

## Assessing A20 permit applications for onsite wastewater management systems

Training for Council Officers

### A20 permit applications

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## Environment Protection Act and Regulations

- The Environment Protection Act 2017 and the Environment Protection Regulations 2021 aim to minimise the risks of harm to human health and the environment
- One of the methods used to minimise the risk is to make the application and assessment process for approvals for the construction, installation or alteration of onsite wastewater management systems consistent across the State

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## Interpreting the law

- EPA Victoria have put together documents to assist councils to use the EP Act and Regulations
- One of these tools is the “Regulating onsite wastewater management systems: Local government toolkit. Publication 1974” (EPA, 2022)
- From the Toolkit: “Under the Act, a permit from council is required to construct, install or alter an OWMS with a design or actual flow rate of sewage not exceeding 5,000L on any day” for a system within the council’s municipal district

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## Permit applications

- The EP Act and Regulations set out the details required to be submitted with the application and the fees to be paid (Section 50 and Regulation 26)
- Each council designs their own application form to gather the required information
- The form should clearly state the required information to be submitted with the application and set out the fee/s to be paid to limit confusion and missing information

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Application for Permit to Install/Alter A20 - Onsite Wastewater Management Systems  
Environment Protection Act 2017

Please complete and return this application form to:

To: Environment Protection Unit  
 Frankston City Council  
 PO Box 400  
 Frankston 3199

Doc Centre  
 General Post and Delivery Streets Frankston  
 Phone: 052 9384 1115  
 Email: 05293841115@fccc.vic.gov.au

Authorisation Details  
 Applicant Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_  
 Email: \_\_\_\_\_

I hereby apply for permission to install/alter an onsite wastewater management system and enclose the following information. Undertake to indemnify Frankston City Council from any and all claims and actions arising from the conduct of work arising from information supplied in respect to this application.

Date: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

Authorisation of property owner where the property owner is not the applicant:  
 I hereby authorise \_\_\_\_\_ (insert applicant name) to apply for a permit to install/alter the onsite wastewater management system at this property.  
 Date: \_\_\_\_\_ Name: \_\_\_\_\_ Signature of owner: \_\_\_\_\_

Contractor/Plumber Contact Details  
 Contractor Name: \_\_\_\_\_ Licence No: \_\_\_\_\_  
 Contractor Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Plumber Name: \_\_\_\_\_ Licence No: \_\_\_\_\_  
 Plumber Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_


System Type (Septic tank/Treatment plant): \_\_\_\_\_  
 Size of Tank: \_\_\_\_\_  
 Method of effluent disposal to be installed: \_\_\_\_\_  
 Absorption Trenches:  Length: \_\_\_\_\_ Width: \_\_\_\_\_  
 Sub Surface Drop Irrigation:  Irrigation area: \_\_\_\_\_ Irrigation (checkers): \_\_\_\_\_  
 Proposed Use (i.e. residence, work shop, restaurant, granny flat): \_\_\_\_\_  
 Other: \_\_\_\_\_

No. of bedrooms: \_\_\_\_\_ No. of washing machines: \_\_\_\_\_  
 Max. No. of occupants: \_\_\_\_\_ No. of fridges: \_\_\_\_\_  
 No. of toilets: \_\_\_\_\_ No. of baths: \_\_\_\_\_  
 No. of shower/baths: \_\_\_\_\_ No. of dishwashers: \_\_\_\_\_

**INFORMATION PRIVACY COLLECTION STATEMENT**  
 The information on this form is being collected by the Frankston City Council and its authorised contractors in accordance with its Privacy Policy and the Privacy & Data Protection Act 2004 for the purpose of establishing/altering an onsite wastewater management system and providing information to business operators/contractors in respect to legislative requirements.  
 This information will be used solely by Council for their primary purpose or directly related purposes and will not otherwise be disclosed without your consent or as required or permitted by law. You may apply to Council for access and/or amendment of the information.

**Please Note:**  
 This Permit is also required and issued by Frankston City Council on the installation or alteration of the onsite tank system as required by Regulation 26(1) of the Building Regulations 2018. You are advised that a building permit must be obtained prior to any construction work commencing.

Please tick the following boxes to ensure your Application is complete and ready to be assessed:  
 Completed application form.  
 Detailed site plan and specifications of the onsite wastewater management system, including location and effluent area.  
 House plan detailing the location of all plumbing fixtures.  
 Land Capability Assessment (LCA), and  
 A copy of a certificate of compliance, confirming that the proposed onsite wastewater treatment plant meets the appropriate standard, or a copy of an exemption granted by the EPA.  
 Valid payment of the approved application fee. An invoice for payment will be sent to you upon receipt of a fully completed application.

