



1.0 AUTHORITY

This policy builds on and supports the Mornington Peninsula Shire's objectives and statutory responsibilities under the:

- *Environment Protection Act 2017* (EP Act 2017).
- *Environment Protection Regulations 2021*.
- Environment Protection Authority (EPA) Publications and Toolkits (including Publication 1974, Publication 891.4 and Publication 1910) and as amended.
- *Public Health and Wellbeing Act 2008*.
- Water Act as amended.
- Building Act as amended.
- *Building Regulations 2018*.
- Related Australian Standards (including 1547:2012, 1546.3:2017 and 3500.3:2000).
- *Planning and Environment Act 1987*.
- Mornington Peninsula Planning Scheme.
- Mornington Peninsula Shire Council Green Wedge Management Plan (MPS, 2019).
- Wastewater Management Plan adopted November 2018.
- Integrated Water Management Plan 2021.
- Health and Wellbeing Plan and Corporate Plan.
- Water for Victoria – Water Plan (Victorian Government, 2016).
- Environment Reference Standard (Gazette No. S 245, 26 May 2021).
- Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- Planning Permit Applications in Open, Potable Water Supply Catchment Areas (Department of Sustainability and Environment, 2012).
- Any applicable Sustainable Water Strategy endorsed under Division 1B of Part 3 of the *Water Act 1989*.

2.0 INTENT

To minimise adverse environmental and public health impacts from the installation or operation of Onsite Wastewater Management Systems (OWMS), commonly referred to as septic systems, on the Mornington Peninsula (Peninsula).

The Mornington Peninsula Shire (Shire) manages *wastewater* generated on the Peninsula to:

- prevent discharge of wastewater beyond property boundaries
- minimise individual and cumulative impacts on groundwater and surface waters
- protect public health
- prevent the discharge of wastewater into waterways and stormwater assets.

3.0 SCOPE

This policy applies to all land on the Peninsula with the exception of developments that generate over 5000 litres of wastewater per day or systems required to have a registration or license from the EPA under the *Environment Protection Act 2017*.



4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted; and
- Innovation and continuous improvement are to be pursued.

5.0 POLICY STATEMENT

5.1. Overarching Policy Objectives:

- 5.1.1 Wastewater management is an integral element in the development assessment process and must be considered prior to any development being approved.
- 5.1.2 Any new or altered OWMS must be consistent with the *Environment Protection Act 2017.*, Environment Protection Regulations 2021, related EPA publications (including Publication 1974 and Publication 891.4) and relevant Australian Standards.
- 5.1.3 Reticulated sewerage is the preferred method of effluent disposal across the Peninsula. The Shire will advocate for the provision of sewerage to high-risk areas identified in the Shire Wastewater Management Plan. The development and subdivision of land is still subject to, and governed by the relevant provisions of the Mornington Peninsula Planning Scheme, and informed by any relevant township/structure plans and/or land use development strategies adopted by the Shire.
- 5.1.4 Existing OWMS must be maintained in accordance with permit conditions and relevant legislation to minimise public health and environmental impacts.
- 5.1.5 Wastewater must not contaminate waterways or surface waters.
- 5.1.6 Wastewater impacts on groundwater will be minimised.
- 5.1.7 Wastewater management and re-use is an essential element of integrated water management (IWM) planning and will be embedded in Shire and regional IWM programs.
- 5.1.8 Sufficient Shire resourcing, for staff, OWMS monitoring and information management, is essential to manage the public health and environmental risks from OWMS.

5.2. Developments in Unsewered Areas:

- 5.2.1 The design, installation and maintenance of an OWMS must be conducted by suitably qualified individuals. The Shire will develop an assessment criterion that defines the requirements for a contractor to be considered suitably qualified.
- 5.2.2 Proposed OWMS will comply with the relevant legislation, EPA guidance (for example, EPA Publication 891.4) and Australian Standards.
The EPA and the Shire design and installation guidance material will be referred to when assessing the suitability of a proposed OWMS at high-risk sites and proposed subdivisions.
- 5.2.3 All proposed OWMS within the municipality will be of a type that treats and retains all wastewater within lot boundaries. No off-site discharge of effluent is permitted.



- 5.2.4 Water saving measures, including the installation of water saving fixtures (WELS rated), are recommended for all proposed developments.
- 5.2.5 Developments and sub-divisions that cannot demonstrate that a suitable OWMS can be installed and wastewater can be contained onsite, may not be supported.
- 5.2.6 If a Land Capability Assessment (LCA) report is required by the Shire, it must be conducted by suitably qualified professionals (LCA assessors) and comply with relevant legislation and guidance material. The Shire will develop an assessment criteria that defines the requirements to be considered a suitably qualified individual and the standard of reports that are considered acceptable.
- 5.2.7 Where new development is occurring on a site with an existing OWMS, the system will be required to meet current requirements if any of the following apply:
 - the potential wastewater or organic loading is increased
 - any additional self-contained rooms are constructed
 - any additional lot or dwelling is created.

5.3. Developments in Sewered Areas:

- 5.3.1 Connection to sewer of all existing commercial and industrial premises is encouraged.
- 5.3.2 In relation to commercial sites, such as registered food, health and accommodation businesses, the Shire will take a staged and risk-based approach to the connection of sites to sewerage based on:
 - the availability and cost of sewerage
 - the type, age and performance of the existing septic system
 - the maximum daily wastewater flow
 - the risk to human health and the environment.

