

ONSITE DOMESTIC WASTEWATER STEERING COMMITTEE

TERMS OF REFERENCE

October 2018

PROJECT CONTEXT

Poorly designed and managed domestic wastewater management (ODWM) systems contribute to poor water quality in sensitive inland and coastal areas through the transport of pollutants and pathogens into surface waters and groundwater. Poorly treated sewage can contain pathogenic (disease causing) micro-organisms and chemicals that pose risks to public or environmental health, and this has been associated with incidences of infectious diseases in urban communities. SEPP was one legislative instrument that defines responsibilities for ODWM planning and the management requirements for mitigating these risks.

Since the 1970's, there have been ongoing efforts to address legacy issues resulting from poor ODWM, which have significantly reduced risks and impacts in high priority areas. Nevertheless, the remaining legacy issues need to be kept under review as the population of Victoria continues to grow and relocate. There is an ongoing need to maintain regulatory controls to prevent new developments from causing a new set of wastewater management problems that would impose substantial costs on water corporations, their customer base and government to rectify.

The Environment Protection Act 1970 contains provisions to manage domestic wastewater and up until 2020 the SEPP will continue to play the role to define the rules and obligations around the planning and management of ODWM systems. The Implementation plan priority sub-actions required to implement the SEPP are described in Table 3-5 and in Appendix B.

The objective for the 2018 VAGO Managing the environmental impacts of domestic wastewater audit was to determine whether onsite domestic wastewater is effectively managed to prevent environmental impacts. The audit contained 8 recommendations for DELWP/EPA. The recommendations are outlined in A.

PROJECT NEED

The establishment of the Onsite Domestic Wastewater Steering Committee (ODWSC) is an action from the SEPP (Waters) Implementation Plan's Critical Action 5 *Managing Onsite Domestic Wastewater* and the DELWP Management Plan under the VAGO audit 2018.

MEMBERSHIP OF THE ONSITE DOMESTIC WASTEWATER STEERING COMMITTEE

Membership of the ODWSC is designed to reflect the number of different stakeholder groups with an interest in this area. Membership is capped at 18 and is initially composed of:

- 2 Department of Environment, Land, Water and Planning (DELWP) Chair
- 1 Environment Protection Authority (EPA):
- 1 Department of Health & Human Services (DHHS)
- 5 Water Corporations and VicWater (observer)
- 9 Local Governments

Membership can be reviewed at any time and additional members asked to join at the agreement of the ODWSC.

Members commit to:

- attending all scheduled meetings (the use of a proxy should be limited to ensure project continuity, attendance of a proxy at meetings should first be discussed with the chair);
- represent the views and positions of their organization and others they represent;
- share relevant information and expertise across all ODWSC members;
- notify members of the group of any matter arises which may affect project delivery;
- provide information and seek feedback from those they are representing; and
- (secretariat) briefing Water Quality Project Control Board.

ROLE OF ODWSC

The role of the ODWSC is to review the implementation plan and EPA/DELWPs response/management plan to the VAGO recommendations to prioritise the critical actions to be worked through over time, in line with dates agreed to in the DELWP Management Plan.

The role of the ODWSC is to review issues and recommend solutions to improve the management of domestic wastewater to the WQPCB, to allow the WQPCB to effectively oversight the performance and implementation of the regulatory framework to manage the risks posed by poorly performing onsite systems.

The agreed work plan will be scoped and signed off by the Water Quality Project Control Board.

This scoping is to include those actions listed in the SEPP (Waters) Implementation Plan, including:

- Review of the Land Capability Assessment Framework;
- Review of the Code of Practice – Onsite Domestic Wastewater Management 2016 (areas for review include community schemes; standard permitting conditions; feasibility of a generic technique for determining where septic have failed);
- Development of a risk assessment framework for both land capability and landholder capacity;
- Development of a best practice model for maintenance of onsite domestic wastewater management systems;
- Review of the Ministerial guidance: planning permit applications in open, potable water supply catchment areas;
- Review of the 2006 MAV Domestic Wastewater Management Plans (DWMP) guidance;
- Development of EPA guidance on the process to conduct audits for DWMPs;
- Consider developing a service agreement between local government and water corporations to clarify arrangements for the use of existing powers to require a property owner to connect to a sewerage system.

Additional items (issues) can be raised by steering committee members and placed in the project work plan.

The ODWSC is ultimately responsible for developing a prioritized project work plan, assisting with scoping, the provisions of advice- technical input to progress/complete the priority projects and reporting on progress to the Water Quality Project Control Board, which is overseeing the implementation of SEPP (Waters) until 2020.

PROJECT GOVERNANCE

The SEPP (Water) Implementation plan is being overseen by DELWP and EPA, as both organisations have a role in implementing actions.

