



## Development Tribunal – Decision Notice

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### **Planning Act 2016**

<b>Appeal Number:</b>	<b>49-2017</b>
<b>Appellant:</b>	Mr Leigh Bachmann
<b>Assessment Manager:</b>	Lockyer Valley Regional Council
<b>Concurrence Agency:</b> (if applicable)	N/A
<b>Site Address:</b>	33 Challenge Avenue, Kensington Grove and described as Lot 218 on SP 805602 – the subject site

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### **Appeal**

Appeal under Schedule 1 Table 3 at item 3(b) of the *Planning Act 2016* (“PA”) of a refusal to give compliance certificate pursuant to the *Plumbing and Drainage Act 2002* (Information Notice).

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<b>Date and time of hearing:</b>	Friday, 17 November 2017
<b>Place of hearing:</b>	Cairns, by video-conference
<b>Tribunal:</b>	John Eylander - Chair Paul Bates – Member Ken Crase - Member
<b>Present:</b>	Michael Christopher Taylor on behalf of the Applicant Lyle Kajewski – Lockyer Valley Regional Council Shane Sticklen – Lockyer Valley Regional Council

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### **Decision:**

The Tribunal, in accordance with section s254(3) of the *Planning Act 2016* replaces the decision of the Lockyer Valley Regional Council, contained in a letter to the appellant dated 3 October 2017, to refuse the appellant’s application for a compliance permit under section 85 of the *Plumbing and Drainage Act 2002*, with a decision to give the appellant a compliance permit subject to the conditions in Attachment 1 to this decision.

Please be advised that you may elect to lodge an appeal/declaration about this matter in the Planning and Environment Court (the Court). The Court appeal period starts again from the date you receive this Decision Notice which should be attached to the Court appeal lodgement documentation.

The following link outlines the steps required to lodge an appeal with the Court.

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

## Background

The applicant has sought approval for a proposed residence and separate shed on the subject site, being an allotment with a dam that is positioned along the watercourse line that runs through the adjoining and surrounding properties. The proposal includes a domestic wastewater treatment and effluent disposal system at the front of the property. The setbacks for the septic tank, piping system and the position of the land application area ("LAA") is in compliance with the Queensland Plumbing and Wastewater Code ("QPWC").

The method of land application of the treated effluent is in issue mainly due to whether or not the LAA is incorporated with the AES ("system") Chief Executive Approval 14/2014 ("CEA").

The applicant engaged Taylor Environmental ("the designer") to conduct a site and soil evaluation and a design of a wastewater treatment and effluent disposal system, being an Advanced Enviro-septic ("AES") system manufactured by Presby Environmental Inc and supplied by Chanker Environmental Pty Ltd. In the report, the designer has –

- conducted a site and soil evaluation;
- prepared a solution design;
- made a trench model assessment pursuant to AS 1547 and the Queensland plumbing and wastewater code;
- assessed setback distances with the Queensland plumbing and wastewater code.

The AES system treats primary domestic wastewater effluent from an existing or newly installed septic tank. The septic tank settles the raw effluent and anaerobic bacteria consume the gross solids. The system is passive, non-mechanical and non-electrical. Given that the AES further treats the primary effluent from the septic tank the serviceable life of the land application area may be extended. In some soil types the size of the land application area may be reduced in comparison to other trench systems. The AES comprises a number of 3 m long by 300 mm diameter engineered perforated plastic pipe modules which are linked together to provide a treatment volume in accordance with the AES design calculator. The treated effluent is distributed by the perforated pipe modules through a layer of sand into the sub- surface land application/absorption area.

The AES system has been given CEA 14/2014. This approval is given pursuant to Part 5 of the Queensland Plumbing and Wastewater Code ("QPW Code") that provides –

*A Chief Executive Approval is required for:*

- a) *an on-site sewerage treatment plant where the sewerage generated on the property is less than that of 21 persons; or*
- b) *a greywater treatment plant*

*A Chief Executive Approval does not include:*

- a) *the method of land application of the treated effluent; or*
- b) *a chemical, composting or incinerating toilet; or*
- c) *a dry vault toilet (e.g. waterless toilet).*

The QPW Code is a statutory instrument given effect pursuant to section 8B of the *Standard Plumbing and Drainage Regulation 2003* that provides –

## **8B Compliance with QPW code**

- (1) Plumbing work and drainage work must comply with the QPW code.
- (2) Plumbing work and drainage work complies with the QPW code only if the work satisfies the relevant performance criteria under the QPW code.
- (3) Compliance with the relevant performance criteria can be achieved only by—
  - (a) complying with the relevant acceptable solution under the QPW code; or (b) formulating an alternative solution that—
    - (i) satisfies the performance criteria; and
    - (ii) is shown to be at least equivalent to the relevant acceptable solution under the QPW code; or
  - (c) a combination of paragraphs (a) and (b).

