

» selling or buying a property with an on-site sewage management system

OSSM Factsheet 16

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» Responsibility of vendor (seller)

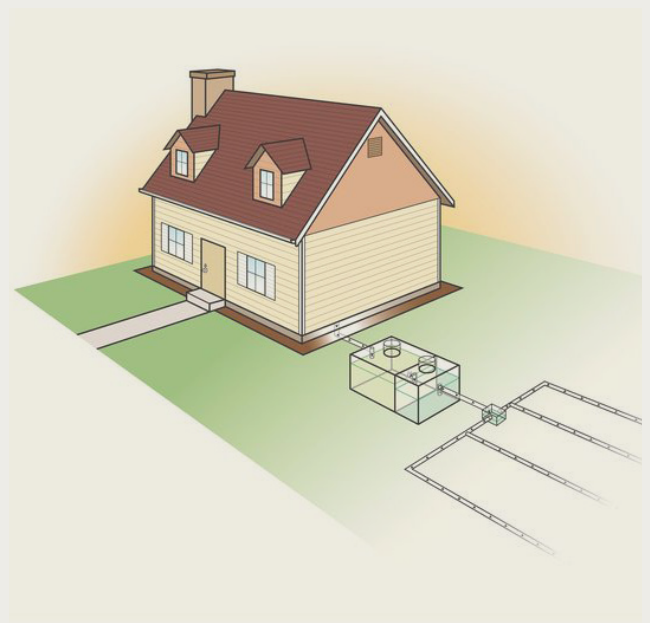
Vendors (the owners who are selling the property) must have a current **Approval to Operate (ATO) certificate** for the OSSM system on their property. This is a requirement for all OSSM systems under Section 68 of *The Local Government Act (1993)*.

If the ATO has expired, the vendor will need to complete Council's **Approval to Operate Renewal form** and engage a suitably qualified person (i.e. NSW licensed plumber and drainer or wastewater consultant) to complete the inspection checklists within the form. If the property has an Aerated Wastewater Treatment System (AWTS), the checklists will not need to be completed, however, the most recent service report will need to be submitted to Council for assessment. The Approval to Operate Renewal form must be submitted to Council with payment before the application will be assessed. The property owner must ensure that the AWTS is serviced on a quarterly basis in accordance with NSW Health requirements. Council may not issue an Approval to Operate Certificate if Council records show the AWTS is not getting serviced quarterly.

The vendor should also make sure the new property owner(s) receives a copy of the **OSSM operation and maintenance manual** and that additional copies are available upon request.

The manual should include the following items:

- system operation and capabilities
- operating requirements - system capacity, the importance of a balanced wastewater hydraulic load (i.e. spread clothes washing loads over a week, not all in one day) and actions to be avoided
- troubleshooting and signs of system failure e.g. unsatisfactory operation of plumbing fixtures, odours and surface ponding of wastewater
- maintenance and servicing requirements
- management of health risks
- occupational health and safety, first aid and chemical handling
- emergency telephone numbers (i.e. authorised service agent, plumber and drainer, electrician, wastewater pump-out contractor).



The vendor should arrange for an inspection of the OSSM system prior to sale by a suitably qualified and experienced person (ie NSW licensed plumber and drainer). An OSSM system inspection template/checklist is available on Council's website at ballina.nsw.gov.au/on-site-sewage-management. The inspection/checklist is to be completed by the suitably qualified and experienced person and a copy provided to any potential buyers. Potential buyers must be aware of the type of OSSM system installed and their responsibilities with ongoing operation and maintenance.

The benefit of performing this OSSM inspection prior to sale is to enable the rectification of any potential operational defects. Additionally, it provides an opportunity for negotiation between vendor and buyer for any costs associated with these works.

Please note only suitably qualified Aerated Wastewater Treatment Systems (AWTS) service agents can inspect and service an AWTS. A list of suitably qualified AWTS service agents is available on the Ballina Shire Council website ballina.nsw.gov.au/on-site-sewage-management.

see next page for more information...

»» *Responsibility of the purchaser of property (buyer)*

It is the buyer's responsibility to ask questions about the OSSM system and request or arrange for an **OSSM system inspection report**. The operational performance of the OSSM system is often overlooked during the property purchasing/selling process. If the OSSM system is defective it may incur significant costs for the new property owner.

The purchaser of the property is to provide a copy of the OSSM system inspection report to Council when they submit their **OSSM Approval to Operate Renewal form (Section 68) application**. This application must be completed within two months of the sale of the property (application form on Council's website at ballina.nsw.gov.au/on-site-sewage-management).

»» *Responsibility of Council*

The role of Local Government is to determine applications for:

- the installation, construction or alteration of a human waste treatment device or storage facility and connected drains
- the ongoing operation of an OSSM system.

Council conducts a monitoring program of OSSM systems within their local government area to ensure all systems continue to comply with relevant performance standards. It is not Council's role to design or recommend a particular OSSM system to a property owner.

Council may issue 'Orders' requiring a person:

- to comply with an approval
- to take action to maintain premises in a healthy condition
- to store, treat or dispose of waste
- not to use or permit a human waste storage facility to be used, and/or to connect premises to a public sewer when the sewer is within 75 metres
- Orders may be given to the owner or occupier of the premises or to the person responsible for the waste or the container in which the waste is stored (refer compliance and enforcement overview in OSSM Strategy).

Outstanding notices or orders may be re-issued by Council to the new owner if the matter has not been resolved at the settlement stage. The new owner will then be responsible for compliance works relating to the OSSM system.

»» *Responsibility of the Solicitor/Conveyancer*

The solicitor/conveyancer helps with the property settlement and title transfer process by ensuring that their client is meeting all legal obligations and that their client's rights are protected during this transaction. It is recommended that the solicitor/conveyancer apply to Council for an **Outstanding Notice Section 735A certificate** to ensure that the prospective purchaser is aware of any outstanding Notices or Orders relating to the property.

For more information about the installation, operation and ongoing maintenance of OSSM systems in the Ballina Shire please refer to Council's OSSM Strategy and Guidelines at ballina.nsw.gov.au/on-site-sewage-management.



If you have any questions or concerns please contact:

**Ballina Shire Council, Planning and Environmental Health Division
Phone 6686 1210**