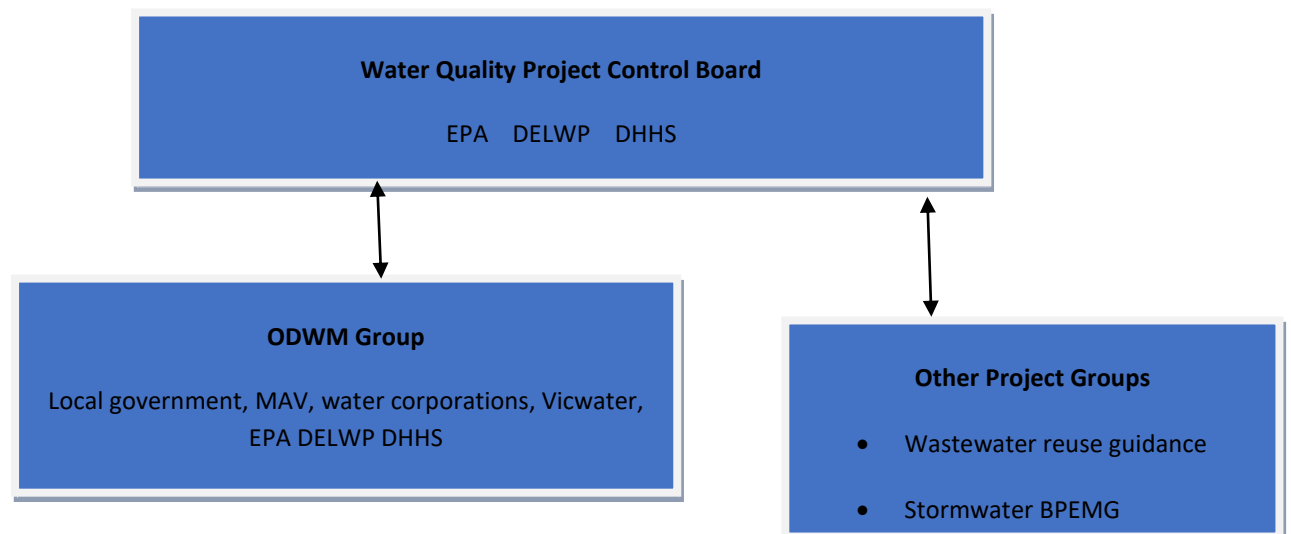
The Water Quality Project Control Board of senior DELWP, EPA and DHHS executives, chaired by DELWP, will

- provide oversight of the VAGO audit/SEPP implementation project as whole,
- establish project direction,
- approve resources to support the project,
- play a role in issues management and continuously assess the project Plan, and
- approve the priority project outputs and recommendations from the ODWSC.

The Water Quality Project Control Board will provide governance of the VAGO audit/SEPP implementation project at an executive level. The Water Quality PCB is:

- Executive Director Catchment, Waterways, Cities and Towns, DELWP (PCB Chair)
- Executive Director Regulatory Standards, Assessment and Permissioning, EPA
- Executive Director Partnerships and Sector Performance, DELWP
- Deputy Chief Health Officer, DHHS

Overall ODWSC secretariat is the responsibility of DELWP.



DECISION MAKING

The ODWSC will make decisions based on consensus wherever possible. Members will need to consult broadly within their organization/those they represent on certain issues. The ODWSC will make recommendations to the Water Quality Project Control Board.

Decisions made by the group should have regard to the ongoing reforms and changes at EPA prior to the implementation of the *Environment Protection Amendment Act 2018* in June 2020.

MEETINGS

The ODWSC will meet quarterly to maintain project momentum. Additional meetings may be called if necessary, and out of session papers may be required.

Dates for subsequent meetings will be set at the end of each meeting. Meetings will be no longer than two hours (unless agreed by the group for a specific purpose) and the meeting location may vary. Teleconferencing facilities will be made available by the secretariat for all meetings.

The secretariat will:

- prepare agendas and collate supporting papers to be distributed to the group one week prior to meetings;
- manage meeting venues and logistics;
- Maintenance of the overall project risk register;
- prepare meeting notes/minutes and information to be distributed one week after meetings.
- Ensure opinions and divergent views are provided to the Water Quality Project Control Board.

All communications from the secretariat will come from water.quality@delwp.vic.gov.au.

AMENDMENT, MODIFICATION OR VARIATION

These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by the membership of the ODWSC.