When interpreting the QPW Code, the code provides -

*The Queensland Plumbing and Wastewater Code (QPW code) has been designed to provide performance solutions to meet the statutory requirements of the Plumbing and Drainage Act 2002. This will maintain the standards set by the QPW code while allowing for innovation in materials and methods.*

*Objectives and Functional Statements are informative only and are included to provide an aid to interpreting the Performance Criteria. Objectives are the community expectations for the QPW code. Functional Statements describe how to meet those community expectations.*

*Intent Performance Criteria have been developed to meet the Objectives and Functional Statements. The Acceptable Solutions provide a simple and direct manner of meeting the Performance Criteria.*

*Where legislation requires compliance with the QPW code, compliance with the Performance Criteria is mandatory (s8B of the Standard Plumbing and Drainage Regulation 2003).*

*Unless otherwise provided by the QPW code, the requirements of the relevant Australian and New Zealand Standards are applicable (Standard Plumbing and Drainage Regulation 2003 s 9 requires compliance with Australian and New Zealand Standards 3500.0 to .2 and .4 and 1546.1 and .3 and 1547). Where there is any inconsistency, or the QPW code has additional requirements, the QPW code prevails.*

*The Australian / New Zealand Standards referred to in the QPW code, are taken to apply to all on-site wastewater management systems and greywater use facilities assessed under the Plumbing and Drainage Act 2002 regardless of the limitations expressed in the relevant standard (Example: the definitions of design loading rate and design irrigation rate are separately defined in AS/NZ 1547 (On-site domestic-wastewater management). This standard is an “applied provision” under the Standard Plumbing and Drainage Regulation 2003 and therefore applies to the interpretation of the QPW Code).*

Part 3 – “Land application systems” provides at acceptable solutions A1 –

*1. The land application system complies with each of clauses (a) and (b) in determining the size and position of the land application system while taking into account the written report (and any photographic material) produced as a result of an on-site inspection carried out in accordance with Clause 4.1.3.4(b) of AS/NZS 1547 –*

*(a) The setback distances specified in:*

- (i) Table T4 for a subsurface land application system from a greywater treatment plant or an on-site sewerage treatment plant.*
- (ii) Table T5 for a surface irrigated land application system from a greywater treatment plant or an on-site sewerage treatment plant.*
- (iii) Table T6 for a greywater diversion device.*
- (iv) Table T7 for an on-site sewerage facility and all greywater use facilities.*

*(b) The following sub clauses:*

- (i) *The design irrigation rate or design loading rate is to be appropriate to the characteristics of the terrain and soil in and near the land application area, and*
- (ii) *The environmental constraints and the anticipated daily volume of greywater in Table T2 for sewered areas and Table T3 for unsewered areas.*

The difference between an “on-site sewerage treatment plant” and “on-site sewerage treatment facility” are explained in the schedule to the *Plumbing and Drainage Act 2002* and QPW Code – “**on-site sewage treatment plant** is a sewage treatment plant installed or to be installed on premises as part of an on-site sewerage facility for the premises.

**on-site sewerage facility—**

1 An on-site sewerage facility is a facility, other than an environmentally relevant on-site sewerage facility, installed on premises for—

- (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent—
  - (i) on part of the premises (commonly called a ‘land application area’); or
  - (ii) off the premises by common effluent drainage or by collection from a tank on the premises; or (
  - iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or
- (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises.

2 A chemical, composting or incinerating toilet is also an **on-site sewerage facility**.

3 **On-site sewerage facility** does not include a dry-vault toilet that is not a chemical, composting or incinerating toilet.”

The QPW Code defines “land application area” and “land application system” as –

**land application area** means an area in which effluent from an on-site sewage treatment plant, greywater treatment plant or greywater diversion device is disposed of by subsurface or surface irrigation.

**land application system** means a greywater application area associated with a greywater use facility or a land application area associated with an on-site sewerage facility.

