


Assessing A20 permit applications for onsite wastewater management systems

Training for Council Officers

A20 permit applications and How to Use the New EPA Guidance

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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

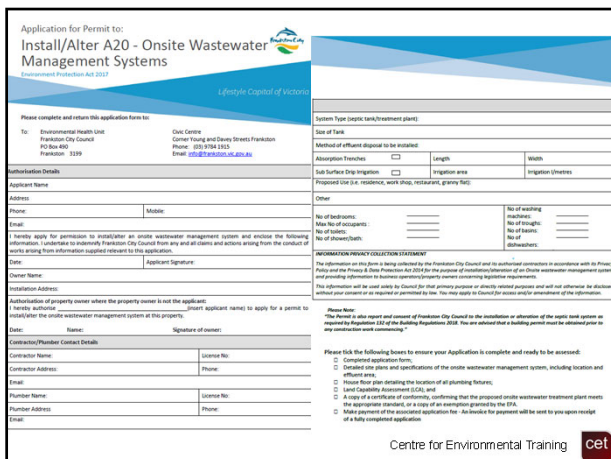
- EPA Victoria have put together documents to assist councils to use the EP Act and Regulations
- One of these tools is the “Regulating onsite wastewater management systems: Local government toolkit. Publication 1974” (EPA, 2022)
- From the Toolkit: “Under the Act, a permit from council is required to 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

Or: Civic Centre
 General Post and Delivery Streets Frankston
 Phone: 052 938 1315
 Email: 0529381315@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 relevant to this application.

Date: _____ Applicant Signature: _____

Installation address

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: _____

NOTIFICATION 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 2014 for the purpose of establishing/altering an onsite wastewater management system and providing information to business operators/contractors concerning 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.
- Report that also 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 associated 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

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How to Use the New EPA Guidance

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What the new EPA guidance is not

- Guideline for Onsite Wastewater Management (GOWM) (2024)
- Guideline for Onsite Wastewater Effluent Dispersal and Recycling systems (EDRS Guideline) (2024)
- Both Guidelines specifically state that they are for general information only, and that they do not “constitute legal or other professional advice and should not be relied on as a statement of the law.”
“You should obtain professional advice or contact EPA if you have any specific concern.”

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What the new EPA guidance is

- The new EPA guidelines are reference documents designed to provide information to help duty holders understand their obligations under the the Environment Protection Act 2017, Environment Protection Regulations 2021 and subordinate instruments that make up Victoria’s environment protection regulatory framework in relation to onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5,000 litres on any day

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What the new EPA guidance is

- The GOWM and EDRS Guideline replace EPA Publication 891.4: Code of Practice: Onsite Wastewater Management
- The Code of Practice was a statutory document. The new guidelines are not statutory
- These guidelines provide advice on how to meet the obligations of the regulatory framework, including the General Environmental Duty (GED) to minimise risks to human health and the environment

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What the new EPA guidance is

- The GOWM outlines a risk-based approach to managing OWMS and provides links to other guidelines and information about onsite wastewater management
- The EDRS Guideline is a technical guideline of better practice information to support and supplement the GOWM
- Neither guideline has OWMS operators or owners as their target audience

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Other supporting guidance

- The Victorian Government have also produced other supporting guidance documents, some of which are due for review currently:
 - Regulating onsite wastewater management systems: Local government toolkit. Publication 1974 (2022)
 - Victorian Land Capability Assessment Framework (Municipal Association of Victoria (MAV), Department of Environment and Primary Industries (DEPI) and Environment Protection Authority Victoria (EPA) (2014)

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How to use the guidance

- Each council must follow the prescribed directions in the legislation
- Each council selects how they implement the prescribed directions for their area, based on their own circumstances and, if necessary, legal advice
- Each council can choose whether to require applications be prepared in accordance with the new guidance
- The EPA have provided tools to assist councils in the completion of their OWMS regulatory roles

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GOWM contents

- The GOWM provides explanatory diagrams of: the regulatory framework (Figure 2-1); installation approval process (Figure 2-2); different OWMS scenarios and likely approvals, and a general overview of permits or licences required for wastewater
- Chapter 2 – Overview of the regulatory framework
- Section 4.2 – Household wastewater generation calculation methods and flow rates
- Commercial and community premises flow rates and organic load considerations

