current system works well to address public health risk – is this draft code necessary?*
  - *Draft regulations and other guidelines/codes not available (still to be drafted and consulted) to see the whole picture of wastewater management in WA;*
  - *Trade waste not covered by draft code;*
  - *Product approvals (from DOH/CHO) must be readily and easily available for EHOs;*
  - *Australian Standards prescriptive issue and less accessible to people who can't afford a copy (also additional costs to LGAs);*
  - *Secondary treatment systems less resilient and made of plastic (easily melt in bush fires); and*
  - *Increased expense to everyday residents with expensive professionals costs and installations.*
- *The Shire of Dundas would like, in relation to standardising designs, that the opportunity for wastewater re-use to be incorporated into those designs. By doing this we could potentially increase practicality, reduce cost of wastewater re-use approvals and generally streamline the process.*

### Cr John Daw

Comments attached on following pages.

### Secretariat Comment

The Secretariat appreciates the comments provided by State Council members. The Submission has been updated to emphasise the concerns raised regarding the increased costs associated with adherence to the Standard, the opportunity for waste water reuse and need to ensure that the WAPEHO concerns are addressed.

# **City of Kalamunda Draft Code of Practice for On-site Wastewater Disposal Consultation Submission**

It is very difficult to make full comments on the issue of waste water management in WA as the draft regulations and other guidelines or codes are currently not available. There are matters that have not been covered in this DRAFT code and the codes notes some matters will form part of the regulations. Trade waste is another matter not covered by this code. The waste water discussion paper suggested there would be a separate Guideline on the safe effective disposal of trade waste. However, when will the Regulations and further guidelines/codes be available for review?

In order to make informed comment around waste water all proposed codes, guidelines and regulations should have also been made available.

As the new code heavily relies on CHO product approvals these product approval documents need to be readily and easily accessible by EHO's. The current practice of contacting DoH every time an applicant does not have or provide the product approval is untenable.

It is disappointing to see despite the working groups comments on waste water that DoH have chosen to ignore many of the comments made by the experienced EHO's who contributed to the submission.

In particular the concerns raised with Australian Standards:

- Complicate the legislative system that already operates effectively
- Increase the size of footprints for onsite sewerage systems
- Increase the complexity of the application process
- Increase the complexity and frequency of maintenance
- Increase the use of power and chemicals
- Increase the costs at every stage including the use of designers, installers and on-going maintenance.

The following comments refers to specific parts of the draft code:

## **Section 1.2.3 & Section 2.1.3**

Systems over 2000L require a suitably qualified engineer to sign off. How is a suitably qualified engineer defined? How can an EHO check their credentials? Will it be similar to acoustic consultants where members and their areas of expertise are listed on a professional website that can be verified.

## **Section 1.2.4**

Refers to on-site installer being recognised by DoH. Will there be a list of recognised installers readily available and continually updated for EHO's?

## **Section 1.2.5**

Enforcement agency to review design report including flow rates and land application calculations and designer declaration. In order to undertake this review will the DoH waste water calculator be updated?

Monitor and record routine maintenance activities – how will this be required/enforced? Will the regulations set out modified penalties for failure to comply with this requirement? EHO's are

in a difficult position at present where the only option is to Declare the House Unfit for Human Habitation which is not a desirable outcome.

### **Section 1.2.6**

Licensed service persons. Will DoH provide a list for EHO's to ensure the person is suitably licensed?

### **Section 2.1.1**

The new regulations have removed limits of hydraulic loading design capacities for LGA approvals. There by allowing LGA's to approve systems where there is a CHO product approval. However, you will note on the DoH website there are very few larger sized commercial product approvals. In the past some applicants have chosen to install 2 domestic sized Secondary Treatment Systems (STS) in order to cater for the capacity.

Will DoH provide more product approvals for larger systems to avoid forwarding to DoH for approval?

The approving agency is supposed to review the engineer's professional indemnity insurance during the approval process. What type and value of insurance is considered acceptable? Will this information become mandatory as a part of the application and marked on the application form?

### **Section 2.1.3 & Section 3.1.1**

Authorised Officers may waive the requirement for Site and Soil Evaluation for single residential. If the EHO has adequate local knowledge and experience about the soil types within their region why would they not be able to waive the requirement for a SSE for commercial sites.

Many Councils have sandy soils throughout their district. The EHO's at these LGA's are not keen to impose the cost of an SSE when it will confirm what they already know.

There is mention of an optional inspection. Will there be a means of cost recovery under the regulations? Or does DoH expect LGA's to rely upon the Local Government Act? Why is a design report by the system designer required to detail items list on page 16. Shouldn't these matters be covered in the product approval.