On the parties’ submissions, there is a conflict between Part 5 of the QPW (as underlined) and Chief Executive Approval 14/2017, with the approval by the Chief Executive of the method of land application of the treated effluent under the AES system. The CEA is granted when the AES System has been designed using those required conditions of approval and applied to the AES Design Calculator. These conditions of approval incorporate sections of the relevant standards.

Clauses 9 to 11 of the chief executive approval provides –

- 9. *The system design is based upon secondary quality effluent design loading rate as defined in AS/NZ 1547 using the AES Design Calculator prepared by a qualified design. System designs must be verified and signed by the supplier before being submitted to the Local Government.*
- 10. A septic tank ... for the influent hydraulic load from the dwelling is a pre-requisite. Waste from the septic tank is to be diverted to the AES piping system prior to the system sand and basal area. The septic tank that feeds into the system must be regularly monitored and maintained (including de-sludging) in accordance with AS/NZ 1547 to ensure optimum operation of the system.

11. When granting a compliance permit, the local government must satisfy itself that the designers choice of the system configuration is optimal or proposed use and site conditions and that the effluent can be retained within the land application area.

### Council's Submissions

The Council submitted -

1. CEA does not apply to land application area pursuant to Part 5 of the QPWC. In reliance of this the Council submitted the soil conditions are heavy clay, the area is good dam country, and the small land footprint of the proposal for fluctuating levels on the system.
2. The QPWC acceptable solution provides for a design for 8 persons.
3. The need to retaining the effluent, with the need to achieve outcomes within the land application area, considering
  - (a) Depths, widths, size area, gravel, topsoil, vegetation
  - (b) bed and trench sizes
  - (c) filter cloth
  - (d) clay soil and soil reactivity where the soil type has a DLR of 10, that trenches are more appropriate, not a bed.
4. The quality of the effluent is unknown, as the effluent is trapped 750 mm under the clay.

### Applicant's Submissions

The applicant submitted -

1. AES System has been approved by CEA;
2. An email exists from Building Codes Queensland stating that the LAA is incorporated in the CEA;
3. AES Design Calculator has been applied by a qualified designer;
4. Waste from the septic tank is diverted to the AES piping system prior to the system sand and basal area;
5. The system configuration is optimal for the proposed use and site conditions and that the effluent can be retained within the land application area.

### Further Submissions

During the hearing, the parties made reference to emails between the Department of Housing and Public Works ("the Department") and AES, relating to the CEA and the LAA. The Tribunal made directions for the filing of further submissions and submissions in reply.

The email referred to at the hearing was filed and served by the Applicant. The email dated 1 June 2016, from the Department to Randall Crisp of AES stated –

*"Lindsay, Russell and I have had a look at your CEA in regards to your enquiry regarding the 'System Extension". To confirm, the Chief Executive Approval does include the 'system extension'. However, the area for installation needs to be designed taking into account the loading rates and soil classification requirements under AS 1547 and the requirements in the AES Design Calculator."*

### Council's Further Submissions

The Council provided further submissions, firstly–

*The matters contained in the email are not pertinent to the hearing. An email from the Department cannot override the legislation, namely the Plumbing and Drainage Act 2002 and Queensland Plumbing and Wastewater Code (QPWC).*

The Tribunal accepts the submission the Legislation and Subordinate Regulations are to be applied, and the email is not relevant in construing the meaning or effect of the CEA.

Secondly, the Council submitted with respect to application of the CEA and the Code—

*Should the “system extension” be considered to be included in the CEA then it must constitute part of the treatment plant as the Plumbing and Drainage Act 2002 Part 5 Division 1 Section 91 - refers to “applying for chief executive approval”. The QPWC states that the CEA does not include the method of land application of the treated effluent. Any doubts about whether the treatment plant includes the effluent disposal area are answered by consulting the Dictionary of the Act. The on-site sewerage treatment plant is a sewerage treatment plant installed or to be installed on premises as part of an on-site sewerage facility for the premises and the definition for an on-site sewerage facility – which separately lists the LAA from the treatment of the effluent. An on-site sewerage facility is a facility, other than an environmentally relevant on-site sewerage facility, installed on premises for—*

- (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent—
  - (i) on part of the premises (commonly called a ‘land application area’); or*
  - (ii) off the premises by common effluent drainage or by collection from a tank on the premises; or*
  - (iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or**
- (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises.*

The system extension incorporates AS/NZ 1547, as referred to in the CEA paragraphs 9 & 10, and becomes the method of discharge for the land application area. The necessary requirements of AS/NZ1547 are incorporated into the AES System Design calculator.