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Figure 2-2

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GOWM wastewater permissions



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GOWM contents

- Section 4.3 – Wastewater treatment quality standards and suitable uses
- Greywater treatment quality standards and suitable uses
- Section 4.4 – Overview of EDS types and suitability for various application scenarios
- Tables 4-8 and 4-9 design loading and irrigation rate (DLR / DIR) tables
- Section 4.5 – Setback distances and risk factors tables. Suggested assessment points for reduced setbacks

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EDRS – wastewater generation

- Wastewater generation – notes on occupancy and flow rates for domestic and non-domestic premises, with references to the GOWM
- Inclusion of the equation to calculate the daily wastewater flow generation rate for a residential dwelling, based on number of bedrooms
- Consideration of surge flows on system design

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EDS sizing and setbacks

- Section 4.4 – EDS sizing methods explanation and discussion:
 - Simple hydraulic equation
 - Water balance calculations
 - Nutrient balance calculations
- Explanation and discussion of water and nutrient balance inputs and their impact on calculations
- Section 4.5 – Setback distances – discussion of the GOWM Table 4-10 and alternatives based on constraints and design to mitigate the risk

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EDRS technical details for design

- Table 24 provides a constraint scale to aid the siting and location of EDS in relation to various site or system elements
- Appendix 1 – EDRS construction standards and drawings
- Appendix 2 – greater detail on design (site and soil characteristics, mitigation measures, details on specific EDS, pumps, civil works, retaining walls, vegetation and phosphorus-sorption capacity)
- Some reference is made back to GOWM, but generally the EDRS Guideline contains most of the technical information

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EDRS risk management

- Sections 3.3 and 4.7 discuss risk management and risk reduction measures that can be used in an OWMS design to address identified constraints
- Section 4.7.1.5 discusses impact assessment and modelling, including daily water and nutrient balance modelling, viral die-off modelling and water quality modelling to evaluate the risk of design concessions
- Section 4.8 discusses the detail required in the various plans for a design, including construction specifications

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EDRS assessment and checklists

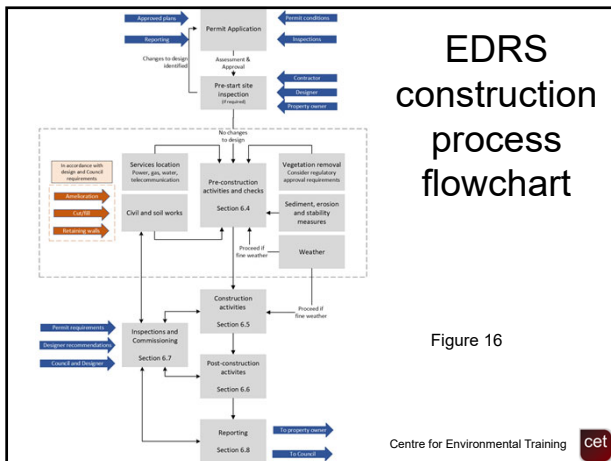
- Chapter 5 provides guidance on assessment of EDRS, including assessing the proposed system's suitability and functionality, the environmental sensitivity of the site and recognition of sensitive receiving environments (Table 32)
- Appendix 3 provides suggested checklists for OWMS application assessment, plus assessment of operational OWMS to Part 5.7 of the EP Regulations

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EDRS construction

- Chapter 6 discusses construction of an OWMS, especially an EDS, including common pre-construction, construction, testing and post-construction activities
- Table 44 summarises the various inspection stages and their purpose and detail to be inspected, including testing
- The EDRS notes that mandatory inspections and commissioning requirements are at the discretion of the council and should be documented in the permit approval

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EDRS operation and maintenance

- Chapter 7 discusses operation and maintenance of onsite wastewater treatment plants and EDRS
- Tables 47 and 48 list operation and maintenance activities, possible actions, applicable systems and identifies the 'responsible persons'
- It is noted that operation and maintenance of the treatment plant does impact the EDRS, and that the impact is often delayed and may not be readily apparent

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EDRS troubleshooting

- Table 49 provides an extensive list of troubleshooting guidance, including the fault / malfunction, possible causes and possible corrective actions
- Table 51 provides a list of mandatory operation and maintenance requirements from Part 5.7 of the EP Regulations
- The table lists the requirements against each regulation so that they are clear and also provides examples

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