### **Section 2.2.6**

Will a template notice be provided by DoH. This should be included in the Code or Regulations.

### **Table 3.1**

The table refers to tables L1, N1, M1 from the Australian Standards. Exerts of these tables should be included in the Code.

Everyone should not be expected to purchase a copy of AS to interpret the code. They should also be included for ease of reference.

### **Section 4.1 Septic tanks**

There is no mention of use of solids control filters on septic tanks – AS/NZS 1547:2012 C5.4.1 recommends use of solids control filters. Cost is modest around \$100.

### **Section 4.1.3 Holding tanks**

No details are provided in the Code about the maximum approval period for holding tanks. This should be a temporary solution and 12 months as currently required is considered suitable.

### **Section 4.2 Secondary Treatment Systems**

Intermittent use appear to assume that intermittent use will result in power being switched off when not in use. The issue of units having power off is separate to the issue of intermittent loading. The Code should state that secondary treatment systems are generally unsuitable to have power turned off, and then give advice on types of secondary treatment systems that are suitable

for intermittent loading – the OSET trials in NZ included trials for intermittent loading of secondary treatment systems, and found that fixed media recirculating systems could cope with intermittent loading but that aerated systems without fixed media generally did not. [On-Site Effluent Treatment National Testing Programme \(OSET\) : Water New Zealand \(waternz.org.nz\)](http://www.waternz.org.nz) Include advice regarding food waste disposal units – excluded from AS/NZS 1547 (5.4.2.2.3)

Suggest that Code includes advice that distribution pipework must extend the full length of the disposal trench / bed, and include guidance regarding suitable hole / slot distribution for gravity loaded distribution, pipe upstand to ground level if expected. 3-3.5mm holes cleaned of swarf was common in NZ for optimum self cleaning.

### **Section 4.3 Composting Toilets**

There is no clarity if composting toilets are now acceptable in sewered areas. The Code should clarify this matter. As per current requirements composting toilets should not be permitted where sewer is available.

### **Section 5.2**

The Code should advise that beds are suitable for conservative design loading only, as contribution from side wall absorption is lower.

Page 35 cross sections should show geotex fabric position, and suggest Code includes information about suitable fabric to use. Likewise, suitable local gravel grades for use as distribution gravel should be included, and suitable local grades of sand for sand fill media in discharge control trenches and for mounds should be given. If there is a WA roading specification that is similar then it is likely that the grade will be widely available throughout the State.

Query regarding comment in p36 5.2.1 para 3 regarding use of raised pressure-dosed absorption beds for situations with shallow limiting layers or a high water table, and selection of an appropriate linear loading rate – suggest that a cross section of the system should be provided, to show how this is different from a mound system, refer to AS/NZS 1547 to show how the linear loading rate is calculated, advise if these systems are to be sized from the permeability of the native soil / limiting layer or of the imported fill, and if any soil preparation is needed at the interface between the native soil and the imported raised bed material as for mound systems where native soil is ploughed before sand fill is placed.

### **Table 6.2 Commercial System Design Flow Rates**

The following inconsistencies and concerns are noted with the volumes listed in this table:

- Resident guest is 100L/person/day. However, resident staff is 150L/person/day  
This does not make any sense. What were these numbers based on? Why would they not both be the same?
- Public toilet – calculated based on highest daily number over 7 day period. How do you know how many people use a public toilet in a given day?
- Workplaces – there is no mention here of showers. If the factory has showers should the volume be higher as per current supplementary information on Reg 29 which is 70L
- Gyms/ Pools/sports centres – does this volume include showers. The code should clarify. As these facilities usually have showers provided.
- Restaurant and conference/function room volumes are inconsistent. It is assumed this is based on the fact that persons attending a conference spend a greater length of time on site than an average restaurant diner?
- Road House/service station – how are these public toilets calculated at only 5L per person when other public toilets are calculated at 10L?

# Submission on the Draft Code of Practice for On-site Wastewater Disposal in Western Australia

October 2023

## About WALGA

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 139 Local Governments in Western Australia, comprising 1,215 Elected Members and approximately 22,600 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia.

Western Australian Local Governments vary greatly in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 224, 000 people,
- the number of staff employed, from less than 10 to over 1000,
- in revenue received, which in 2019-20 ranged from just over \$2 million to just over \$226 million.

## Acknowledgement of Country

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth) on the land of the Whadjuk Noongar People where WALGA is located, and we acknowledge and pay respect to Elders past and present.

WALGA is committed to supporting the efforts of WA Local Governments to foster respectful partnerships and strengthen relationships with local Aboriginal communities.