APPENDIX A DELWP MANAGEMENT PLAN FOR THE VAGO AUDIT

Recommendations	Agreed Action	Completion Date
<p>Recommendation 6</p> <p>We recommend that the Department of Environment, Land, Water and Planning (DELWP) and the Environment Protection Authority (EPA) in consultation with councils, water authorities and other key stakeholders work together to review the regulatory framework, tools and guidance for domestic wastewater management to address issues and gaps including:</p> <ul style="list-style-type: none"> • lack of clarity around roles and responsibilities, particularly for enforcement and power to enforce connection • systems approved prior to 1988 that allowed discharge of treated and/or untreated wastewater offsite or systems approved without a permit • overlapping, onerous and duplicative approval system • governance and approval processes for alternative onsite installation and servicing approaches • issuing ongoing permits for the use of onsite systems (Part 4). 	<p>Support:</p> <p>Subject to finalisation of State Environment Protection Policy (Waters) and its Implementation Plan, DELWP proposes to work with EPA, MAV, councils and water corporations to review key issues with the regulatory framework.</p> <p>As a first step, Action 5.1 of the Implementation Plan for the draft SEPP (Waters) recommends developing a working group to scope up a work program that will address how these recommendations can be managed and progressed – for example type and scope of implementation actions required and associated responsibilities/accountabilities. Actions 5.2 to 5.7 and B1.4 of the Implementation Plan for the draft SEPP (Waters) will support implementation of this recommendation.</p>	<p>1 July 2020</p>
<p>Recommendation 7</p> <p>We recommend that DELWP and the EPA work with councils to develop a standard risk assessment framework based on relevant Australian standards that includes comprehensive measures to assess both land capability, environmental factors and the ongoing performance of a system (Part 2).</p>	<p>Support:</p> <p>Subject to finalisation of SEPP (Waters) and its Implementation Plan, DELWP proposes to work with EPA, MAV and councils to develop a standard risk assessment framework.</p> <p>This recommendation will be actioned as per Action 5.1 of the draft SEPP (Waters) Implementation Plan.</p> <p>This action will need to follow the review referred to in Recommendation 6.</p>	<p>Post 1 July 2020, dependent upon action from Recommendation 6.</p>

Recommendations	Agreed Action	Completion Date
<p>Recommendation 8</p> <p>We recommend that DELWP and the EPA work with councils to implement an accredited third-party approval system/s for undertaking land capability assessments and inspections for the installation, use and ongoing maintenance of onsite domestic systems or introduce a mandatory requirement that a suitably qualified assessor undertakes these assessments (Part 2).</p>	<p>Support in Principle:</p> <p>Subject to finalisation of SEPP (Waters) and its Implementation Plan, DELWP proposes to work with EPA, MAV and councils to scope up the feasibility of developing an accredited third-party approval system/s (consistent with Action 5.4 of the draft SEPP (Waters) Implementation Plan). Timing of this action is dependent on the EPA reform process priority, given EPA has the power to introduce a mandatory system.</p>	<p>1 July 2021</p>
<p>Recommendation 9</p> <p>We recommend that DELWP and the EPA work with councils to review the model domestic wastewater management plan and ensure it is based on better practice risk assessment methodology outlined in the relevant Australian standards (Part 2).</p>	<p>Support:</p> <p>Subject to finalisation of SEPP (Waters) and its Implementation Plan, DELWP proposes to work with EPA, MAV and councils to review the model domestic wastewater management plan and ensure a risk assessment process is included.</p> <p>This recommendation will be incorporated into the delivery of scoping work under Action 5.1 of the draft SEPP (Waters) Implementation Plan.</p>	<p>1 July 2022,</p>
<p>Recommendation 10</p> <p>We recommend that DELWP and the EPA work with councils to evaluate and implement a better practice model for the ongoing maintenance of onsite systems including examining:</p> <ul style="list-style-type: none"> • risk-based maintenance models • use of levies to support third-party maintenance options • the requirement for property owners to gain an onsite system compliance certificate prior to sale of the property (Part 3). 	<p>Support:</p> <p>Subject to finalisation of SEPP (Waters) and its implementation Plan, this recommendation will be incorporated into the delivery of scoping work under Action 5.1 of the draft SEPP (Waters) Implementation Plan and informed by the implementation and operationalisation of the <i>Environment Protection Amendment Act 2018</i>.</p>	<p>Post 2020, dependent upon action from Recommendation 6.</p>
<p>Recommendation 11</p> <p>We recommend that DELWP and the EPA work together to improve centralised leadership arrangements to effectively</p>	<p>Support:</p> <p>DELWP will support EPA, to implement any required changes to the regulatory framework which are anticipated to be considered as part of the EPA reform program framework in relation to domestic wastewater management.</p>	<p>1 July 2020</p>