Thirdly, the Council submitted with respect to the LAA and the “method of land application” - *Given the abovementioned criteria the CEA cannot extend to the LAA. Council therefore assumes that the system extension is part of the treatment process and serves a dual purpose however the LAA function of the system extension still needs to be assessed to ensure compliance with the QPWC – this can even be inferred from the email from the HPW from the comment that the installation needs to be designed taking into account the loading rates and soil classification requirements under AS1547 [sic] and the requirements in the AES Design Calculator. The email advises that the system extension is included in the CEA however no reference is made to it being approved as an LAA.*

*Therefore, the local authority remains the entity responsible for checking the land application area for domestic on site sewerage facilities under the provisions of the Queensland Plumbing and Wastewater Code. The QPWC states that the management of onsite wastewater management systems must comply with AS/NZS1547. Under the definitions of the QPWC an on-site wastewater management system means a system installed on premises that receives and treats wastewater generated on the premises and applies the resulting effluent to an approved disposal or land application area (including an on-site sewerage facility but excluding a greywater use facility).*

*Should the LAA not comply with AS/NZS1547 then a performance solution in accordance with the Plumbing Code of Australia 2016 would need to be provided for the local authority to assess.*

The LAA function of the system has been approved by the CEA. The local authority, per clause 11 of the CEA, “when granting a compliance permit, the local government must satisfy itself that the designer’s choice of the system configuration is optimal for the proposed use and site

conditions and that the effluent can be retained within the land application area". This includes setbacks in the QPWC, the variables and things inputted into the Design Calculator such as loading rates and soil classification requirements under AS/NZS1547:2000.

Fourthly, the Council submitted in terms of compliance with AS/NZS1547:2000, the Council has determined that the LAA does not comply with the deemed to satisfy provisions of the QPWC and no suitably documented performance solution has been submitted-

*The reasons LVRC believe that the LAA does not comply with AS/NZS1547 are as follows:*

- 1. The land application area (LAA) has been calculated using secondary quality effluent loading rate of 10mm/day (see note 9 of CEA below), however the LAA proposed appears to be some type of altered BED design. When a bed is proposed, it must comply with the acceptable solution requirements of AS/NZS1547:2000. Secondly, a Conservative rate must be applied when using beds (see below AS/NZS1547:2000 - 4.2A7.2 Selection of DLR, Notes to table 4.2A1, AS/NZS1547:2000 - 4.2A7.3.1 General). Given the designer has not provided the structure of the soil, Council could only assume that Table 4.2A1 Soil Cat 5 Moderately Structured was proposed given the loading rate provided above. Based on Council's assumption, the Conservative Rate needs to be used (see Note 11 of of Table 4.2A1) which does not provide a DLR at all. When no DLR is provided for that category under the Table then proposal cannot be assessed against AS/NZS1547:2000 (and therefore does not comply with the deemed-to-satisfy provisions and requires a performance solution).*
- 2. Beds that are designed in accordance with AS/NZS1547:2000 comply when designed as per the Typical Dimensions of Conventional Trenches and Beds. As shown in Table 4.5A1, this requires specific criteria to be met including; the minimum and maximum depth of aggregate (300-600mm), the depth of topsoil (100 -150mm), the width of the bed (1000 – 4000mm) and also spacing between beds (min. 1000mm). DLR values and water balance calculations can only be utilized when a bed complies with these requirements (water balance takes into consideration rainfall, absorption, porosity/storage, side wall percolation and evapo-transpiration). In addition, comments to 4.5A2.3 and 4.5A5.4 specify the use of filter cloth between the aggregate and topsoil to prevent ingress by the cover material (see AS/NZS1547:2000 figure 4.5A1 to 4.5A5). All of these specific criteria mentioned have not been addressed. The land application area proposed is 4600mm wide x 12600mm long, has a depth of only 150mm of sand for the most part (extension), has no distribution pipes, no filter cloth and has topsoil of 750mm. As noted above, in compliance with AS/NZS1547:2000, a bed must have an appropriately basal area, not be than 4000mm wide, have at least 300mm of 20-40mm aggregate, have distribution pipes and filter cloth.*
- 3. As per Condition 11 of the CEA when granting a compliance permit, the local government must satisfy itself that the designer's choice of the system configuration is optimal for the proposed use and site conditions and that the effluent can be retained within the land application area. In this instance, the applicant has not demonstrated compliance with the deemed-to-satisfy provisions of AS/NZS1547 nor provided a suitably documented performance solution demonstrating that the effluent can be retained within the land application area and Council is not satisfied that effluent can be retained within the land application area and therefore had no choice but to refuse the application.*