## Introduction

The Association appreciates the opportunity to comment on the [Draft Code of Practice for On-site Wastewater Disposal in Western Australia 2023](#) (*Draft Code*). Local Government has a key role in approving the installation and construction of these systems. Local Governments have Authorised Officers responsible for reviewing all stages of the approval process, including ensuring compliance with the Draft code and other relevant guidelines and standards. Local Government wants to ensure that these systems do not have a negative impact on human health and the environment.

The Draft Code adopts methodologies based on the AS/NZS 1547:2012 for the design, installation and operation of on-site wastewater systems. This approach is intended to align with the WA planning framework which includes this standard for unsewered developments and allow for industry innovation. The Draft code does not cover all the regulatory approvals and identifies some of the other relevant Guidelines/Codes, such as those relating to Wastewater Recycling and management or disposal of trade waste. The Draft Code only applies to individual lots, where subdivision occurs there is an alternative regulatory pathway. The Draft Code applies to new systems and changes to existing systems made after the Code has commenced.



The Department of Health is seeking feedback on whether the Draft Code provides:

- Appropriate requirements to ensure effective design, sizing and operation of onsite wastewater systems sufficient to protect public health.
- Adequate guidance and a practical administrative framework for Local Government to assess and approve application for onsite wastewater system.
- Adequate guidance to industry on the design and installation requirements for onsite wastewater systems.
- Clear roles and responsibilities for all stakeholders involved in the design, installation and operation of onsite wastewater systems.

WALGA's submission focuses on the role of Local Government and has been developed following feedback from Local Government, through the WA Principal Environmental Health Officers Network (WAPEHO) and with reference to the *WALGA Submission on Draft Code of Practice for On-site Sewage Management (October 2012)*.

This Submission was endorsed by WALGA State Council on 12 October 2023.

### **General Comment**

The Draft Code is clearly laid out and the inclusion of the flow chart for the approval process and diagrams showing the different systems is useful.

Local Government Environmental Health Officers (EHOs) have expressed concern regarding the adoption of the AS/NZS in the Draft Code for individual lots and that it could:

- Complicate the existing system that already operates effectively
- Increase the size of footprints for onsite sewerage systems
- Increase the complexity of the application process
- Increase the complexity and frequency of maintenance
- Increase the costs of installation and operation of wastewater systems at every stage including the use of designers, installers and on-going maintenance
- Result in the increased use of power and chemicals.

Feedback from Local Government indicates that it is vital that these concerns be addressed.

The issues are particularly relevant in relation to the proposed Code's application in rural and regional areas, where some of the requirements may be more difficult and costly to meet. Development costs in these areas are already often higher and services more difficult to access, and the application of this Code may pose an additional barrier to development. Local Governments have also expressed concerns that some new types of waste water systems require power to operate and in some areas power cuts are more frequent and/or protracted with potentially negative human health outcomes and that secondary treatment systems are less resilient and made of plastic which will melt in bush fires.

Some Local Governments also expressed that composting toilets significantly reduce water use and there could be further opportunity to increase wastewater reuse through these and other systems.

**Recommendation: That the Department of Health ensure that the concerns of the WAPEHO are addressed prior the Code being implemented, and that the Department of Health considers the scope for flexibility in the Code's application for regional and remote areas as appropriate.**

Soil assessments are already required in other parts of development applications. It would streamline the process to include the parameters relating to wastewater applications in these assessments, or for these to be included as a potential rationale for waiving the site and soil evaluation.

**Recommendation: Further information be included in the Draft Code to identify the conditions under which the site and soil evaluation may be waived by the Authorised Officer, for example when an assessment has already been undertaken as part of the development or there is local knowledge regarding the soil type.**

Local Governments rely strongly on the information provided on the Department of Health website. The maintenance of the website, and easy access to relevant and up to date information is essential to support the ability of Local Governments to process applications in a timely manner.

**Recommendation: The Department of Health ensures its website is up to date with the information required by Local Governments to assess applications.**

The Draft Code includes reference to a number of different professions/activities which need to be 'suitably qualified' 'recognised by Department of Health'. For example:

- Suitably qualified engineer to sign off on systems over 2000L
- On site installer recognised by Department of Health
- Chief Health Officer Product Approval
- Licensed Service person.

**Recommendation: That the Department of Health provides additional clarification on the qualification/recognition requirements for all professionals/activities included in the Draft Code.**

## **Conclusion**

Based on feedback from Local EHOs who are undertaking Local Governments approval and compliance role with the current system, there are concerns regarding the potential impacts of embedding the AS/NZ Standard in the Code. WALGA requests that these concerns are addressed prior the Code being implemented, and that the Department of Health considers the scope for flexibility in the Code's application for regional and remote areas as appropriate.