



Acknowledgement of Works

For an Onsite Sewage Management System

Any changes to an OSMS (also known as a Septic System) require approval from Council. This approval is commonly called a Section 68 Application (Local Government Act). This is an important process that ensures the OSMS is appropriately designed to manage the wastewater in your particular setting and minimise the likelihood of adverse public or environmental health impacts.

In some circumstances Council is made aware that OSMS infrastructure is in place or has been modified without a Section 68 Application having been issued. This can include the installation of a new OSMS, modifications to an existing OSMS or additional connections made to an existing OSMS. Often these works are identified at routine inspections, on lodgement of new applications or when we respond to a complaint from a member of the public. Council is committed to working with landowners to ensure they can get these works in order and have developed a type of application referred to as an 'Acknowledgement of Works'.

Who is responsible for the unapproved works?

The current landowner is responsible for ensuring that all required approvals are in place for their property. Even if the works were undertaken by a previous landowner or other person/entity the responsibility still lays with the current landowner. Council understands that many landowners may not even be aware that works have been carried out without consent, but this does not defer the responsibility elsewhere.

Why should a landowner get an Acknowledgement of Works?

There are many reasons why a landowner will seek an Acknowledgement of Works. Setting aside the fact that Landowners have a responsibility to ensure that their OSMS is appropriately designed for the development on their land the following are also important positives:

- Greatly minimises the likelihood of adverse public or environmental health impacts from the OSMS;
- Correct and current Council records can assist landowners, sales agents, and other stakeholders when it comes to selling the property. Works carried out without consent may impact a landowner's ability, and the timeframes involved, in selling their property in the future.

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- Having the correct approvals in place can prevent delays in applications for future development.
- Unapproved works can have serious implications for landowner insurances.
- Unapproved works can incur penalties. Having an Acknowledgement of Works in place may allow you to avoid such penalties.

What are the limitations on an Acknowledgment of Works?

- If the works are not up to standard, you may still be required to make improvements to the OSMS. Sometimes it may be more cost effective to replace or upgrade the existing OSMS.
- A landowner may still be required to seek a Development Application for the structures connected to the OSMS. The Acknowledgement of Works only relates specifically to OSMS/plumbing works.
- Aside from minor works which may be required to ensure the OSMS infrastructure is in good order an Acknowledgement of Works does not provide consent for any future works.
- To issue an Acknowledgement of Works Council must rely on third party appraisal from a suitably qualified person to determine the suitability of the works for their intended use. When Council issues an Acknowledgement of Works it does not relieve any other person of their responsibility for the works undertaken without consent.

What is required to lodge an Acknowledgement of Works:

An application must be lodged using the [online application form](#) facility. In general, the minimum documentation requirements are:

1. An OSMS Report prepared by a suitably qualified wastewater consultant or plumber which details the current OSMS.
2. Whole of Site Plan indicating all structures (clearly labelled) and any OSMS infrastructure.
3. Floor Plans for all structures which show room identifications and plumbing fixtures/fittings.
4. Any photos of the works as they were being carried out (if available).
5. Details of the plumber who carried out the work or who is now certifying it.
6. If the plumber who is certifying the work was not the same person who completed the work, they must describe how they ascertained the information being provided (ie what investigations did they carry out);
7. A Certificate of Compliance from the plumber.
8. A Sewer Services Diagram (SSD) or Works as Executed (WAE) plans from the plumber.

What happens after I have lodged the application for an Acknowledgement of Works?

Council will review the application for completeness then issue an invoice for payment of the related fees. Once paid a council Environmental Health Officer will carry out a comprehensive assessment of the information and documentation provided and will likely visit the site to carry out an inspection. If satisfied an Acknowledgement of Works will be issued.

Compliance Actions

As part of the Acknowledgement of Works process Council may identify that the structure/s at the site require a Development Application in addition to an Acknowledgement of Works. Council is interested in ensuring all landowners have proper consent in place for their property to ensure our records are reflective of the true scope of development in the shire. Council also has an obligation to minimise the potential for adverse impacts on our community and the environment. Penalties can be imposed under various legislation however we would prefer that landowners invest in helping us protect public and environmental health. For this reason, we recommend you also:

- Examine Council's records for your property by lodging an Informal Access to Information application. This will help you understand what approvals exist for your property.
- Get in touch with our Development Support Team to discuss your options for approval;
- Seek your own advice from a private town planner about how to get the correct approvals in place.

It is important to remember that Council is here to help you through this process – we are committed to assisting you in gaining the correct approvals for your property.

Council is always looking to work with landowners who are trying to do the right thing.

Useful links

- Information about [Onsite Sewage](#) in Byron Shire
- Information about [Unauthorised Development](#) in Byron Shire
- Byron Shire Council's [Enforcement Policy](#)

Further information

For further enquiries please contact our Environmental Health Officers on:

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