## Material Considered

The material considered in arriving at this decision comprises:

1. Form 10 – Appeal Notice
2. Lockyer Valley Regional Council “Refusal to Give Compliance Permit” dated 3 October 2017;
3. Taylor Environmental “Site and Soil Evaluation – On-Site Wastewater Treatment and Effluent Disposal System Design Solution” dated 8 September 2017;
4. *Plumbing and Drainage Act 2002*;
5. Queensland Plumbing and Wastewater Code;
6. Chief Executive Approval 14/2014 for “The Advanced Enviro-septic” system;
7. AS/NZ 1547: 2000 “On-site domestic wastewater management”
8. Submissions by the Applicant at the hearing;
9. Submissions by the Council at the hearing.
10. Email exchange between Gabe Martin (Acting Manager Building and Plumbing, LVRC) and the Applicant dated 26 September 2017;
11. Email exchange between Randall Crisp (Advanced Enviro-Septic) and Building Codes Queensland between 27 May 2016 and 1 June 2016.
12. Further submissions of the Council dated 12 December 2017.

## Findings of Fact

The Tribunal makes the following findings of fact:

The Advanced Enviro-Septic System (AES) has a Chief Executive Approval (CEA) (14/2014) for Advanced Secondary quality effluent.

The on-site sewerage report TE170491 prepared by Taylor Environmental (the report) complies with the design requirements contained in condition 9 of the CEA in that it;

- Uses the Design Loading Rates (DLR) for secondary quality effluent defined in the AS/NZ 1547:2000.
- Is prepared using the AES design calculator.
- Is verified and signed by the supplier.

The report satisfies the setback requirements of the Queensland Plumbing and Wastewater Code.

The AES Design Calculator requires the input of those things required by the QPW Code performance criteria. For example, the AES Design Calculator for this site considers the requirement for 4 persons. As such, there is no need to meet the QPW Code Acceptable Solution “A2”, to design an on-site treatment plant to treat waste generated by a minimum of 8 persons. The CEA condition of approval at clause 6 (a) prescribes the maximum hydraulic loading of 90 litres/3metre length of AES piping system.

## Reasons for the Decision

The proposed AES system has CEA approval that incorporates the LAA as part of the approval. The application of the AS/NZ 1547:2000 in this situation, is for the determination of loading rates and soil classification requirements. These calculations are to be referenced in the AES Design Calculator.



The AES System, when designed according to the AES System calculator, has CEA. It is not a typical LAA per AS/NZ 1547:2000. The system has been given CEA, that includes the method of application of effluent to the land. The system has been assessed as system in its entirety. The AES Design calculates the system extension forming the LAA.

The system extension is included in the CEA condition of approvals 9 & 10. That is, the AES Design Calculator requires those things provided for in AS/NZ1547:2000 to be incorporated into the system extension.

The AES system then incorporates the LAA. The local authority, per clause 11 of the CEA, "when granting a compliance permit, ... must satisfy itself that the designer's choice of the system configuration is optimal for the proposed use and site conditions and that the effluent can be retained within the land application area". This includes setbacks in the QPWC, the variables and things inputted into the Design Calculator such as loading rates and soil classification requirements under AS/NZ1547:2000.

The Tribunal, in accordance with section s254(3) of the *Planning Act 2016* replaces the decision of the Lockyer Valley Regional Council, contained in a letter to the appellant dated 3 October 2017, to refuse the appellant's application for a compliance permit under section 85 of the *Plumbing and Drainage Act 2002*, with a decision to give the appellant a compliance permit subject to the conditions in Attachment 1 to this decision.

It is noted for the record that the conditions in Attachment 1 are identical to the conditions which the Council suggested in its abovementioned letter dated 3 October 2017 should apply if its decision to refuse the compliance permit should later be overturned on appeal.