Recommendations	Agreed Action	Completion Date
oversight the performance and implementation of the regulatory framework to manage the risks posed by poorly performing onsite systems (Part 4).	This recommendation will be actioned as an output from the working group Action 5.1 of the draft SEPP (Waters) Implementation Plan.	
<p>Recommendation 12</p> <p>We recommend that DELWP and the EPA work together to oversee the development and ongoing operation of a steering committee to review issues and recommend solutions to improve the management of domestic wastewater (Part 4).</p>	<p>Support:</p> <p>Action 5.1 of the draft SEPP (Waters) Implementation Plan identifies the need to establish a working group to support the EPA reform Agenda.</p>	1 July 2019
<p>Recommendation 13</p> <p>We recommend that DELWP and the EPA work together to explore legislative opportunities to ensure properties connect to sewer at the point of sale or have an onsite system compliant with legislative requirements (Part 4). PSP</p>	<p>Support:</p> <p>DELWP will work with EPA and water corporations to consider the range of opportunities, including legislative opportunities, for appropriate domestic waste water arrangements at point of sale.</p>	Post 1 July 2023

APPENDIX B SEPP (WATERS) IMPLEMENTATION PLAN ACTIONS

Critical sub-actions	Details	Responsible agency	Partnership organisations
<p>Action 5.1 Set up a local government/water corporation working group to scope the revision of current guidance/code.</p>	<p>Scoping to include:</p> <ul style="list-style-type: none"> • Review of the Land Capability Assessment Framework; • Review of the Code of Practice – Onsite Domestic Wastewater Management 2016 (areas for review include community schemes; standard permitting conditions; feasibility of a generic technique for determining where septic have failed); • Development of a risk assessment framework for both land capability and landholder capacity; • Development of a best practice model for maintenance of onsite domestic wastewater management systems • Review of the Ministerial guidance: planning permit applications in open, potable water supply catchment areas • Review of the 2006 MAV DWMP guidance • Development of EPA guidance on the process to conduct audits for DWMPs • Consider developing a service agreement between local government and water corporations to clarify arrangements for the use of existing powers to require a property owner to connect to a sewerage system 	<p>DELWP / EPA</p>	<p>Municipal Association of Victoria / local government / water corporations</p>
<p>Action 5.2 Update the VPP 'Particular Provisions' clause 56.07 -3.</p>	<p>VPPs will need to be amended to reflect new clauses in Policy</p>	<p>DELWP</p>	
<p>Action 5.3 Work with local government to identify support material required to assist with onsite domestic wastewater management. Develop materials to assist local government inform rate payers about septic and the need to manage.</p>	<p>Local government requested support for materials for ratepayers, this would involve facilitation of sharing info between local government as opposed to developing new material.</p>	<p>DELWP</p>	<p>EPA / local government / water corporations</p>

Critical sub-actions	Details	Responsible agency	Partnership organisations
Action 5.4 Work with local government to determine the feasibility of developing a system to accredit Land Capability Assessment providers (to ensure the standard of LCA).	2006 VAGO report recommended the establishment of a suitable mechanism to assure the quality of land capability assessments. The working group in action 5.1 could scope this task.	DELWP / EPA	local government / water corporations
Action 5.5 Work with local government to facilitate information exchange on alternative solutions to reticulated sewerage (e.g. Park Orchards trial), including preparation of a variety of case studies to highlight how current and legacy issues have been dealt with.	Set up forums to discuss what new and innovative pilot projects are underway to share information and build confidence in alternative systems	DELWP	EPA / local government / water corporations
Action 5.6 Work with water corporations and local government to determine options for where sewerage cannot be provided.	Use existing water corporation forums to develop a shared understanding of when the provision of sewerage services is possible practicable and share this with local government.	DELWP	EPA / local government / water corporations
Action 5.7 Secure funding to assist local government to undertake domestic wastewater management planning.	Prepare a funding bid to support local government to undertake domestic wastewater management planning	DELWP	
Action 5.8 Establish a Land Capability Assessment (LCA) Review Panel.	Expert panel to assess LCA provider accreditation and provide advice on development of LCAs.	DELWP / EPA	

Implementation Plan action	Details of implementation action	Implementation Responsibilities	Related Policy Clause
B1.5 - Develop a simple notification system for failing septic tanks, from local government to water corporations / EPA/ Department of Health and Human Services (DHHS).	Develop a one-page notification process and distribute to local government, water corporations, DHHS and EPA outlining how the notification process will work	DELWP	31. Connection to sewerage
B1.6 - Work with water corporations and local government to clarify what is meant by where sewerage is 'provided', whether this means a connection is available or there is a pipe in ground.	Use existing water corporation forums to develop a shared understanding of what water corporations mean by 'sewer is available'	DELWP	31. Connection to sewerage

B1.7 - Investigate feasibility of hardship grants for connections.	Hardship grants were once offered by government. Consider whether they are a feasible option to use to assist with connection rates	DELWP	31. Connection to sewerage
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Implementation Plan action	Details of required change to guidance	Implementation responsibilities
B2.1 - Develop new guidance	(a) Develop guidance for water corporations on what should be in their response to a Domestic Wastewater Management Plan.	DELWP
	(b) Develop guidance on the scope of a Domestic Wastewater Management Plan, including methods to assess cumulative risks and options to manage these.	EPA