



Government of **Western Australia**  
Department of **Health**

Our Ref: F-AA-18038/02  
Your Ref: D-17-17494  
Enquiries: Natalia Shishkina (9388 4938)

Mr Phil Melling  
Director Development and Community Services  
City of Greater Geraldton  
PO Box 101  
GERALDTON WA 6530

Dear Mr Melling

**RE: POINT MOORE RESIDENTIAL ONSITE EFFLUENT TREATMENT AND DISPOSAL STUDY**

I refer to your letter of 10 March 2017 seeking the Department of Health (DOH) clarification on the above.

I wish to provide the following advice in response to your enquiry:

1. An onsite waste water system would be deemed to be non-functioning when the system is no longer capable of adequately treating and disposing wastewater. For example this may present itself in the form of wastewater overflowing or back flowing either from the land application area or from some portion of the plumbing connected to the onsite wastewater system.

2. In accordance with Section 107 (1) of the *Health (Miscellaneous Provisions) Act 1911 (the Act)* the local government is responsible to assure that all on-site wastewater systems within its district are installed and maintained in a way will not pose a risk to public health:

*"The local government shall provide that all drains, sanitary conveniences, and any apparatus for the treatment of sewage within the district are constructed and kept so as not to be a nuisance or dangerous or injurious to health".*

Section 108 of the Act gives the local government power to enter the property, examine a system and issue a written notice to complete the necessary work to repair or replace a system that according to the local government's judgment poses a risk to public health. It is the local government's responsibility to examine the system and define whether or not the system '*appears to be in a bad condition*' or '*a proper condition*'.

Where a local government is of the opinion that an onsite wastewater system must be repaired or replaced or where an owner of a premise applies to repair, replace or install an onsite wastewater system; such repairs, replacements or installations are required to comply with current standards and practices. The process for seeking approval to conduct such work is described by the *Health*

**Environmental Health**

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*(Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

3. Section 135 of the Act enables local government to declare any house or part thereof as unfit for human habitation. Section 99 of the Act describes the minimum requirements of a house. Further advice regarding this matter should be obtained from council's legal advisor.

4. The DOH does not approve alternative wastewater systems for a specific lot sizes. All domestic wastewater systems approved for the use in WA are published in the DOH website and have to be designed and installed in accordance with the site specific requirements (soil type, infiltration rate, setback distances etc.) in compliance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

I trust this information is of assistance to you. Should you require any further clarification in relation to the above matter please contact the Health Department on (08) 9388 4999.

Yours faithfully,



**Richard Theobald**  
**MANAGER WATER UNIT**  
**PUBLIC HEALTH DIVISION**  
**DEPARTMENT OF HEALTH WA**

14 June 2017

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