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John Eylander  
**Development Tribunal Chair**  
**Date: 24 January 2018**

## **Appeal Rights**

Schedule 1, Table 2 (1) of the *Planning Act 2016* provides that an appeal may be made against a decision of a Tribunal to the Planning and Environment Court, other than a decision under section 252, on the ground of -

- (a) an error or mistake in law on the part of the Tribunal; or
- (b) jurisdictional error.

The appeal must be started within 20 business days after the day notice of the Tribunal decision is given to the party.

## **Enquiries**

All correspondence should be addressed to:

The Registrar of Development Tribunals  
Department of Housing and Public Works  
GPO Box 2457  
Brisbane QLD 4001

**Telephone (07) 1800 804 833 Facsimile (07) 3237 1248**

# ATTACHMENT 1

## Conditions of Approval

- This approval has effect for 2 years after which time the application will lapse if no work has been undertaken.
- All Plumbing and Drainage work shall comply with the requirements of the *Plumbing and Drainage Act 2002*, and Council stamped plans.
- No person shall execute installations unless they are licensed to perform such work under the Plumbing and Drainage Act 2002.
- No person shall cover any Plumbing, Drainage or Wastewater treatment system prior to Council inspecting and approving the installation.
- All persons responsible for the particular installation shall supply a completed Form 7 to Council prior to or at the time of inspection.
- Re-inspections or failure to cancel a booked inspection may result in a fee. A compliance certificate will not be issued until all outstanding fees are paid.
- Inspections shall be carried out in compliance with the *Standard Plumbing and Drainage Regulation 2003*. A minimum of 48hrs notice is required; the approval number is to be quoted when booking the inspections.
- An inspection is to be organised within 7 days of the completion of the work and approved by the Plumbing Inspector prior to use.
- A legible copy of the as-constructed drainage plan indicating appropriate measurements must be supplied to Council in an approved form at the time of inspection.
- This plumbing compliance approval is only in relation to the plumbing, drainage onsite sewerage works shown on the approved plans. Additional approvals may be required.
- The applicant shall supply a metered water service to each tenement within the property.
- The above mentioned property is situated in a constant flow reticulated area. The supply will be reduced to approximately 2-4 litres per minute at the completion of construction. The flow rate supplied to the property is inadequate and therefore requires a storage facility and an adequate pump to be installed.

## Stages of Assessment of On-site Sewerage Facilities

Council shall carry out inspections of the installation before use and after all pipes for the relevant on-site sewerage facility are connected, and effluent resulting from sewerage generated on the premises can be treated by the on-site sewerage treatment plant.

## Treatment Plant and Land Application Area Conditions

The designated Land Application Area is to be used only for effluent application.

The Land application area/s must not be relocated or changed without Council approval. Please refer to the approved on site sewerage design plan for the designated effluent land application area for this property.

Surface waters shall be diverted away from the installed unit and effluent disposal area.

Garbage grinders are not to be installed unless stated in writing from the manufacturer.

The designated Land Application Area and adjacent areas are not to be used for children's play areas or recreational use and the owner/occupier is to ensure that the effluent does not come into contact with people, domestic or farm animals or any crops intended for human consumption.

On-site Sewerage Treatment Plants (other than an on-site sewerage treatment plant that consists only of a septic tank or chemical, composting, or incinerating toilet) shall have a current chief executive approval issued by the Department of Housing and Public Works. The building or installation shall comply with all conditions of the chief executive approval and local authority conditions.

Upon completion the designer, manufacturer or on site sewerage treatment plant builder, shall certify that the facility conforms to the design requirements and specifications, and that such equipment has been installed and commissioned in accordance with the manufacturer's instructions. Those certifications are to be supplied to the owner, and a copy of the same shall be forwarded to Council prior to or at the time of inspection.

The manufacturer shall supply the owner and/or operator of the on-site sewerage treatment plant, an operation manual which explains the effective operation of the plant, including details of materials and cleaning substances, etc. that are permitted to be used with the system. The owner and/or operator shall make themselves familiar with these operating instructions and shall comply with them at all times.

The property owner is responsible for the operation and maintenance of the installation to the satisfaction of the Chief Executive Approval (Dept. of Housing and Public Works). Servicing shall be carried out by trained personnel as per model approval. A service report shall be reported and submitted to Council within (30) thirty days of the date of service.

The property owner shall allow access to the facility from time to time so Council may carry out any test, or direct rectification work that may be considered necessary, rectification of such stated work (at the property owner's expense) may be necessary to ensure compliance with effluent standards acceptable to Council.