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## Prescribed matters – Regulation 26(1)

- Applicant details (name, address, telephone number)
- Premises address for OWMS
- Owner of the premises
- Plumber name and contact details
- OWMS installer/ alteration contractor name and contact details

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## Prescribed information – Regulation 26(2)

- (a) Detailed plans, specifications and particulars of the proposed OWMS, including a floor plan of the relevant premises
- (b) Details of the proposed use of the OWMS
- (c) For construction or installation:
  - A copy of a certificate of conformity for the proposed treatment plant; or
  - A copy of an exemption from this paragraph under Section 459 from the Authority (EPA)

## Prescribed information – Regulation 26(2)

- (d) A description of the proposed OWMS method of treatment and effluent dispersal and confirmation of how the OWMS is appropriate
- (e) A suitable Land Capability Assessment (LCA), if required by the council

## Permit applications – other

- An existing approved permit can be transferred, amended or renewed (Sections 56,57 and 84) by application to the council with the prescribed form and manner (Regulation 26(3)-(6))

## General process for administering permits



Figure 1 from the EPA "Regulating onsite wastewater management systems: Local government toolkit. Publication 1974"

## Permit process

- Application received by the council
- Staff receiving applications must be trained how to identify an incomplete application
- If the application is lodged without all of the prescribed information or fees, it must not be assessed and the applicant notified of this decision (Section 50(2))
- Council can charge additional fees if additional time for assessment is required (Section 50A)

## Process

- Council can request additional information from the applicant to assess the application (Section 51A)
- Permit applications must be decided within 42 business days after receiving the permit application (Regulation 27(2))
- This time can be stopped for requested information or on joint agreement between the applicant and the council

## Process - consideration

- Application prescribed matters to consider are (Regulation 28(h)):
  - Environmentally sensitive or otherwise unsuitable site (e.g. freshwater lakes, sandy soils, high watertable, sensitive receiving waters)
  - If the proposed OWMS is unsuitable for the site or proposed use
  - If the proposed use of the OWMS is inconsistent with the design specifications of the system
  - If the nominated treatment or disposal area is unsuitable or insufficient
  - The findings of any LCA

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## Process - refusal

- The council can refuse to issue a permit if (Section 81(4)):
  - (a) The applicant is not a fit and proper person to hold the permit
  - (b) The proposal poses an unacceptable risk of harm to human health or the environment
  - (c) Any prescribed circumstances exist e.g. Section 29(4) if the information for Regulation 26(2)(c) isn't provided (certificate for treatment plant), except for the exemption in Regulation 29(5)

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## Process - conditions

- The council can issue a permit subject to any conditions it considers appropriate (Section 81)
- Some conditions and classes of conditions are prescribed (Regulation 18 and Section 64)  
Including:
  - (a) conditions requiring the permission holder to provide data or to report on matters to the Authority, another agency or the public, including reporting on compliance with the permission or the conditions attaching to the permission;
  - (b) conditions requiring the permission holder to make and retain records for inspection.

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## Process - timeframes

- The prescribed permit period is (Section 81(5) and Regulation 30):
- The earlier of:
  - Between two and five years, as set out in the conditions
  - Or, at the issue of a certificate approving the use of the system following an inspection (Regulation 33)

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## Exemptions

- Section 83 – A person can apply to council for an exemption from a permit. The permit must be granted with conditions or refused within 10 business days if all prescribed conditions are met (Regulation 32)
- Exemptions must not be granted unless the exemption will not pose a serious risk of harm to human health or the environment; and not adversely affect:
  - another person's interests; or
  - environmental values identified in any relevant environment reference standard
- Authority (EPA) can grant an exemption from the requirement of a certificate for the onsite treatment system (Section 459) to a person, or class of persons

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## Inspection and use

- Council must inspect the permitted OWMS and issue a certificate approving the use, once the system complies with the permit (Regulation 33)
- The system isn't to be used until the approval is issued under Regulation 33, unless the system is an existing system being altered (Regulation 34)

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## Procedures

- The development and use of procedures for the whole application process will simplify, standardise and make the process more equitable
- Procedures take the guesswork out of the process and what steps are to be followed
- Procedures can cover receipt of applications; assessment of applications; and the installation inspection process
- Procedures should be updated as needed to keep them relevant