This staged approach will assist business owners to meet their EP Act 2017 obligations in the short term, and plan for connection to sewerage in the medium to long term. Exemptions will be available for larger allotments, townships without sewerage and sites with existing well-functioning secondary treatment and subsurface irrigation systems.

- 5.3.3 New developments in sewered areas must connect to sewer and comply with SEW requirements.
- 5.3.4 A septic tank permit is required to construct, install or alter OWMS. A permit cannot be issued when sewer is available to the property.

This will apply to developments or renovations when:

 - the potential wastewater or organic loading is increased;
 - plumbing fixtures are added
 - any additional self-contained rooms are constructed
 - any additional lot or dwelling is created
 - works are proposed over any part of an OWMS.
- 5.3.5 Shire owned facilities will be connected to sewer where possible.

5.4. Commercial and Industrial Developments in Unsewered Areas:

- 5.4.1 Proposed commercial and industrial developments, including the expansion of existing developments, may not be supported unless a suitable OWMS can be installed and appropriately operated.
- 5.4.2 A conservative approach will be taken by the Shire during the assessment of proposed OWMS for commercial developments. The onus will be on the applicant to demonstrate that a suitable wastewater treatment and disposal system can be installed.
- 5.4.3 Design and installation guidance developed by the EPA and the Shire will be referred to when



assessing the design and operation of commercial and industrial developments.

- 5.4.4 Existing commercial developments, including food premises, must maintain their wastewater systems in accordance with the requirement of relevant regulatory authorities including South East Water, the Shire and the EPA.
- 5.4.5 The Shire wastewater management programs will focus on commercial OWMS through routine inspections and if required sampling.

5.5. Information Management:

- 5.5.1 Information management for OWMS records is a crucial element of the Shire wastewater management and customer service programs.
- 5.5.2 Information regarding OWMS maintenance is to be provided by contractors at least monthly to the Shire using a mutually agreed format. In the long-term, the Shire will be encouraging all contractors to submit information in a mutually agreed electronic format.
- 5.5.3 Wastewater information management is an important consideration in the Shire Business Transformation Project and information management strategies.
- 5.5.4 Upon request the Shire will share OWMS information with other agencies in accordance with Privacy Act obligations.

5.6. Non-Compliance and Enforcement:

- 5.6.1 Pro-active wastewater education and compliance programs are a core function of the Shire to manage public health and environmental risks.
- 5.6.2 OWMS are to be used and maintained in accordance with permit conditions, Shire guidance and EPA guidance.
- 5.6.3 OWMS that do not comply with legislation or permit conditions can pose a significant environmental and public health risk. Shire officers are delegated under the relevant legislation (including EP Act 2017) to investigate and resolve non-compliant OWMS.
- 5.6.4 The Shire takes an educative approach to assist property owners with a OWMS to meet their obligations under the relevant legislation (including EP Act 2017.) Where there is risk or repeated non-compliance, enforcement will commence.
- 5.6.5 Enforcement of wastewater legislation will be carried out in a fair, consistent and transparent manner. Factors that will be considered prior to commencing enforcement include: the type of OWMS, level of wastewater treatment, degree of public health or environmental risk, proximity to receiving environments, previous compliance history and attitude of system owners.
- 5.6.6 An enforcement review process will be made available upon request, consistent with Shire governance processes.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

7.0 ASSOCIATED DOCUMENTS

- Mornington Peninsula Shire Wastewater Management Plan November 2018



- *Environment Protection Act 2017*
- Environment Protection Regulations (Schedule 1) 2021
- Public Health and Wellbeing Regulations 2009
- Mornington Peninsula Shire Planning Scheme
- EPA Publication 891.4
- EPA Publication 1974
- Municipal Association of Victoria Model Land Capability Assessment 2014
- AS/NZS 3500.5:2000 – National Plumbing and Drainage Code
- AS/NZS 1547:2012 – On-Site Domestic Wastewater Management
- Mornington Peninsula Shire Wastewater Design and Installation Guidelines

8.0 DEFINITIONS

Wastewater systems	Onsite wastewater management systems (OWMS) as defined in the <i>Environment Protection Act 2017</i>
Wastewater	Wastewater, including sewage, sullage and cleaning wastewater, from residential, commercial, rural and industrial premises
Development assessment	Includes planning permits and Planning Scheme amendments that are assessed by the Shire under the <i>Planning and Environment Act 1987</i> and any Report and Consent provided by the Shire for developments in un-sewered areas under the <i>Building Regulations 2018</i>
Water saving fixtures	Plumbing fixtures that are 5 or 6 star rated in the Water Efficiency Labelling and Standards (WELS) scheme
Self-contained rooms	Internal rooms greater than 7.5 square metres in area with a single exit/entrance door
Servicing and maintenance information	Includes OWMS servicing reports from suitably qualified servicing agents, pump out reports for primary tanks/chambers, laboratory testing of treated wastewater and details of system repairs conducted by a licensed plumber or drainer

9.0 POLICY SPONSOR

The Manager Community Safety, Health and Compliance is responsible for overseeing the application and review of the Wastewater Management Policy.

10.0 DOCUMENT CONTROLS

The Wastewater Management Policy will be reviewed every four years or earlier as required.



10.1 Document Version Table

Document Version Control				
Version	Section	Revision Description	Date Revised	Approved by
002		As a result of consultation feedback, the revised policy advocates sewer provision in high-risk townships and staged business connections. In collaboration with SEW, it affirms commitment to reticulated sewerage to support business and tourism.	5 September 2023	Council

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.